



Western and Southern Area Planning Committee

Date: Thursday, 9 June 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 5 - 10

To confirm the minutes of the meeting held on 5 May 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 7 June 2022.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- a) WD/D/21/000123 - Land South of Fullers, Bridport Road, Broadwindsor 11 - 46

Erect 22 dwellings and associated works, including the formation of access, surface water attenuation pond, landscape and ecological enhancements.

- b) P/FUL/2022/02016 - Beach Operations Building, Weymouth Beach, The Esplanade, Weymouth 47 - 52

Installation of Mural Artwork on printed board.

- c) P/FUL/2022/01910 - Seascape Café, Greenhill Gardens, Weymouth 53 - 58

Installation of Mural Artwork on cladding boards.

- d) P/FUL/2022/01624 - Weymouth Sea Life Centre, Greenhill, Weymouth 59 - 64

Demolition of existing external sheds and WC building.
Construction of new WC building and access ramp.

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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WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 5 MAY 2022

Present: Cllrs 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.

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), Hannah Massey (Lawyer - Regulatory), Emma Telford (Senior Planning Officer) and Denise Hunt (Democratic Services Officer).

128. **Apologies**

Apologies for absence were received from Cllr Dave Bolwell and Cllr Kelvin Clayton.

129. **Declarations of Interest**

Cllr Louie O'Leary declared that he had predetermined Application WP/20/00588/FUL - Waterside Holiday Park, Bowleaze Coveaway, Weymouth, DT3 6PP and would not take part in the debate or vote on this application.

Cllr Bill Pipe declared that he had previously attended a site visit in respect of Application WP/20/00588/FUL - Waterside Holiday Park, Bowleaze Coveaway, Weymouth, DT3 6PP and that he had not predetermined the application.

130. **Minutes**

The minutes of the meeting held on 7 April 2022 were confirmed and signed.

131. **Public Participation**

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

132. **Planning Applications**

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

133. **WP/20/00588/FUL - Waterside Holiday Park, Bowleaze Coveway, Weymouth, DT3 6PP**

The Committee considered an application for use of land as a year round holiday park. This would ensure all parts of the holiday park were subject to the same opening times, including the facilities. The extended period was from 15 January to 1 March each year.

The presentation of the application included aerial photos, a site plan and photographs of the site. The key planning issues were outlined including the principle of development, visual amenity, setting of Heritage Coast and AONB and residential amenity. The number of units would be limited to 539 caravans restricted to holiday accommodation.

Mr Richard Burgess, the Agent, addressed the committee in support of the application.

The Committee asked about the definition of a holiday and it was highlighted that condition 4 specified that the lodges and caravans were for holiday purposes only and not a person's sole residence.

An up to date register of people staying at the site could be shared with Dorset Council for checking purposes. There was considered to be no significant adverse effect in terms of amenity as it was anticipated that there would be less usage during this period than the summer months, with the exception of the February school half term period.

Members highlighted the poor levels of enforcement undertaken by predecessor councils or the operator and officers confirmed that the Council had enforcement powers to investigate compliance with conditions should any breaches be notified to the Council.

Some members felt that adding a condition to address potential occupation of the caravans or lodges without interruption could be useful in preventing the site becoming a residential rather than holiday park. However, it was explained that previous government guidance and a condition limiting stays to no longer than 4 weeks were removed in line with the changing holiday market and was no longer used.

Proposed by Cllr Nick Ireland, seconded by Cllr Bill Pipe.

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

134. **Urgent items**

There were no urgent items.

135. **Exempt Business**

There was no exempt business.

Appendix - Decision List

Duration of meeting: 10.00 - 10.40 am

Chairman

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Appendix – Decision List

APPLICATION NUMBER: WP/20/00588/FUL

APPLICATION SITE: Waterside Holiday Park, Bowleaze Coveaway, Weymouth, DT3 6PP

PROPOSAL: Use of land as year round holiday park

DECISION: Grant, subject to the following conditions:-

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

Location Plan

Site Plan – drawing number 2020 19 01

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

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

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

3. No more than 539 holiday caravans shall be stationed on the land within the red line as shown on the site plan, drawing number 2020 19 01.

Reason: To ensure that the density of the units is not increased thus impacting on the visual amenity of the site and local area.

4. (i) The lodges/caravans shall be occupied for holiday purposes only and

(ii) The lodges/caravans shall not be occupied as a person's sole, or main place of residence;

(iii) the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of the lodges/caravans on the site, and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

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Application Number:	WD/D/21/000123
Site address:	LAND SOUTH OF FULLERS, BRIDPORT ROAD, BROADWINDSOR
Proposal:	Erect 22 dwellings and associated works, including the formation of access, surface water attenuation pond, landscape and ecological enhancements
Applicant name:	Mrs Finlay and Whyte
Case Officer:	Bob Burden
Ward Member(s):	Cllr Christopher

1.0 This application is referred to the committee for determination by the Service Manager for Development Management and Enforcement, in light of the concerns raised by the Parish Council and the requests for committee referral made by Councillors.

2.0 Summary of recommendation:

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to approve subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

7 affordable dwellings and an affordable housing financial contribution of £29,115,
And subject to planning conditions.

And

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

In the absence of a satisfactory completed section 106 Agreement the scheme would make no provision for on-site affordable housing/off-site affordable housing contribution and as such the development is contrary to Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2021).

3.0 Reason for the recommendation:

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Established by previous outline permission WD/D/17/000800 and by allocation of site in Neighbourhood Plan.
Visual/design issues	Street layout of varied width and general vernacular design approach acceptable.
Landscape issues	Sensitive site in AONB requiring significant landscaping in and to edge of development - landscaping condition required.
Residential amenity	Development has an acceptable relationship with existing adjacent properties.
Drainage considerations	Acceptable conceptual drainage strategy has been supplied.
Ecology	Acceptable Biodiversity Plan and Landscape and Ecological Management Plan have been submitted.
Highways	Scheme includes acceptable access, parking and traffic calming measures.
EIA screening	Scheme does not require an EIA

5.0 Description of Site

5.1 The site lies on the southern edge of Broadwindsor, on the west side of the

B3162 Bridport Road. The overall site area is 2 hectare and comprises agricultural grazing land and includes a bank/hedge which runs east-west across the more southern portion of the site. The site is elevated above the road level by about 2m. The eastern side of the site has a wide ridge which rises from the north site edge rising to the south edge. The western side of the site slopes downwards away to the west.

5.2 The western half of the site is bounded to north, west and south by open agricultural land, but with a significant treed edge to the western boundary. Regarding the eastern half of the site it is bounded to the north by the gardens of the two storey housing in Fullers. These dwellings are of brick with tiled roofs. This boundary is fronted in part by an intermittent ditch, with a c 2m high bank/hedgerow running along to the west. The east boundary fronts the B3162 Bridport Road and comprises a c 3m high bank with a native species hedgerow. Opposite is a two storey residential cottage-style development, mainly associated with Redlands Lane. These include local stone, render, with tile, slate or thatched roofs. Sections of footway would run south along the application site frontage to link with the existing public footpath in Redlands Lane. The southern site boundary is defined by a c 1.8m native hedgerow. There is an existing vehicular access into the field at the south-east corner with a two storey dwelling - Leweston View opposite. An established bank/hedgerow runs roughly east-west across the site in the more southern half of the site. The western limit of the proposed *built* development is not currently defined by any physical feature. A public footpath runs alongside the southern boundary then giving routes towards the Lewesdon Hill direction.

6.0 Description of Development

6.1 This is a full application which proposes 22 dwellings including a mix of detached, semi-detached and terraced dwellings. The built area is 0.86ha with the overall site area being 2ha. The materials palette includes natural stone, smooth render and brick, with roofs in natural slate, plain tile or double roman tiles.

6.2 A new vehicular access is proposed from the B3162 Bridport Road into the site. The access road would extend westwards into the site before turning southwards culminating in a communal parking area. There is a further communal parking area to the north boundary and also some parking with individual dwellings. Landscaping would be provided within gardens and reinforcement to the site boundaries. The western half of the application site would include an attenuation pond in connection with the surface water drainage and the land planted as a wildflower meadow. Regarding highway aspects, traffic calming measures would be carried out in the Bridport Road, and additional footpath sections provided at the corner with Redlands Lane, and to connect with the existing pavement at Fullers.

7.0 Relevant Planning History

WD/D/17/000800 Outline planning application for the erection of up to 22 dwellings, formation of access, on-site parking provision and associated works (amended scheme). Approved 14/12/18

8.0 List of Constraints

Outside (adjacent) defined development boundary
Minerals and Waste Safeguarding Area
Historic Landfill Site
Broadwindsor Group Neighbourhood Plan 2018-2031

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

9.0 Consultations

(Note: consultation responses summarised below focus mainly on those relevant to the re-advertised scheme)

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

Minerals and Waste Team-

No comments received

Housing Enabling Officer (summary-original comments)

A high level of recorded housing need across the area. Policy requires 35% affordable housing on-site with 70% social/affordable and 30% intermediate on open market sites. Scheme is lightly short of 35% with 7 affordable indicated. This needs to be either increased to 8, or 7 with a financial contribution to address the shortfall on 35%. Secure through a s106 agreement.

Urban Design Officer (original comments)-

The application proposes high quality architecture with a strong and varied materials palette that is appropriate to the local vernacular. However, layout needs improving to provide increased sense of place. Additional tree planting and hedgerow retention will be important. (Case Officer Note: Layout has been amended)

Coastal Risk Management Team (Original comments)

Suggest continue to consult with the DC FRM team in relation to the surface water issue.

Broadwindsor Group Parish Council (Original comments)

Broadwindsor Group Parish Council has consulted widely on this planning application and discussed the proposal at length at its meeting on 8 March 2021. A significant number of concerns and questions have been raised by both Councillors and members of the community and we would strongly ask as a statutory consultee that these be considered by Dorset Council. Whilst it is recognised that a great deal of work has been undertaken to date by CG Fry and Son Ltd regarding many features of the proposed development site, there are nevertheless a number of elements which must be addressed before full planning permission is granted. Although this application has been controversial and has divided opinion in the community, the Parish Council has agreed to provide conditional support for this application with a view to the points raised below being addressed.

ECOLOGICAL ISSUES

Hedgerows - 270 m of new hedgerows are to be planted around the development as part of the mitigation strategy, 110 m of which will be planted along the western boundary of the development site. This hedge is a major component in the compensation for the loss of habitat for wildlife, including several species of bats and the European protected species, the Hazel Dormouse. It is therefore unjustifiable and inconceivable that this hedge should form the western boundary of the proposed housing development as the plans identify that five properties in the proposed development will have this hedge as their garden boundary. This would be in contravention of the West Dorset, Weymouth & Portland Adopted Plan 2015-2031 sections 2.2.12-1.2.22.

2.2.18 of the Plan states: "Appropriate conditions and obligations maybe used to prevent damaging impacts, secure long term protection and provide necessary compensation."

We submit that:

- In order to meet the requirements of the Plan, the proposed 110 m hedge must be planted outside of the housing development site boundary, and to be managed as outlined in the Ecological Impact Statement.
- An appropriate boundary should be installed along the garden boundaries of the five houses bordering the western edge of the development site in order that the proposed 110 m length of hedgerow can fulfil the intentions and requirements of the mitigation measures.
- Account should be taken of the NERC Act Section 41 which states that, "Any bank, wall, ditch or tree within 2 m of the centre of the hedgerow is considered to be part of the hedgerow habitat as is the herbaceous vegetation within 2 m of the centre of the hedgerow."
- If the hedge were to form the boundary of properties it would be impractical for the householders and impossible to meet the terms of the mitigation strategy for the protection and conservation of wildlife habitats.
- It is clear that the intention to plant the new hedge as a border for the properties is not acceptable and will not fulfil the aims of the mitigation proposals. This is supported by the West Dorset, Weymouth & Portland Adopted Local Plan 2015-2031 2.2.17 "The Council will seek to ensure that the conservation interests of sites and species are conserved and enhanced. Where significant harm resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, it should be mitigated." The planting of a hedge for mitigation as the boundary of private gardens, contravenes the requirements of the NPPF. Furthermore, Ecological Impact Assessment 6.8 refers to the two years of monitoring in line with DNET guidance to check the development of the new habitats. If the hedge habitats formed part of people's gardens this surely would not work. The new hedge habitat must be planted away from the boundary of the developed site.
- The 2 m distance from the centre of a hedge to either side must also be taken into consideration with the properties on the Eastern side of the development as they are bounded by the existing hedgerow on the B3162.

Trees- The site is in a very visible location and in particular from Lewesdon Hill. This Hill is owned by The National Trust and is very popular with walkers, the footpaths being on several long distance routes. Issues with the hedge on the western boundary have already been discussed. In addition, residents want to see a band of trees planted on the western boundary to mitigate against the negative visual impact

of the new development. Furthermore, the application to remove the Ash trees from the development is considered to be a poor decision. These trees are in actual fact ten trees as the trunks have grown substantially from two pollarded trees. The tree and shrub planting on the site is considered woefully inadequate. Residents strongly believe that there should be many more native trees and shrub belts planted for aesthetic and ecological reasons.

Protection of the Bat Population-

The Ecological Impact Assessment describes the potentially devastating impact of artificial light on bats and 6.3.2 Mitigation measures, states that lighting spill and wavelength must be controlled wherever possible, that in order to cut down as far as possible on artificial lighting spill the site should remain dark post development. This statement is in line with: Bat Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK.

We submit that:

- There must be no street lighting on the development.

ACCESS-

Residents are concerned that the gate leading to the farm track from the Bridport Road by Lewesdon View should be clearly labelled as 'No Public Access' as there is no right of way and there must be no public access to the land on the western side of the development other than for farm traffic and other vehicles associated with the ecological management of the site. Landscape Impact: 4.3.1 Soft Landscaping site map shows the land to the west of the site as "Public Open Space". Both the Planning Statement and the Ecological Impact Statement refer to the area of land on the western side of the site as designated not for development but as "grassland grazed with a tenancy agreement to be made with a local farmer, an attenuation pond, the creation of a wildflower meadow, hedging to be planted and agricultural management of this area to remain as present for the foreseeable future". This has been expressed by residents as a cause for concern.

We submit that:

- The phrase "Public Open Space" is not appropriate, is incorrect and misleading and must be deleted from the documents and from the planning application.

FOUR BEDROOM PROPERTIES-

The Broadwindsor Group Neighbourhood Plan, Policy BGNP11 notes the need for affordable houses and "the type and size of open market housing should primarily provide two and three bedroom homes, starter homes and homes specifically designed for residents with more limited mobility, in line with Policy BGNP9". BGNP09 also states that "Larger homes (with the equivalent space for four or more bedrooms) will require special justification and should be designed to allow for potential future subdivision".

This proposal includes five four bedroom detached units representing a third of the private sector homes, and the remaining two thirds of the private sector are three bedrooms. There are no two bedroom homes in the private sector.

We submit that:

- This proposal is in conflict with and goes against the spirit of the Neighbourhood Plan.

Before full planning permission is granted the developer should provide an alternative proposal that will provide the type of housing that the community needs in line with BGNP9 of the Broadwindsor Neighbourhood Plan.

ROOF LINES-

The roof lines of the properties facing Redlands Lane are higher than those in the original planning application. The Design and Access Statement states, "The site is elevated above the road level by about 2 m" but the site plan shows that the new properties fronting Redlands Lane will be higher than the existing properties. This is in contravention of the Broadwindsor Neighbourhood Plan Policy BGNP11. This is causing concern to residents. The detached property abutting Lewesdon View is too close to Lewesdon View and the upper storey windows will look directly onto this property. There will be an adverse effect on the amenity of all these properties. Roof heights must not exceed those of surrounding buildings.

We submit that:

- Full planning permission must not be granted until this issue has been satisfactorily resolved.
- The property abutting Lewesdon View should be repositioned or removed.

TRAFFIC MANAGEMENT-

The Management Plan is inadequate and notice should be taken of resident's requests for further traffic calming measures on the roads leading to and from the new development.

These traffic calming measures to include a pinch point on the B3162 to the south of Redlands Lane and traffic restrictions on Redlands Lane.

SITE AREA-

This site was put forward for inclusion in the Broadwindsor Neighbourhood Plan (BGNP) and was assessed as being suitable for up to ten homes (para 5.21 refers), however the landowner applied for planning permission for up to 22 homes on the site in tandem with the call for land. As outline planning permission was subsequently granted for up to 22 homes this is what had to be included in the BGNP. The allocated area in the BGNP that has outline planning permission (para 5.31 refers) is 0.86ha. This area included provision for surface water management as per the approved site plan however the site area in the Design & Access statement is 2 hectares – more than double the size originally put forward. It is appreciated that the western portion of the site has been designated for drainage and mitigation purposes and that the area allocated for this is necessary to fulfil these requirements. This area of the site must not be reduced. If the area of the site allocated for development cannot accommodate 22 homes, then the number or size of homes needs to be reduced.

ROAD LAYOUT-

The Approved Site Plan has curved road-ways, in keeping with the rural setting of Broadwindsor and mirroring the earlier Fry's development of Redlands Lane opposite. The proposed Plan has straight roads, houses in straight rows, and numerous references to 'urban design', in contradiction to BGNP7, which states "Development should be designed to complement and reinforce the distinctive local

character.... to which it relates". The road Layout in the Approved Site Plan is more in keeping with the layout of Broadwindsor and should be retained.

PLOT 8-

Development is proposed right up to the northern boundary which includes the property at 12 Fullers. Plot 8 in the current proposals is the only double height structure immediately on the boundary between the site and the gardens of 2 – 12 Fullers. The residents of this 12 Fullers are extremely concerned about the proximity of this house and, indeed, its garden. Whilst they acknowledge that the wall at the northern end of the house is windowless, there will nonetheless be an oppressive visual intrusion exacerbated by the height differential between their garden and that of the site which is a difference of at least 1 m at the westernmost end. A large garden occupying the remainder of Plot 8 will almost certainly give rise to further impact on amenity in the form of noise, general disturbance, possibly odour. This must be anticipated and mitigated against at this stage given the ease with which a garden can be subsequently developed.

We submit that:

- The plan be re-drawn to accommodate a green boundary – a sensitively planted strip

of 7 m width between the developed area and the Northernmost boundary of the site (being the hedgerow planted embankment which forms the rear boundary of the gardens of the affected properties in Fullers).

CONSTRUCTION TRAFFIC MANAGEMENT PLAN-

Condition 9 of the decision notice for the outline application dated 14 December 2018 states that a Construction Traffic Management Plan (CTMP) should be produced. Any CTMP must stipulate that access to and departure from the site must be from the B roads leading to the site. Redlands Lane must not be used for access or parking by construction personnel or by vehicles delivering items to the site.

We submit that:

- Under no circumstances is construction traffic to use Redlands Lane. Contractors must

not use Redlands Lane for parking, the site must provide its own parking facilities.

PARKING-

The Design and Access Statement states "The parking provision is in accordance with the Dorset Council Parking standards. Each 2 and 3 bedroom dwelling has at least 2 spaces and 4 bedroom dwellings have at least 4 spaces. Where possible, parking is provided within courtyards to minimise the vehicular dominance on the streets." This would equate to parking for 54 cars. The Accommodation Schedule shows a total of 40 parking spaces – for a possible 127 residents. There are oddities - for example, Plot 8 (4 bedrooms) only has 1 parking space for 8 people.

POTENTIAL FOR FUTURE DEVELOPMENT-

The proposed Site Layout shows that the main street within the development could be

extended into the field to the East of the development. The application has been approved for 22 houses, and the application for full planning has been carefully researched and thought out by the developer, to include an attenuation pond, wildflower and hedge planting as comprehensive mitigation and compensation for

the loss of habitat caused to several wildlife species, including the European protected Hazel Dormouse and includes a stewardship and management programme to be put in place for the foreseeable future. Planning approval must state that this land cannot be built on in the future.

CONCLUSION-

The proposed new development is quite different to the Approved Site Plan. Due consideration should be paid to the relevant policies within the Broadwindsor Neighbourhood Plan and the application should be amended to comply with those policies. The Planning Statement suggests that the proposal should be approved regardless of the provisions of the BGNP, relying on the fact that the Local Planning Authority (LPA) cannot demonstrate a 5-year housing supply. However, the National Planning Policy Framework (NPPF) does require the LPA to have regard to the Neighbourhood Plan regardless of any such shortcomings.

Reference should be made to the criteria set out in Notes on Neighbourhood Planning Edition 21, December 2018 produced by The Ministry of Housing, Communities and Local Government. Application of those criteria will clearly demonstrate that the BGNP does indeed remain valid and that the LPA is obliged to have regard to the policies contained therein.

The Parish Council and the wider community have committed a great deal of time and effort engaging in this consultation process. Over many years debates have been well informed, open-minded and fair, with the unified objective of ensuring that this development is right for the village and its community.

AMENDED PLANS -Consultee responses:

Historic England- Do not wish to offer advice in this particular case.

Natural England- Biodiversity and Mitigation Plan required, to the approval of the Natural Environment Team. Recommend seek advice of the Dorset AONB Team.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Natural Environment Team – The application is within the scope of the Dorset Biodiversity Appraisal Protocol (DBAP) criteria which includes all development sites of 0.1 ha and over or where there are known protected species or important habitats/habitat features. DC NET have not received the ecological report and an accompanying biodiversity plan for review and approval under the Protocol to date. (Case Officer note: A BMP has now been submitted)

Planning Obligations Officer- Development will be Community Infrastructure liable. A new s106 for the Affordable Housing as with the previous application will be required.

Coastal Risk Management Team- Advise continue to consult with the DC Flood Risk Management Team in relation to the surface water flood risk matters for this App. We would have nothing to add from the coastal risk management perspective.

Flood Risk Management Team- Site lies in Flood zone 1 (low risk/fluvial flooding). The application is supported by a Flood Risk Assessment by AWP dated 21/12/20, and a geotechnical investigation by Ruddlesdon Geotechnical Ltd.

Following from these submissions surface water is proposed to be managed within an attenuation pond and discharged at a restricted rate into the nearby ordinary watercourse. Consequently the FRM Team have no objection subject to conditions addressing a surface water drainage scheme and its maintenance/management, and an informative.

I have reviewed the amended proposals for the above planning application at Broadwindsor and I can confirm that our previous response (sent on 30th April 2021 reference no. PLN21-017), where we recommended conditions, is still relevant to these updated plans. The LLFA have no further comments to make at this stage in relation to this application.

Highways Officer- As stated in the previous observation it is considered that the proposed highway works includes several highway betterments:

- • An extended and improved pedestrian linkage through the settlement (connection from Redlands Lane up to Fullers).
- • A speed reduction facility (priority narrowing) on Bridport Road – priority given to vehicles exiting the settlement.
- • An improvement to the vehicular visibility available at the junction of Fullers and Bridport Road.

In highway safety terms sufficient vehicular visibility and carriageway width are available at the proposed access. Appropriate pedestrian facilities are provided. In highway safety terms it is considered that the proposed provision of car parking is acceptable. The garage internal dimensions are acceptable and considered viable car parking spaces. As such all dwellings have a minimum of 2 car parking spaces, with larger dwellings having 4 spaces.

The amendments as submitted are acceptable, the Highway Authority now has NO OBJECTION, and recommends the following condition(s):

- estate road construction (adopted or private)
- visibility splays
- traffic calming scheme
- relevant informatives

Tree Officer - (summary) Trees on western site boundary will need protection when attenuation pond being established. Important to retain and reinforce hedgerows as far as possible and compensate for lost hedge (translocation if possible).

Landscaping plan and tree planting method statement and maintenance specification will be required.

AONB Landscape Officer- (summary) The applicant has improved the layout to a limited degree, by introducing a greater degree of nuance in the alignment of dwellings, particularly in the central area to the south of the access road leading into the development site from Bridport Road.

The plans have been amended to increase the number of trees within the site, with a combination of trees within gardens and locations close to the parking bays. Species will need to be specified. A landscape condition required. Arrangements for the long-term maintenance of trees in communal areas should be clarified. A key aspect of the landscaping for the site involves new hedgerows with unevenly spaced trees within the western and southern boundaries of the housing. Details of maintenance of these will be required.

I would like to confirm how the new hedgerows will be maintained and protected from future removal- important that the hedgerows and trees achieve their full visual and ecological potential in the long term.

Details of the drainage attenuation feature required (can be addressed by condition).

Senior Landscape Officer- (summary) Notes a revised masterplan has been submitted together with additional information. Some changes welcomed although some concerns remain. If approved, further details of landscaping advised by use of conditions. Tree planting now on west side of western hedge helpful. Number of trees should be increased to at least 34 as previous iteration. Concern that hedges form garden boundaries -should separate. Adequate space between hedges and trees for maintenance needed. Appropriate distances between structures and trees. If approved, recommend conditions to address hard and soft landscaping (implementation and maintenance conditions)

Parish Council - (Comments on amended plans)-

Broadwindsor Group Parish Council has consulted widely with the community on this application and discussed it collectively at its meeting on 14 February. Comments collated by the Parish Council do not only reflect the opinions of those living close to the proposed development site but from many others from the wider community and observations have been well researched, considered and are based on what is thought to be best for the future of the village. Broadwindsor Group Parish Council strongly objects to this amended scheme. The applicant has stated in the Planning Statement that it is compliant with the Neighbourhood Plan, the Parish Council very much challenges this statement. This application absolutely contradicts the Broadwindsor Group Parishes Neighbourhood Plan and therefore should not be approved.

Local Housing Need-

The Broadwindsor Grouped Parishes Neighbourhood Plan (BGNP) clearly identifies local housing need as two and three bedroom housing (BGNP9), which is applied to all development within the Neighbourhood Plan area. The Plan states clearly states that four bedroom homes will need special justification. No justification has been provided by the applicant. Many concerns have been raised concerning the original

full application which included five four bedroom detached houses, representing a third of the private sector homes. The revised application is now proposing an increase to eight four bedroom homes, representing 36% of the total development. This totally contradicts and is not compliant to the Neighbourhood Plan, there can be no justification at all for eight four bedroom homes on this site. The amended scheme fails policy BGNP9 in that it does not meet local housing need. This application for full planning permission must be revised and an alternative proposal submitted for provision of the type of housing which will meet community needs in line with BGNP9 of the Neighbourhood Plan. A summary of changes submitted by the applicant in January 2022 failed to include the fact that there was a proposal to increase the number of four bedroom properties. This at best was misleading. Concerns were also raised about the ability of Broadwindsor School - which is currently at full capacity, to offer places to additional numbers of children who may move into larger homes on the development.

Environmental and Ecological Impact-

This application falls far short of the requirements contained within national, local and neighbourhood planning policies with regard to the mitigation of the surrounding landscape, compensation for loss of wildlife habitat, the visual impact on the Dorset AONB and the maintenance and enhancement of its landscape and townscape setting. The measures proposed in the Landscape and Ecology Management Plan (LEMP) dated 15 December 2021 set out the longer term maintenance and management operations. These are deemed necessary for ensuring that the landscape and habitat creation elements are maintained to the standards required for mitigation and compensation and for the long term protection of the diverse wildlife habitats and associated species. These include several species of bat and the European protected Hazel Dormouse. The LEMP timetables the monitoring and inspection processes to be put in place with precise details of when inspection and monitoring should take place over the next three years and the longer term and includes the maintenance and management of new and existing hedgerows, and trees. In this application and despite objections previously documented five properties on the proposed site will have part of the western boundary hedge as their garden boundary. This proposal is regarded as unacceptable. It is impractical and unreasonable to expect the owners of these properties to maintain these priority classified hedges to the standard required for the protection of wildlife and it will be impossible for Dorset Council to inspect and maintain these hedges and their environs to the standards set out in the LEMP. Full planning permission conditions must include the requirement that the properties backing on to the western boundary and any other properties on the site with hedge boundaries, must be fenced in, leaving the hedge free from domestic intrusion and with the requisite undisturbed space on either side of the hedge for wildlife habitats. Stock fences must be installed on the field sides of the hedge as protection from grazing animals.

Ridge Heights-

Concerns raised from the original application for full planning permission regarding the proposed roof heights on Bridport Road have not been addressed. BGNP11 stipulates that 'the overall height of the development should not exceed the ridge heights of surrounding buildings.' The site is elevated above the road level by two metres and the site plan still shows that the new properties fronting the Bridport Road are still higher than the properties opposite on Redlands Lane. There is also a

height difference on Fullers with the development site being two feet above some properties. To give effect to what is surely intended by provision BGNP11 (i.e., to minimise the impact) the comparison in ridge heights should be with those existing dwellings proximate to the proposed dwelling. The detached property on Plot 15 has not been relocated and is too close to Lewesdon View with upper storey windows looking directly onto this property. Both these issues will result in a considerable loss of amenity to residents.

Parking Concerns -

The number of proposed parking spaces on the development has been reduced from 40 to 33. Residents are extremely concerned about this reduction. The developer has projected a headcount of 130. As few garages are used to park cars this equates to potentially 97 vehicles parked on the roads, which is likely to cause difficulties for emergency vehicles, tradesmen and visitors to the site and an overflow of car parking on to Orchard Mead and Redlands Lane. There is simply not enough parking places available to the properties.

Traffic Management -

The proposed traffic management plan is still deemed to be inadequate. More effective traffic calming measures must be put in place both on Bridport Road and Redlands Lane.

Broadwindsor Group Parish Council strongly asks that Dorset Council listens to our community and takes into consideration the real concerns highlighted in this report prior to forming its decision.

Representations received

(Representations on original submitted plans)

23 letters of objection/comment. The main planning-related points include:

- detrimental to views and to the Area of Outstanding Natural Beauty
- harm to wildlife
- loss of hedges/habitat for a wide variety of flora and fauna which include reptiles, birds, dormice and bats.
- bat survey must be carried out
- excessive traffic generation-danger to other road users/pedestrians.
- inadequate traffic calming measures
- too many road junction close to the site-increased highway dangers
- detrimental to character of landscape
- unsustainable development
- should use empty buildings/homes first
- lack of affordability of the local needs housing
- properties generally too close to Fullers existing houses reducing light and loss of privacy due to height of houses and views from proposed windows
- Bridport Road frontage houses will over-dominate the surrounding properties
- inadequate visibility from new access
- detrimental to views from public rights of way
- Plot 8 dwelling too close to neighbouring properties in Fullers-will block outlook, be oppressive and harm privacy with noise, disturbance and odours
- query sewage system capacity

- should retain as agricultural land
- will not address community needs
- could set a precedent for further development
- site is beyond edge of built development area
- 7m planted strip urged between Plot 8 and the northern site boundary
- new junction will increase accident likelihood
- contrary to BGNP 11 of Neighbourhood Plan -lack of small private houses. Too many large houses.
- houses are too tall-should be lowered
- house fronting Bridport Road will overlook those houses opposite
- inadequate car parking provision
- inadequate provision for visitors and deliveries
- query adequacy of bin/recycling collection areas
- road layout of original approval should be retained -more curved
- more planting to south-east boundary needed
- concern that development could be extended inland to west
- concern over Redland Lane being a cut-through through route to Bridport/Beaminster
- concern that Redlands Lane not used by site traffic
- lack of demand for larger houses as proposed
- new access could result in a bottle-neck to traffic
- will the open space area be used for public recreational use-concern over potential use for off-road biking.
- will attenuation pond be safe for public
- new hedging should be separate from gardens to maximise wildlife habitat
- road frontage roof lines must match those opposite Bridport Road
- comprehensive traffic management plan required
- insufficient infrastructure
- scheme is too much like an anonymous housing estate
- too many dwellings
- light pollution of existing dark skies
- are drainage measures adequate
- scheme is contrary to the Neighbourhood Plan policies
- weight must be given to the relevant Neighbourhood Plan policies
- no 2 bed properties included
- too many large 4 bed dwellings
- mix should include a larger proportion of smaller dwellings
- need homes for persons with limited mobility
- plot 15 dwelling too close to Lewesdon View-will cause overlooking
- population of village too small to justify this
- risk of noise, odour and pollution
- any lighting should be minimised
- concern over loss of ash tree to east boundary
- there must be compensatory planting to replace trees and hedges lost
- keen that open space will be retained with ecological benefits
- site area increased relative to the Neighbourhood Plan
- new western hedge should be separate from garden boundary- for wildlife
- should be no development in principle
- road layout too rigid in straight lines
- Construction Traffic Management Plan should ensure traffic avoids Redlands Lane

- more should be done to reduce excessive traffic speeds on the Bridport Road
- Bridport Road frontage houses will block out light to existing houses opposite; houses should be further set back
- Surface water from the development will overwhelm the stream to the west and cause flooding and risk to properties
- housing does not address any local need
- there are existing developments which provide housing on a larger scale
- houses too large for local needs housing
- surface water risk to existing Fullers properties
- Broadwindsor School is regularly over-subscribed
- local general practitioner surgeries are over-stretched
- bus service is too restricted- encouraging more use of cars and pressure on road infrastructure
- potential damage to gateway adjacent Lewesdon View from construction vehicles
- development is too close to Lewesdon Hill and will harm views from the Hill
- should provide continuous hedgerow in developers control for wildlife
- ensure measures to mitigate wildlife effects during construction phase
- developer not explained why Local Plan is not followed
- western boundary hedge vulnerable to loss as part of residents gardens -potential habitat loss-provide double hedge to address
- more tree planting needed to screen from Lewesdon Hill
- traffic management plan inadequate; too many additional vehicles -will cause problems on B3162 and Redlands Lane

AMENDED PLANS-

20 letters of objection/representation received. The main planning-related points include-

- assume previous points raised will be considered as part of these amended plans
- unacceptable to have new west boundary hedge as garden boundary as will not be managed as part of a sound ecological strategy; the gardens of these affected 5 properties should be fenced in to avoid damage to the hedge, and a stock fence on field side to prevent loss to livestock grazing.
- roof heights still considered too high
- scheme still not considered to meet policies BGNP9 (housing)and BGNP11 of the Neighbourhood Plan (BGNP)
- does not address BGNP Objectives to protect landscape or provide suitable homes
- over 50% of market homes (8) are 4 bed, with a lack of 2 and 3 bed home to meet local needs-contrary to BGNP9 of Neighbourhood Plan
- no justification provided for the 4 bed dwellings
- 15 affordable dwellings due to be built by Broadwindsor Community Land Trust in locality-consider there is no housing need for those in this current application.
- application at Hayes Barn WD/D/19/002200 was rightly refused as was not compatible with local need requirements
- applicants summary of changes considered inaccurate
- concern garages will not be used for parking- increasing pressure on parking capacity
- landscape Officers concerns with original scheme have not been fully addressed in these revised plans

- increase in number of 4 bed houses from 5 to 8-unacceptable-conflict with Neighbourhood Plan
- a large proportion of the houses must be 2 and 3 bed affordable homes for purchase by local people
- no 2 bed houses in private sector
- traffic management plan considered unacceptable; more effective traffic calming measures urged on Bridport Road and Redlands Lane.
- wildlife corridors must be managed to support a range of fauna
- no mention of house complying with policy BGNP11-height of houses
- concern that “private” hedges will not be maintained to standards of the Landscape and Ecology Management Plan
- double hedge with buffer zone suggested
- height of frontage dwellings will be higher than those opposite and will also cause overlooking/loss of privacy
- roof heights must not exceed those of surrounding buildings
- plot 14 dwelling still too close to Lewesdon View -upper windows will over-look causing loss of privacy
- excessive traffic-detrimental to safety of road users
- query how existing flora and fauna are protected
- new western hedge should be a double hedge with buffer zone
- inadequate parking space numbers, particularly for the private sector houses- may cause parking dangers in Bridport Road
- existing valued northern boundary hedge should be reinforced and supplemented to form a buffer zone
- query boundary accuracy relative to 12 Fullers
- concern that facing window, size and massing of plot 8 dwelling will be oppressive, cause loss of privacy and visually intrusive relative to 12 Fullers; question need for a house of this size
- plot 8 dwelling on higher land has a height at odds with BGNP11 “overall height of development should not exceed ridge heights of surrounding buildings”
- out of scale with the village
- this application should be refused and a more sensitive scheme in visual, ecological and amenity terms submitted
- more attention to protection of existing and proposed hedgerows
- will not enhance the natural and local environment
- too much garaging
- development should follow the Landscape and Ecology Management Plan
- houses should be set further back from B3162 frontage
- should be more allocated parking spaces
- applicant should engage more with community to produce scheme
- query if local school and doctors surgery have necessary capacity
- insufficient infrastructure to support

Total - Objections	Total - No Objections	Total - Comments
29	0	11

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan (2015)

INT1 Presumption in favour of sustainable development
 ENV1 Landscape seascape and sited of geological interest
 ENV2 Wildlife and Habitats
 ENV4 Heritage Assets
 ENV5 Flood risk
 ENV10 Landscape and Townscape setting
 ENV11 The pattern of streets and spaces
 ENV12 The design and positioning of buildings
 ENV15 Efficient and Appropriate Use of Land
 ENV16 Amenity
 COM1 Making sure new development makes suitable provision for
 Community Infrastructure
 COM7 Creating a safe and efficient transport network
 COM9 Parking standards in new development
 SUS2 Distribution of development
 HOUS1 Affordable Housing

Broadwindsor Group Neighbourhood Plan 2018-31 (Made 1/10/2018)

BGNP7 Built Character
 BGNP9 Meeting the areas housing needs
 BGNP11 Site1: Land south of Fullers, Broadwindsor

National Planning Policy Framework 2021 (NPPF)

2 Achieving sustainable development
 5 Delivering a sufficient supply of homes
 6 Building a strong, competitive economy
 8 Promoting healthy and safe communities
 9 Promoting sustainable transport
 11 Making effective use of land
 12 Achieving well-designed places
 15 Conserving and enhancing the natural environment
 16 Conserving and enhancing the historic environment

Decision-making

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the

economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

Design and Sustainable Development Planning Guidelines 2009 SPD

Policy (a) Work in harmony with the site and its surroundings

Policy (h) Maintain and enhance local character

West Dorset Landscape Character Assessment 2009

AONB Management Plan 2019-2024

Bournemouth, Dorset and Poole Parking Standards

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. Parking spaces are generally provided close to the associated dwelling thereby facilitating access for the less able. The provision of extra footway in Bridport road will make the link between Redlands Lane and Fullers safer and more convenient.

13.0 Financial benefits

Material considerations

Employment created during construction works.

Contribution towards affordable housing provision.

Likely spending in local shops/facilities

Non material considerations

CIL contributions

14.0 Climate Implications

Construction of the scheme will involve the use of plant, machinery and vehicles, together with use of 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. It is pertinent to note that all dwellings will have an EV charging point as part of this application.

15.0 Planning Assessment

Principle of development-

15.1 The principle of developing this site for residential purposes was established by the outline permission granted in December 2018. This permission was then endorsed by the allocation of the site for development in the Broadwindsor Group Neighbourhood Plan (2018-31) under policy BGNP11: Site1 Land south of Fullers, Broadwindsor. The site is outside but adjacent to the defined development boundary which means it is in effect a sustainable location. The Neighbourhood Plan forms part of the Development Plan with the Local Plan. The Local Plan was adopted in 2015, however, the Neighbourhood Plan now takes precedence as Dorset Council officially “made” the Neighbourhood Plan on 1st October 2019. As such it forms a more up-to-date part of the development plan with this being a formally allocated site within it.

15.2 The National Planning Policy Framework (NPPF) requires neighbourhood plans to be in general conformity with strategic policies in the adopted local plan. For sites outside of the DDB but which are allocated in a neighbourhood plan regard to paragraph 30 of NPPF should be had which says that once a neighbourhood plan has been brought into force the policies it contains take precedence over existing non-strategic policies in a local plan where they are in conflict. Whilst SUS2 would in my view be considered a strategic policy that sets the settlement hierarchy, as Broadwindsor has a DDB in both the local plan and neighbourhood plan they are in general conformity. The distinction therefore has to lie at a non-strategic policy level in respect of where the boundary of the DDB is effectively drawn such that the neighbourhood plan allocates the site for development and therefore in accordance with Para 30 of the NPPF the policy in the neighbourhood plan allocating the site for development takes precedence.

15.3 The full allocation policy is set out below: Policy BGNP11 Site1 Land south of Fullers:

Land south of Fullers, opposite Redlands Lane, as shown on the Policies Map, is allocated for up to 22 dwellings, including affordable housing, subject to all of the following requirements:

a) new buildings are limited to the area closest to the road (the allocated area);

- b) the overall height of the development should not exceed the ridge heights of the surrounding buildings, and buildings designed to complement and reinforce the distinctive local character in line with Policy BGNP7;*
- c) the provision of affordable housing should comprise 35% of the total dwelling floorspace, and the type and size of open market housing should primarily provide two and three bedroom homes, starter homes and homes specifically designed for residents with more limited mobility, in line with Policy BGNP9;*
- d) a landscape scheme is secured to reduce the visual prominence of development from long distant views from footpaths accessing Lewesdon Hill, to include landscaping on the western boundary and landscaped areas of sufficient size to incorporate mature trees within the site;*
- e) a new vehicular access onto the B3162 is provided with a suitable visibility splay achieved;*
- f) improved pedestrian access from the site into the village is secured;*
- g) a surface water and drainage strategy is implemented to ensure run-off from the site is adequately dealt with without increasing flood-risk off-site, taking into account the underlying geology, down-stream flood records and potential for high groundwater in this location;*
- h) the retention of the existing hedgerow boundaries as far as practicable, and the provision of biodiversity mitigation to secure a net biodiversity gain (in line with the Dorset Biodiversity Protocol).*

15.4 Broadwindsor is a relatively large village. It has a primary school, which would be within about 10 minutes walk from the application site. There is also Broadwindsor Community Stores; a convenience store. There is Redlands Yard -a centre containing various retail shops and services. This facility also has a restaurant. The village also has a pub; the White Lion Inn. The village also has a church. There is also a playing field located on the east side of the settlement.

15.5 The village possesses a good basic range of facilities - with facilities such as the school and shops helping to reduce the need for the use of private cars. It is of course plausible that the addition of the 22 dwellings proposed here could help the viability of local businesses and facilities.

15.6 There is a First Wessex No 6 and Buses of Somerset No6 that provide a limited service between Yeovil and Bridport. The Beaminster Town Council CB3 service runs on Saturdays only (twice a day to and from Yeovil). There are also several Community Transport Schemes including Axe Valley, West Dorset Ring and Ride, Plus Bus (Wednesday trip to Dorchester) and Beaminster County Cars.

Size of development-

15.7 In terms of relevant background, the previous outline permission given was for "up to 22 dwellings". The current Broadwindsor Group Neighbourhood Plan (BGNP) formally recognises and includes this site for development for the same number of dwellings under policy BGNP11. The proposal is consistent with the policy-indicated number with 22 dwellings included.

Affordable housing-

15.8 The relationship of the scheme to certain elements of the BGNP 11 policy will be considered where expedient later in this report. In this section it is relevant to consider the following caveat of the policy:

c) the provision of affordable housing should comprise 35% of the total dwelling floorspace, and the type and size of open market housing should primarily provide two and three bedroom homes, starter homes and homes specifically designed for residents with more limited mobility, in line with Policy BGNP9;

15.9 This scheme does include 35% of the proposed units as be affordable housing. It would provide 7 affordable homes on-site and a financial contribution for the remaining fraction of the 35% total (£29,115). The affordable homes comprise 3 x 2 bed and 4 x 3 bed homes. The Housing Enabling Team Leader has reviewed this aspect and is supportive of this scheme due to the level of local housing need. These affordable housing provisions would be specified in a section 106 agreement.

Dwelling sizes-

15.10 The policy also cross-refers to the nature of open market housing in connection with policy BGNP 9; this policy includes the following:

The type and size of open market housing should primarily provide two and three bedroom homes, starter homes and homes specifically designed for residents with more limited mobility. Larger homes (with the equivalent space for four or more bedrooms) will require special justification and should be designed to allow for potential future subdivision (as two dwellings / annexed accommodation or workspace / studio) unless it can be demonstrated that this would not be practicable

15.11 The 15 open market homes in this scheme comprise the following; 7 x 3 bed; 8 x 4 bed. Some representations have expressed concern over the tendency towards larger, 4 bed dwellings in the scheme. The above policy indicates “special justification” should be provided for these. The applicant comments that the BGNP9 policy does *not prevent* 4 bed homes: rather it states:

“housing should PRIMARILY provide two and three bedroom homes”.

On that point, the applicant considers that the development is in accordance with Policy BGNP9 in that the development is *primarily* 2 and 3 bedroom dwellings (14 of the 22 dwellings).

15.12 Regarding the “special justification” for 4 bed homes, the applicant considers that these are particularly suitable for accommodating home-working with one (or more) bedrooms usable as a home office; the application agent cites his own company as follows:

Whilst C G Fry and Son had circa 80 employees working at our head office, on an average day, we now have 10-15 people in the office, and arrangement which has become permanent. I am also confident in saying many businesses across the country have adopted similar working arrangements – including Dorset Council.

The agent also references Para 8 of the NPPF, specifically part b) which encourages :a range of homes can be provided to meet the needs of present and future generations.

15.13 The Case Officer considers the applicants responses to the above Neighbourhood Plan policy issues are reasonable; there is in my view an acceptable mix of dwelling units in the scheme with 2, 3 and 4 bed units, and the trend of recent years towards home-working has only been given further momentum by the impact of the Covid-19 epidemic.

Visual Issues-

15.14 The site lies within the Dorset Area of Outstanding Natural Beauty and within the Axe Valley Hills Landscape Character Area in the Councils adopted Supplementary Planning Document. The part of the site closest to the B road rises by about 3m from the northern boundary to the southern boundary near the dwelling "Leweston View". Moving westwards the site progressively starts to slope away slightly towards the watercourse. The top of the bank within the site and opposite 3 Redlands Lane is about 1.2m higher than the pathway fronting No 3. A public footpath (one of several in the locality) runs close to the southern edge of the site before it ascends towards the ancient hillfort of Leweston Hill to the south-west. Another public footpath also runs to the west of the site and takes a route back into the village. The site is about 770m from the Wessex Ridgeway public footpath on Lewesdon Hill. It is also about 2,700m from the Monarchs Way footpath on Pilsdon Pen. Waddon Hill-fort lies away to the south-east.

15.15 The amended layout is strongly based on traditional principles of frontage development with the main gardens to the rear. A row of houses fronts Bridport Road, reflecting the predominant frontage development pattern. Houses then mainly flank the access road with three approached off this. The access road is of variable width to help create an element of informality to the design. The semi-detached pair at the western end of the access road provide a useful visual "end-stop" to the view. Turning to the elevations, the scheme generally follows a vernacular design aesthetic with some restrained classical designs also evident. Varied eaves heights also add interest. This is considered appropriate given the nature of existing development in Bridport Road and Redlands Lane (the latter of more modern origin but still of vernacular style). The scheme is all two-storey with a mix of detached, semi-detached and terraced units providing visual variety. The materials palette includes natural stone, smooth render, brick, with roofs in natural slate, plain tile or double roman tiles.

15.16 Regarding the Broadwindsor Group Neighbourhood Plan policies BGNP7 and BGNP11 are relevant here. BGNP7 refers to built character; particularly referencing design matters including layout, scale, materials, etc. BGNP 11 is the site allocation policy. A particular element of the policy states:

the overall height of the development should not exceed the ridge heights of the surrounding buildings . . .

15.17 Some representations have expressed concern that the scheme dwelling heights will be too high. Section drawings have therefore been submitted to clarify the relationship with existing development. On this site which has rising ground levels it is true that *some* dwellings are higher than existing development. However, this is not an excessive occurrence, nor is it to a high degree. To illustrate, on the main road frontage Plot 3 has a ridge height 0.825m lower than 1 Redlands Lane opposite; Plot 10 is 1.135m lower than the ridge of 5, Redlands Lane. Plot 13's ridge is higher than 2 Redlands Lane -but only by 0.985m. Plot 15 is 1.13m higher than the dwelling "Lewesdon View" -although it is also set back notably from the road frontage. Turning to the north and the relationship with Fullers, Plot 4 is 2.48m higher than 4 Fullers -however it is also about 42m away from it. Plot 8's ridge is 1.82m higher than that of the 10/12 Fullers terrace. However, there is about 34m distance between these dwellings. In summary, there are some dwellings higher but some lower than existing dwellings. Policy BGNP 11 states that it is the *overall height of the development* which needs to be considered. In my judgement the height increases - where they occur -are relatively modest and in street-scene and visual terms are acceptable. It is considered that the scheme does complement and reinforce the local character of the village and is compliant with policies BGNP7 and 11.

Landscaping-

15.18 The landscaping will include the planting of two entirely new hedgerows; one on the western side of the built development and one on the southern edge of the built development. Existing boundary hedges will be largely retained and reinforced with further planting. Some new replacement hedging will be required on the Bridport Road frontage. A total of 206m of new hedge will be planted. Additional tree planting will be carried out in gardens, and particularly to the west boundary.

15.19 The AONB Landscape Officer comments that the amended plan has improved the layout to a degree by introducing a greater degree of nuance in the alignment of dwellings, particularly in central area to the south of the access road leading into the development site from Bridport Road. He indicates that the plans have been amended to increase the number of trees within the site, with a combination of trees within gardens and locations close to the parking bays, and that a landscaping condition is likely to be required to ensure the species are appropriate. He adds it will be important to secure the management and maintenance of the new and reinforced hedgerows.

15.20 The Senior Landscape Officer comments that some of the changes on the amended plans are welcomed, although he would like to see some further adjustments. This includes additional tree planting to the especially west boundary outside the gardens and ensuring compatible locations relative to buildings and services. Tarmac could be used less extensively such that other surface treatments would help increase the legibility of the scheme. These can be addressed by conditions covering the submission, implementation and maintenance of a hard and soft landscaping scheme (potential conditions are quoted by the landscaper officer).

15.21 The Tree Officer has advised that the development must ensure that retained trees and other planting are safeguarded. A tree protection condition can be applied here. He also advises the amount of tree planting is increased.

It is considered that the scheme would have an acceptable effect on the Area of Outstanding Natural Beauty subject to the relevant landscape and tree-related conditions as outlined.

Heritage Assets-

15.22 The site lies about 770m from the higher part of Lewesdon Hill. As this is an ancient monument and the development could have an effect on its setting, the views of Historic England were sought. They have indicated they do not wish to offer comments on this scheme. This suggests they are satisfied with the basic relationship and distance of the scheme from the ancient monument. The site is considered to have a satisfactory relationship with the wider setting of Lewesdon Hill. Given the distance and relationship it is considered the scheme would not result in harm to the setting of the ancient monument.

Public open space-

15.23 The quantum of development does not require public open space on-site. However, it should be noted that there are existing areas in the village for recreation which include the equipped play area adjacent to the village hall -Bernards Place . Hursey Common is available and there is also a cricket ground in the village. One element this scheme would also contribute is an improved pedestrian link into the village to reach such facilities. (This will be expanded on in the "highways" section below).

Residential amenity-

15.24 Representations have been received on aspects of this issue including regarding potential over-looking and massing of the development relative to existing properties. The site is bounded by housing adjacent "Fullers" to the north, and by houses fronting the Bridport Road/Redlands Lane to the east, and the dwelling "Lewesdon View" to the south-east corner. The dwellings on the Bridport Road frontage are about 19.5m from the existing houses opposite. This distance is comparable with that between existing dwellings in Redlands Lane and is not considered to cause unacceptable overlooking. Representations have been received regarding the relationship of Plot 8 to existing dwellings to the north at Fullers. Whilst it is true that Plot 8 is set relatively close to the boundary with the back gardens in Fullers (about 3m away at the closest point), the back gardens of the Fullers properties are unusually long at about 32m. The applicant has been mindful of the proximity here and has avoided windows in the gable end facing the gardens, and has also accepted that an obscure glazing condition will be used for the first floor bathroom and landing windows on the rear of this dwelling. Hence, potential unacceptable overlooking is avoided. Similarly, with Plot 15 near to "Lewesdon View" the first floor en-suite bathroom window would be obscure glazed to mitigate any overlooking towards the property/garden of Lewesdon View to the south. A planning condition will be used to address this.

Drainage considerations-

15.25 Regarding surface water, the site lies in Flood Zone 1 (low risk/fluviial flooding). The application is supported by a Flood Risk Assessment by AWP dated 21/12/20, and a geotechnical investigation by Ruddlesdon Geotechnical Ltd. The surface water is proposed to be managed within an attenuation pond and discharged at a restricted rate into the nearby ordinary watercourse. The attenuation pond would be located on

the application site and to the west of the built development. The Flood Risk Management Team have been consulted and have no objection to this subject to conditions addressing a surface water drainage scheme and its maintenance/management, and an informative. Regarding foul sewage, the site would be connected to the existing main sewer.

Ecological considerations-

15.26 Following initial surveys and an Ecological Impact Assessment a revised Biodiversity Mitigation Plan (BMP) and a Landscape and Ecological Management Plan (LEMP) have been produced. The habitat removed is 0.89ha of species poor grazed pasture and two sections of existing hedging totalling 142m. However, the scheme provides a total of 206m of new hedging (a net gain of 20.57%) and a net gain of 11.57% of non-hedge habitats. In summary, the provisions include for example, retention and reinforcement of most existing hedges; the attenuation pond being also a wildlife area with species rich marginal wetland planting and a wildflower meadow; a new 85m long boundary hedge at the southern edge by the track and a new 110m hedge on the western built development edge. The scheme will include bee bricks (2 per dwelling), hedgehog access provisions (raised fences and 100mm² holes), bat tiles, 11 bat tubes, swift boxes and 11 cavity-type nest boxes for hole-nesting birds at the eaves. The LEMP addresses the management of the various areas. The BMP and the LEMP have been certified as acceptable by the Natural Environment Team

15.27 The applicant has clarified that the wildflower meadow area and attenuation pond is not for public open space but for drainage/ecological purposes. Some representations received have referred to potential difficulties in retaining particularly the new hedging where it defines the edge of gardens. The biodiversity plan (in conjunction with the landscape and ecological management plan) indicates that new planted hedges on the west side of the development of the development will be fenced and “buffered” to ensure they are not subject to “garden creep”.

Street-lighting-

15.28 The Parish Council have asked that street-lighting is not provided on this site given its visual sensitivity. The applicant is however proposing the highways to be adopted in this application.

Given this context, the Councils Street-lighting Team Leader has provided the following comments:

The site is not an area with very low population density and it will be bound on two sides by other urban developments, both of which have street lighting and it is accessed via Bridport Road which itself is lit to within 30m of the new junction. This site will become fully enclosed within a wholly urban area. If the development remains unlit now, but becomes adopted highway, then it is likely to create a future demand for street lighting - which could not be met by Dorset Council as there is no budget to fulfil such.

In addition there is another significant urban feature within the site itself, a ramp or hump in the entrance road which, if it meets the Road Hump Regulations definition of a vertical traffic calming feature, must be lit by law. Also the new pedestrian links and

chicane on Bridport Road are again further urban features that pedestrians and drivers would normally expect to be lit, also to reduce the risk of accidents.

In conclusion our policy does not mandate that a full system of street lighting must be included for highway adoption in this currently marginal location but, on balance given the urban features and likely use, I would recommend that this site and its links should be lit to the minimum British Standard for road lighting using standard height equipment. If the parish and planning authority have very strong views against this advice then, apart from the road hump location, the site could still be adopted without lighting - but it must be understood that any future complaint or demand for lighting would be referred back to the parish council and for any capital funding.

15.29 The Case Officer recognises the sensitivity of this site and the wishes of the Parish Council. It is considered this could be a case where, if there is any street-lighting at all, it is restricted to the road hump location only.

Sustainability-related matters-

15.30 The applicant indicates that the building envelope will include minimal thermal bridging, good air tightness and an efficient heating system. Passive solar design principles are followed. All dwellings will have air source heat pumps. Low energy internal/external security lighting will be used. Low-flow taps, showers and W.C's will be used. Windows will be double-glazed. The applicant will include provisions for EV charging points for all dwellings in the development.

Highway-related considerations-

15.31 A number of letters have been received regarding traffic generation and highway safety issues. The Highways Officer has been consulted to help assess this scheme.

The scheme proposes a new vehicular and pedestrian access from the B3162 Bridport

Road. This road is about 5m wide and it forms the southern entry to the village, running down hill as it approaches the village. The speed limit of the section passing the site is 20 mph. The site has a c3m high frontage bank to the road. Consequently, the access rises as it enters the site. The engineering works to form the access and the visibility splays will require some hedgerow removal with scope to replace parts at the rear of the visibility splay.

15.32 There is currently no footway from the junction of the Redlands road down to Fullers. This means that pedestrians have to walk either in the road, or on the uneven grass verge in order to reach the village centre. The scheme now proposed includes a new footway which would provide a safer and convenient means to reach the existing footways and village centre. A section would be added to the Redlands Lane junction to provide a crossing point to new sections of footpath running down the west side of the road to reach the existing footway at Fullers. Furthermore, traffic calming measures are also included as part of the works associated with this application. These include a narrowing of the road section just south of Fullers on the B3162 to 3m width to establish a vehicle priority restriction. Additional works at Redlands Lane and in the vicinity of Fullers would improve the footway links and provide tactile

paving drop kerbs, including at Orchard Mead. This element in particular is consistent with the public sector equalities duty (PSED) ; the provision of the new, safer, more convenient footway linkage would be of particular benefit to the elderly/less able and those persons with push chairs or similar.

15.33 On the site itself in terms of total parking there are 36 car spaces (including 6 visitor spaces) and 18 garage spaces.

The Highways Officer has commented as follows:

It is considered that the proposed highway works includes several highway betterments:

- *An extended and improved pedestrian linkage through the settlement (connection from Redlands Lane up to Fullers)*
- *A speed reduction facility (priority narrowing) on Bridport Road – priority given to vehicles exiting the settlement*
- *An improvement to the vehicular visibility available at the junction of Fullers and Bridport Road*

In highway safety terms sufficient vehicular visibility and carriageway width are available at the proposed access. Appropriate pedestrian facilities are provided.

In highway safety terms it is considered that the proposed provision of car parking is acceptable. The garage internal dimensions are acceptable and considered viable car parking spaces. As such all dwellings have a minimum of 2 car parking spaces, with larger dwellings having 4 spaces.

The Highways Officer concludes, indicating no objection subject to conditions addressing estate road construction, visibility splays, traffic calming scheme. It is considered that the highway provisions are acceptable, and that the addition of a connecting footway in this location between Redlands Lane and Fullers would provide a significant benefit to pedestrian safety.

Further Officer Comments on Parish Council Concerns-

15.34 Whilst a number of the comments made by the Parish Council are effectively considered earlier within this report some further comments are made below.

The new western boundary hedge *outside* the gardens will now be provided as part of the scheme. Tree and other planting will be required under relevant landscaping conditions, based on the landscaping plans received to date.

15.35 It is by the applicant confirmed that the land to the west will not be public open space. The Parish Council have requested a 7m wide “buffer” planting strip between the developed area and the northern suite boundary to help protect the amenity of the Fullers properties. It is not considered there is a justification for this, given the length of the back gardens at Fullers (26m and significantly more in cases). Furthermore the northern boundary hedge would be retained/reinforced. Hedges will be fenced with stock proof fences where needed.

15.36 A Construction Traffic Management Plan will- as requested -be attached to the permission. Level of parking provision -the Highways Officer has indicated the level of provision is acceptable.

15.37 Regarding school capacity, the Manager of Education Services has advised that he does not envisage this development being problematic; he advised as below:
At the moment Broadwindsor has capacity for 15 children per year group.

Projections suggest less than 15 pupils in the catchment area – though they fill with pupils/children from their neighbouring areas – mostly from the town of Beaminster. So though families moving into area may have difficulty finding a place – local children will get in at the Year Reception point of entry. Adding capacity at Broadwindsor will not change the fundamental dynamic around parental preference taking up spare capacity at the school.

Regarding the suggested potential for development onto the sites western open land, any such proposal would be controlled by the Planning Authority because it would require planning permission.

15.38 The Parish Council has requested further traffic calming measures. However further measures, in addition to those already included, cannot reasonably be justified; the Highways Officer is satisfied with those currently proposed.

16.0 Conclusion

16.1 The principle of developing this site for residential purposes was established by the previous outline approval, taken forward as the policy BGNP11 which allocated this site for up to 22 houses in the Neighbourhood Plan. Regarding the three threads of sustainable development, from an economic viewpoint construction of the scheme would provide employment, and after occupation the residents would be likely to help support local village shops and facilities through spending.. From a social perspective, residents may contribute to supporting local community facilities in the village, and the scheme includes the policy-compliant affordable housing together with a financial contribution to further support affordable housing. In environmental terms the scheme includes an appropriate layout, design and materials, together with varied ecological benefits. The scheme is considered in accordance with relevant policies of the Broadwindsor Group Neighbourhood Plan, policies of the West Dorset, Weymouth and Portland Local Plan 2015 and with the National Planning Policy Framework 2021.

17.0 Recommendation

- A) Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to approve subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

7 affordable dwellings and an affordable housing financial contribution of £29,115 and to conditions:

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

Location plan LP-001
Site Plan SP-003
Site Plan MP-001
Street Elevations SE 001A
Site Layout SP-001A
Preliminary Drainage Layout Sheet 1 01-PDL-1001B
Preliminary Drainage Layout Sheet 2 01-PDL-1002B
Preliminary Highway Layout 01-PHL-101B
Preliminary Fire Tender Swept Path Analysis Plan 01-PHL-102B
Preliminary Refuse Vehicle Swept Path Analysis Plan 01-PHL-103B
Preliminary extent of Adoptions Plan 01-PHL-104B
Preliminary Road Profile 01 PHL-105B
Preliminary Offsite Section 278 Works Plan 01-PHL-106B
Plots 17-18, 12 and 16 Double Garage DGS-SD-RevA
Plot 8 Double Garage 008-DG5-1RevA
Plots 10-11Double Garage 10-11-DG2-SD
Plots 13-15 TG1
Plot 21 Double Garage 21-DG2-SD-RevA
Plot 22 Double Garage 22-DG5-1
Front elevation 009-019-P-002
Rear elevation 009-019-P-003
Side elevations and sections 009-019-P-004
Ground and first floor plans 010-011-P-001
Front and side elevations 010-011-P-002
Rear elevations and sections 010-011-P-003
Ground and first floor plans 012-0130-P-001
Front and side elevations 012-013-P-002
Rear elevation and section 012-013-P-003
Ground and first floor plans 014-P-001a
Front and side elevations 014-P-002A
Rear elevation and section014-P-003A
Ground and first floor plans 015-P-001A
Front and side elevations 015-P-002A
Rear elevation and section 015-P-003A
Ground and first floor plans 008-P-001A
Front and side elevations 008-P-002A
Rear and side elevation and section 08-P-003A
Ground and first floor plans 009-019-P-001
Front and side elevations 022-P-002A
Rear elevations and section 022-P-003A
Ground floor plans s1-S2-P-001A
First floor plans S1-S3-P-002A
Front elevation S1-S3-P-003A
Rear elevation S!-S3-P-004A
Side elevations and section S1-S3-P-005A
Ground floor plans S4-S7-P-001A
First Floor plans S4-S7-P-002A

Front elevation S4-S7-P-003A
Rear elevation S4-S7-P-004A
Side elevations S4-S7-P-005A
Sections S4-S7-P-006
Ground floor plan 016-018-P-001A
First floor plans 016-018-P-002A
Front and side elevations 016-018-P-003A
Rear and front elevations 016-018-P-004A
Front and side elevations 016-018-P-005
Sections 016-018-P-006
Ground and first floor plans 020-P-001A
Front elevation 020-P-002A
Rear elevation 020-P-003A
Ground and first floor plans 021-P-001A
Front and side elevations 021-P-002A
Rear elevation and section 021-P-003A
Ground and first floor plans 022-P-001A
Street sections SS-01A

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

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

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

3. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be 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. All new windows and external doors in the development (including frames) shall be set in reveal to a depth of at least 90mm. The external surfaces of the windows shall be finished and retained white, or such other colour as shall first have been approved in writing by the Local Planning Authority.

Reason: To protect the external appearance of the building.

5. Prior to the commencement of any development hereby approved, all existing trees and hedges shown to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

6. No development shall commence until a detailed hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing the location of all new planting and existing trees and planting to be retained; a planting specification to include numbers, size, species, positions, mature canopy heights and spreads, and required soil volumes as appropriate for all new trees and shrubs; planting details for all trees, hedges and shrubs including proprietary engineered tree pit systems such as GreenBlue Urban Arborsystem or similar and approved for trees within hard surfaced areas to ensure adequate tree soil volumes are available; existing and proposed levels; walls, fences and other boundary and surface treatments for the open parts of the site; the location and details of any lighting, street furniture and underground services; and a programme of implementation.

Reason: to ensure that adequate mitigation for the landscape and visual impact of the proposals, the provision of an appropriate hard and soft landscape scheme, and the coordination of that scheme with lighting and service provision has been agreed prior to the commencement of the development.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any dwelling or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: to ensure that the agreed hard and soft landscape scheme is implemented.

8. Any trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained in perpetuity.

Reason: to ensure that the agreed hard and soft landscaping scheme is established and maintained.

9. Prior to commencement of the development hereby approved a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including due consideration of the construction phase, 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, and to improve water quality.

10. Prior to commencement of the development hereby approved 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.

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 16/5/2022 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

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

12. The development shall be carried out in accordance with the Landscape and Ecological Management Plan Doc. Ref. 1273-SP-01 (Rev E) Certified by the Dorset Council Natural Environment Team on 16/5/2022 (including implementation timescales).

The development hereby approved must not be first brought into use unless and until:

- the mitigation, compensation and enhancement/net gain measures detailed in the approved LEMP have been completed in full, unless any modifications to the approved LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
- evidence of compliance in accordance with the LEMP has been supplied to the Local Planning Authority.

Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

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

13. Prior to commencement of the development hereby approved a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the mitigation measures described in the submitted Ecological Impact Assessment dated 11 May 2022.

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

Reason: In the interests of minimising disturbance to the natural environment.

14. Prior to commencement of the development hereby approved detailed cross-sections of the proposed attenuation pond shall be provided. The attenuation pond shall be constructed in accordance with such details as are approved.

Reason: To protect the visual amenity of the Area of Outstanding Natural Beauty.

15. Prior to commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timing of deliveries so as to avoid, where possible, peak traffic periods
- contractors arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities

-a scheme of appropriate signing of vehicle route to the site
-a route plan for all contractors and suppliers to be advised on
The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

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

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), before the Plot 8 dwelling is first occupied the first floor bathroom and landing windows on the north-east and north facing elevations shall be permanently glazed with obscured glass of a minimum obscuration of level 3. Similarly, before the Plot 15 dwelling is first occupied the first floor south facing en-suite window shall be permanently glazed with obscured glass of a minimum obscuration of level 3. These window(s) shall be retained as such thereafter.

Reason: To protect amenity and privacy.

17. 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 in writing 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.

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

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

19. Before the development is occupied or utilised the access, geometric highway

layout, turning and parking areas shown on Drawing Number 01-PHL-101 Rev B must be constructed, unless otherwise agreed in writing by the Local 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.

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

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

21. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Local Planning Authority: The proposed traffic calming scheme, as shown on Drawing Number 01-PHL-106 Rev B, or similar scheme to be first agreed in writing by the Local Planning Authority.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

(Appropriate informatives will be added)

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

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

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Application Number:	P/FUL/2022/02016
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Beach Operations Building Weymouth Beach The Esplanade Weymouth
Proposal:	Installation of Mural Artwork on printed board
Applicant name:	Weymouth Town Council
Case Officer:	Suzanna Knowles
Ward Member(s):	Cllr Orrell

1.0 In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council is the landowner.

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation:

- Enhancements to public realm and local character.
- No harm to heritage assets.
- No contribution to flood risk.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposals are supported in principle as they would enhance local character.
Conservation and heritage	The proposals would not give rise to any harm in heritage terms.
Flood Risk	The proposals would not give rise to any increased risk of flooding.

5.0 Description of Site

The Beach Operation Building is located on Weymouth beach, central to the bay, opposite the Tea cabin café and recently refurbished public toilets and beach office. The building is used as a Lost Children Centre and for Beach Security.

The building comprises a metal container on a concrete plinth. The site is within the Weymouth Town Centre Conservation Area.

6.0 Description of Development

The application seeks to install mural artwork on the side of the building. The sign would be printed on aluminium board. The Town Council plan bi-annual inspection and any required maintenance of all boards. The artwork in this location depicts a postcard of Weymouth - with an illustration of Weymouth Beach and related seaside images.

7.0 Relevant Planning History

P/PAP/2021/00508 – Pre application advice sought for Mural Trail of Artwork at 10 locations around the town

8.0 List of Constraints

- Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Defined Development Boundary
- Weymouth Town Centre Strategy
- Flood Zone 3
- Flood Zone 2

9.0 Consultations

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

Consultees

1. **Highways** – No Objection
2. **Weymouth Town Council** – No Objection
4. **Conservation Officer** – No Objection, subject to temporary time condition.
5. **Cllr Orrell** – No Objection

Representations received

No letters of representation have been received.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

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

- ENV4 – Heritage assets
- ENV5 – Flood risk
- ENV10 – The landscape and townscape setting
- WEY1 – Weymouth town centre strategy
- COM7 – Highway safety

Other material considerations

National Planning Policy Framework (2021)

10.2 So far as this application is concerned the following sections and paragraphs are considered relevant;

- 12 – Achieving well-designed places
- 16 – Conserving and enhancing the historic environment
- 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.
- Weymouth Town Centre Masterplan SPD
- Weymouth Town Centre Conservation Area 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.

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. It is considered that given the

type and nature of the development proposed it would have no impact on people with protected characteristics.

13.0 Financial benefits

13.1 There would be no direct financial benefits as a result of this proposal.

14.0 Climate Implications

14.1 None.

15.0 Planning Assessment

Principle of development

15.1 The mural is to be sited within the town centre boundary of Weymouth, where development proposals are generally supported. The proposal is supported by policy ENV10 (iv) which states that opportunities to incorporate features that would enhance local character, including public art.

15.2 The mural would contribute to achieving the objectives of the Weymouth Town Centre Masterplan of achieving a diverse, thriving town centre, providing high quality destination streets creating an attractive and vibrant town centre and providing an active waterfront. It is also supported by policy WEY1 (Weymouth Town Centre Strategy) of the Local plan, which has the aims of retaining and enhancing the areas character, having an attractive public realm, supporting a thriving town centre and improving first impressions of the area.

Heritage

15.3 The Council's conservation officer has considered the scheme and notes that there would be no harm in heritage terms to the character or appearance of the conservation area or the setting of nearby listed buildings. The conservation officer notes that the installations will be considered a visual improvement and will make a positive contribution to the conservation area. The Conservation Officer suggested that it be conditioned that the mural be removed after 1 – 2 years but such a condition is not considered necessary given that the public benefits are considered to outweigh the less than substantial harm of the proposal.

Flood risk

15.4 The installation is within flood zones 2 and 3. However, it is an art installation which is to be added to an existing structure. Owing to the nature of the proposals it is not considered that it would contribute to additional risk of flooding.

Highway Safety

15.5 The proposed development would not give rise to any highway concerns and as such would be considered acceptable.

16.0 Conclusion

16.1 The proposed art installation is considered to enhance the visitor experience and public realm of Weymouth and is supported by policies ENV10 and WEY1 of the West Dorset, Weymouth and Portland Local Plan 2015, and the Weymouth Town Centre

Masterplan. The proposals would not result in any harm to heritage assets, would not contribute to flood risk and would not adversely affect highway safety.

17.0 Recommendation

GRANT subject to conditions.

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

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

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

Location Plan
Elevation Plan

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

Informative

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/FUL/2022/01910
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Seascape Cafe Greenhill Gardens Weymouth
Proposal:	Installation of Mural Artwork on cladding boards
Applicant name:	Weymouth Town Council
Case Officer:	Suzanna Knowles
Ward Member(s):	Cllr Orrell

1.0 In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council is the landowner.

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation:

- Enhancements to public realm and local character
- Less than substantial harm to heritage assets outweighed by public benefits
- No contribution to flood risk.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposals are supported in principle as they would enhance local character and relate to the historical interest of the area.
Conservation and heritage	The proposals would give rise to less than substantial harm which would be outweighed by the public benefits.
Flood Risk	The proposals would not give rise to any increased risk of flooding.

5.0 Description of Site

The application site is located on the south east side of Greenhill Gardens. The building is unlisted but is identified as being an important local building and is within the Town Centre Conservation Area so would be considered to be a non-designated heritage asset. The building is in the south-west corner of Greenhill Gardens, elevated from the promenade, facing towards the sea with an outdoor seating area in front of the building. The north elevation is the side of the building and faces the gardens. This elevation includes a large blank expanse of wall. It is on this elevation that a mural is proposed.

6.0 Description of Development

The application seeks to install mural artwork on the side of the café building with partial cladding.

The proposed materials would be constructed of plywood with applied fireproof system and fire retardant paint (eggshell paints). All proposed fixings are to be a minimum of marine grade 316L stainless steel. The edges of every butt joint will be coated with a thin layer of clear intumescent external sealant to prevent water ingress. The Town Council plan bi-annual inspection and any required maintenance of all boards. The mural painting itself depicts a colourful seaside image of Weymouth with historical reference to King George.

7.0 Relevant Planning History

P/PAP/2021/00508 – Pre application advice sought for Mural Trail of Artwork at 10 locations around the town

8.0 List of Constraints

- Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Defined Development Boundary
- Important Local Buildings
- Weymouth Town Centre Strategy
- Flood Zone 3
- Flood Zone 2

9.0 Consultations

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

Consultees

- 1. Highways – No Objection**
- 2. Weymouth Town Council – No Objection**
- 3. Conservation Officer – Would result in less than substantial harm.**
- 5. Cllr Orrell – No Objection**

Representations received

Weymouth Civic Society – Objection The illustration draws heavily but inaccurately from a well-known contemporary drawing of King George III bathing in the sea. The illustration is too large in the setting and would not look attractive. Would prefer part of the wall to be visible on all sides.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

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

- ENV4 – Heritage assets
- ENV5 – Flood risk
- ENV10 – The landscape and townscape setting
- WEY1 – Weymouth town centre strategy
- CON7 – Highway safety

Other material considerations

National Planning Policy Framework (2021)

10.2 So far as this application is concerned the following sections and paragraphs are considered relevant;

- 12 – Achieving well-designed places
- 16 – Conserving and enhancing the historic environment
- 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.
- Weymouth Town Centre Masterplan SPD
- Weymouth Town Centre Conservation Area 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.

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. It is considered that given the type and nature of the development proposed it would have no impact on people with protected characteristics.

13.0 Financial benefits

13.1 There would be no direct financial benefits as a result of this proposal.

14.0 Climate Implications

14.1 None.

15.0 Planning Assessment

Principle of development

15.1 The mural is to be sited within the town centre boundary of Weymouth, where development proposals are generally supported. The proposals are supported by policy ENV10 (iv) which states that opportunities to incorporate features that would enhance local character, including public art or that relate to the historical, ecological or geological interest of a site should be taken where appropriate. In this instance not only would the proposals be for public art which would enhance local character but the artworks themselves are intended to relate to the historical interest of the area.

15.2 The mural would contribute to achieving the objectives of the Weymouth Town Centre Masterplan of achieving a diverse, thriving town centre, providing high quality destination streets creating an attractive and vibrant town centre and providing an active waterfront. They are also supported by policy WEY1 (Weymouth Town Centre Strategy) of the Local plan, which has the aims of retaining and enhancing the areas character, having an attractive public realm, supporting a thriving town centre and improving first impressions of the area.

Heritage

15.3 The Council’s conservation officer has considered the scheme. The building itself has been identified as being an important local building, a non-designated heritage asset and the site is within the Conservation Area. The Conservation Officer considers that the impacts of the mural on the designated heritage asset – Conservation Area and the non-designated heritage asset – important local building, will amount to less than substantial harm at the lower end of the scale. The consideration remains a balance of public benefit given the positive impact the proposal would have in this public realm. Given the fact the proposal is removable and would lead to less than substantial harm being created as the site can easily be restored back to its former state and it is considered that the public benefit of the art which would create an interesting vista and cause attraction to the area would outweigh the less than substantial harm. The Conservation Officer suggested that it be conditioned that the mural be removed after 1 – 2 years but such a condition is not considered necessary given that the public benefits are considered to outweigh the less than substantial harm of the proposal.

Flood risk

- 15.4 The installation is within flood zones 2 and 3. However, it will be added to the side of an existing building. Owing to the nature of the proposals it is not considered that it would contribute to additional risk of flooding.

Highway Safety

- 15.5 The proposed development would not give rise to any highway concerns and as such would be considered acceptable.

16.0 Conclusion

- 16.1 The proposed art installations on the esplanade are considered to enhance the visitor experience and public realm of Weymouth and are supported by policies ENV10 and WEY1 of the West Dorset Weymouth and Portland Local Plan 2015, and the Weymouth Town Centre Masterplan. The public benefits in this instance outweigh the less than substantial harm to this non-designated heritage asset in the Conservation Area, given the visual attraction and promotion of the area and the fact that the art is removable and the proposal therefore accords with the NPPF. The proposal would not contribute to flood risk or adversely affect highway safety.

17.0 Recommendation

GRANT subject to conditions.

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

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

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

Location Plan

Elevation and Design

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

Informative

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/FUL/2022/01624
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Weymouth Sea Life Centre Greenhill Weymouth Dorset DT4 7SX
Proposal:	Demolition of existing external sheds and WC building. Construction of new WC building and access ramp.
Applicant name:	Merlin Entertainments
Case Officer:	Suzanna Knowles
Ward Member(s):	Cllr Barrow and Cllr Gray

1.0 In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council is the landowner.

2.0 Summary of recommendation: Grant subject to planning conditions.

3.0 Reason for the recommendation:

- No harm to character and appearance, or amenity
- No contribution to flood risk.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposals are supported in principle as they would have an acceptable visual impact and support the visitor attraction.
Scale, design, impact on character and appearance	The proposed development would be sympathetic in scale and design and would not create an adverse impact on the character and appearance of the area.
Impact on amenity	The proposals would not give rise to any impact on amenity.
Flood Risk	The proposals would not give rise to any increased risk of flooding.

5.0 Description of Site

The site of the proposed works is the Weymouth Sea Life Centre. The Sea Life Centre is located within Lodmoor Country Park, Dorset. Lodmoor itself is a site of specific scientific interest and RSPB reserve. The site is a former landfill site and part of the Sea Life Centre sits within flood zone 2 and 3.

The area where the works are to take place within the Sea Life Centre is currently situated at the back of house storage area housing a small WC block (in public use) with an enclosed yard. There are a number of storage sheds in this area as well as storage containers that provide storage for the café and retail facilities of the attraction.

6.0 Description of Development

The proposed works include the demolition of the existing WC block and storage sheds. A new building within the existing yard is proposed to house visitor and staff WC facilities. This will contain separate male and female WCs, Changing Places shower/ WC, baby change facilities and staff facilities.

The proposed building would be single storey and detached from the existing entrance building. Externally the building will be clad in horizontal grey Fortex shiplap boarding and will have a low-pitched profiled metal roof. New rainwater goods will consist of Dark grey powder-coated aluminium gutters and grey UPVC downpipes. These will match existing finishes found elsewhere on site to provide continuity of the design language within the attraction. New doors and windows will have dark grey aluminium frames.

7.0 Relevant Planning History

96/00044/FUL – Children’s Play Area - Granted

95/00499/FUL – Extension to Sea Life Park - Granted

92/00533/FUL – Extension to quarantine buildings - Granted

82/00083 – Erection of Sea Life Centre including restaurant and fish farm - Granted

8.0 List of Constraints

- Outside Defined Development Boundary
- Weymouth Town Centre Strategy Centre
- Flood Zone 3
- Flood Zone 2
- Historic Landfill Site: Lodmoor

9.0 Consultations

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

Consultees

Weymouth Town Council – No Objection.

Flood Risk – No Objection subject to detailed surface water drainage strategy before groundworks start.

Environmental Health – No comment.

Representations received

Weymouth and Portland Access Group - Support

10.0 Relevant Policies

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

- ENV5 – Flood risk
- ENV10 – The landscape and townscape setting
- ENV12 – The design and positioning of buildings.
- WEY1 – Weymouth town centre strategy
- WEY8 – Lodmoor Gateway and Country Park
- COM7 – Highway safety
- SUS2 – Distribution of development

Other material considerations

National Planning Policy Framework (2021)

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

- 12 – Achieving well-designed places
- 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.

Other material considerations

- Weymouth Town Centre Masterplan SPD

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. This application proposes a replacement WC block which would be larger than the existing and incorporate changing places facilities as well as baby changing facilities and male and female toilet facilities. It would therefore provide enhanced facilities for a greater number of the population. There would be a ramp to the building enabling access by wheelchair/pram/buggy users.

13.0 Financial benefits

13.1 There would be no direct financial benefits as a result of this proposal.

14.0 Climate Implications

14.1 Energy would be used as a result of the production of the building materials and during the construction process, however that is inevitable when providing new buildings and a balance has to be struck between providing improved facilities versus conserving natural resources and minimising energy use.

15.0 Planning Assessment

Principle of development

The site is located beyond the Defined Development Boundary for Weymouth. In such areas, policy SUS2 states that development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints and only allowed in a limited number of circumstances, which includes new employment, tourism, educational/training, recreational or leisure related development. The proposed use of the site promotes tourism and is a well-established tourism site. Therefore, the proposal in principle is considered acceptable.

Scale, design, impact on character and appearance

The proposed scale and design would be in keeping with the rest of the Sea Life Centre and would be an improved facility within the site. The proposed scale and design would be sympathetic to the existing surroundings and would not adversely impact the character and appearance of the area.

Impact on amenity

The proposed development would not have any impact on neighbour amenity and would be of benefit to the Sea Life Centre.

Flood risk

The proposed structure would replace the existing WC block. The proposals would result in an increase in roof area from approximately 65m² to 125m². The proposals would not lead to a change in vulnerability of the use to flood risk. The proposal would also not result in any increase in the area of impermeable surfaces at the site. The site is assessed to be very low risk of flooding from surface water, from Lodmoor Nature Reserve and from the watercourse running through the site. The site has been highlighted as being located within flood zones 2 and 3, however the site is shown to benefit from flood defences. There would be no increase in the area of impermeable surfaces at the site and as such the water runoff would continue to be managed by the existing surface water drainage system at the site. It would however be considered reasonable to request a detailed surface water drainage strategy prior to the groundworks being started as whilst it is noted that there is already an impermeable area in situ, the proposed WC building is slightly larger than the existing arrangements on site. It would therefore be reasonable to request this information to ensure the surface water is draining in the correct manner.

Highway Safety

The site of the building is within the existing sealife centre park and as such the proposals would not impact on any road.

16.0 Conclusion

The proposed development is considered to enhance the visitor experience within the Sea Life Centre and would be an enhanced replacement of the existing arrangements on site. The proposed development would therefore accord with policies SUS2, ENV10, ENV12 and WEY1 of the West Dorset, Weymouth and Portal Local Plan (20151). Subject to a planning condition the proposal would not contribute to flood risk and nor would it adversely impact amenity or highway safety.

17.0 Recommendation

GRANT subject to conditions.

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

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

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

Location Plan 22-102-LOC1

Proposed Site Plan SP 22-102-EX-SP-1

Proposed Floor Plans and Elevations 22-102-GA1

Proposed Sections 22-102-S1C

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

3. The external materials to be used for the wall(s) shall be in accordance with those described within the application form and on the approved plans. No development above damp proof course shall be carried out until details of the colour of the roof material have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

4. Prior to commencement of development details of the proposed surface water drainage scheme and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall thereafter be implemented in accordance with the approved details and timetable and retained thereafter.

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

5. 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 in writing 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.

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.