



# Western and Southern Area Planning Committee

**Date:** Thursday, 20 April 2023  
**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 224202 [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@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
<b>1. APOLOGIES</b>	
To receive any apologies for absence	
<b>2. DECLARATIONS OF INTEREST</b>	
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 - 16

To confirm the minutes of the meeting held on 23 March 2023.

**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.

[GuidanceforspeakingatPlanningCommittee.doc.pdf](https://www.dorsetcouncil.gov.uk/GuidanceforspeakingatPlanningCommittee.doc.pdf)  
([dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)).

The deadline for notifying a request to speak is 8.30am on Tuesday 18 April 2023.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

- |    |  |         |
|----|--|---------|
| a) | Application No P/FUL/2022/02899 - Wintergreen Barn, Higher Meerhay Farm Access Road, Meerhay, Dorset, DT8 3SB<br>Continued use of land for a private residential Traveller site. | 17 - 30 |
| b) | Application No P/FUL/2022/006301 - 35 George Street, West Bay, Bridport, DT6 4EY<br>Retain change of use from shop to shop/off-licence/bar.                                      | 31 - 44 |
| c) | Application No P/FUL/2022/05320 - 4 Waterloo Place, Weymouth, DT4 7NX<br>Erect single storey rear extension.   | 45 - 52 |
| d) | Application No P/LBC/2022/05321 - 4 Waterloo Place, Weymouth, DT4 7NX<br>Erect single storey rear extension and internal alterations.  | 53 - 58 |

**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 23 MARCH 2023

**Present:** Cllrs Dave Bolwell, Kelvin Clayton, Susan Cocking, Nick Ireland, Louie O'Leary, Paul Kimber, Bill Pipe (Vice-Chairman), David Shortell (Chairman), Sarah Williams and John Worth

**Apologies:** Cllrs Kate Wheller

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

Ann Collins (Area Manager – Western and Southern Team), Robert Parr (Planning Officer), Joshua Kennedy (Apprentice Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), George Dare (Senior Democratic Services Officer), Charlotte Loveridge (Planning Officer), Matthew Pochin-Hawkes (Lead Project Officer) and Joanne Langrish-Merritt (Planning Officer)

**73. Declarations of Interest**

Cllr Shortell declared an interest in application no P/HOU/2022/071110 due to having made a written statement regarding the item, he withdrew from the meeting during the consideration of this item.

Cllr Bolwell and Cllr Clayton noted that they sat on the Bridport Town Council planning committee, however, did not take part in the debate or vote when application no P/FUL/2023/00134 was determined by the Town Planning Committee, as such they were not predetermined on this item and were able to take part in the debate and vote.

**75. Minutes**

The minutes of the meeting held on 23 February 2023 were confirmed and signed.

**76. 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.

**77. Planning Applications**

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

**Application No - P/ HOU/2022/07110 - 55 Church Street, Lyme Regis, DT7 3DA**

- a) Cllr Shortell left the Council Chamber during the consideration of this item and Cllr Pipe chaired the meeting.

Proposed by Cllr Pipe and seconded by Cllr Worth.

Decision: That Cllr O’Leary be elected as Vice-Chair for the duration of this item.

The Lead Project Officer introduced the application to retain raised decking at the rear of a residential garden, he explained that this was a retrospective application as the structure had been built in September 2022 and required planning permission due to the height of the structure.

Members were shown an ariel view of the site showing the location in relation to the surrounding area, the Lead Project Officer drew attention to the significant number of listed buildings that are located within the vicinity of the site, including many of the neighbouring properties, which are grade II listed and a grade I listed church. The Planning Officer noted the location of Mary Anning’s grave (a non-designated heritage asset).

A detailed site plan was displayed, which showed the height and scale of the structure in relation to the neighbouring wall of the churchyard. Photographs were also provided, showing the use of the structure and the views from the top of the decking over the surrounding area, as well as the visibility of the decking from neighbour’s gardens and the adjacent churchyard.

The Lead Project Officer outlined the key issues of the application, noting the objection from the Conservation Officer, the impact on residential amenity from loss of privacy of the neighbouring properties and the scale and design of the structure. As a result, the application was recommended for refusal.

In response to a member question, the Lead Project Officer explained to the committee that decking under the height of 30cm falls under permitted development and did not need planning permission, this information was available on the Dorset Council website. He also clarified that the total height of the structure to balustrade level was 2.8m, while the height of the decking was approximately 2m.

Members felt that the structure had an adverse impact on the character of the area and that there was a loss of privacy from the overlooking of the decking into neighbouring properties.

Proposed by Cllr Ireland and seconded by Cllr Cocking.

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

**Application No P/FUL/2022/05777 - 7 Custom House Quay, Weymouth, Dorset, DT4 8BE**

- b) Cllr Shortell returned to the Council Chamber at 10:33 as Chairman.

The Planning Officer presented the application for the installation of large doors to the ground floor and replacement windows of a property in Weymouth harbour, it was explained that this application had been significantly amended and reduced since the initial application.

Members were shown the proposed elevations of the property and the Planning Officer explained that the only changes to the listed building would be to the style and colour of the windows to a more modern design.

The modern style of windows was not considered to cause harm to the conservation area and the Planning Inspector considered the windows to be in keeping with the conservation area.

In response to questions from members the Planning Officer explained that, as a result of the application being reduced significantly from the initial proposal, the large bi-fold doors were now no longer under consideration and the applicant had included a less imposing single width door for the ground floor instead.

Members were considerate of protecting the character of the area and were reassured by the Planning Officer that the new windows would reflect the industrial character of Weymouth harbour and would not negatively impact the area.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

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

**Application No P/FUL/2023/00134 - 13 Clarence House, West Bay Road, West Bay, DT6 4EN**

- c) The Planning Officer introduced the application for the change of use to outdoor seating and dining and the construction of a low retaining wall.

Members were shown the site location in relation to the surrounding area and the Planning Officer explained that this application had come to the committee for determination due to the site being located on Dorset Council owned land.

The Planning Officer displayed the site plan of the existing usage of the site, showing the picnic benches currently in place and the mound that

was being used by pedestrians as a footpath to access the beach. The current usage of the site had been agreed with Bridport Town Council under a Sitting Out licence, which permitted the installation of temporary picnic benches for outdoor seating.

Under the application the area would be formalised, with an enclosing wall built to cordon off the seating area and paving installed to place the picnic benches on.

The Planning Officer outlined the main issues of the development, including the impact on the character of the area and the impact on residential amenity and public access for wheelchair users and pushchairs.

A comment was provided by Historic England regarding the application, which stated that care would need to be taken to ensure that there would be no negative impacts on the designated heritage assets in the area.

The Planning Officer noted that the mound showed signs of erosion and the work included as part of this application could stabilise the ground, however this did not outweigh the negative impacts on public access and the character of the area.

There was public representation from Mr James Tigg, who spoke in opposition to the application, citing the negative impact this application would have on the local area.

There was also public representation from Mr Simon Ludgate the agent to the applicant. He highlighted the benefits that this application would have in formalising the public footpath making the area safer for public use.

In response to questions from members the Planning Officer informed the committee that the area had been used as a public footpath for the past 100 years as shown from historic photos and this application would formalise the area as outdoor seating and dining. The Planning Officer also explained that the height of the proposed public footpath would be approximately 0.5m and would have a steep edge on one side.

Several members supported the officers' recommendations, due to the loss of access to the pathway, particularly for wheelchair users and pushchairs. However, some members felt that formalising the site would improve the look of the area and make it more attractive to users of the site.

Proposed by Cllr O'Leary and seconded by Cllr Worth.

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



**Application No P/FUL/2022/07724 - 16A Albany Road, Granby Industrial Estate, Chickerell, DT4 9TH**

- d) The application for the erection of no 2 commercial units on the Granby Industrial Estate in Chickerell was presented by the Planning Officer, who explained that this application had come to the committee for determination because part of the application site was on land owned by Dorset Council.

Members were shown the location of the site in relation to the surrounding area and the Planning Officer explained that the part of the application on Dorset Council land was the pavement at the front of the site.

The Planning Officer showed the proposed site layout plan, with two industrial units in one building and explained that the curb at the front of the site would be lowered to allow access for vehicles. Fencing would be erected to the side and rear of the site to separate it from the existing industrial units.

Members were shown the proposed elevations of the front, rear and sides of the proposed building and were also informed that solar panels would be installed on the roof of the building.

The Planning Officer summarised the key issues of the application, noting there were no highway concerns and no impact on residential amenity.

The Planning Officer clarified that the fencing would only be installed to the side and rear of the units to separate the new units from the existing ones and the front of the site would be open.

Proposed by Cllr O'Leary and seconded by Cllr Worth.

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

**78. Urgent items**

There were no urgent items.

**79. Exempt Business**

There was no exempt business.

**Decision Sheet**

**Duration of meeting:** 10.00 - 11.36 am

**Chairman**

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## Western & Southern Area Planning Committee 23 March 2023 Decision List

**Application Reference:** P/HOU/2022/07110

**Application Site:** 55 Church Street Lyme Regis DT7 3DA

**Proposal:** To retain raised decking at rear of garden.

**Recommendation:** REFUSE for the following reason(s).

**Decision:** **REFUSED for the reason(s) outlined below.**

1. It is considered that the structure is not in harmony with the historical setting of 55 Church Street which consists of multiple heritage assets, where the platform with balustrading is considered overly large, high and of a utilitarian finish, issues which are exacerbated by the elevated position in which it is sited and by its intended use. In this regard it is considered to cause less than substantial harm without public benefit to outweigh the harm to the Church of St Michael (Grade I) and its associated churchyard, walls and railings (Grade II), the grave of Mary Anning (Non-Designated Heritage Asset), and to Lyme Regis Conservation Area. Given the churchyard is identified as an area of importance in the Conservation Area Appraisal, it is also not considered to preserve or enhance the character of Lyme Regis Conservation Area. It therefore fails to comply with Local Plan Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and is not in accordance with paragraphs 199-200 and 202-203 of Section 16 of the NPPF.
2. Having regard to the location and elevation of the platform at 55 Church Street and the extent of views provided by the platform into properties to the north and south, the retention of the raised decking and platform would enable an unacceptable degree of noise, activity and overlooking and be overbearing to properties immediately neighbouring it (54 and 55a Church Street) to the significant detriment of the residential amenity of those properties and would therefore not be in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Informative Notes:**

1. National Planning Policy Framework  
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 did not take the opportunity to enter into pre-application discussions.

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

2. The plans that were considered by the Council in making this decision are:  
Location Plan DWG 27-01  
Elevations DWG 27-03  
Site/Garden Plan DWG 27-04

**Application Reference:** P/FUL/2022/05777

**Application Site:** 7 Custom House Quay Weymouth Dorset DT4 8BE

**Proposal:** Install large doors to ground floor and replacement windows.

**Recommendation:** GRANT subject to conditions.

**Decision:** GRANTED subject to the following conditions.

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

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

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

Location Plan and Block Plan 2904:352/001  
Proposed floor plans and elevations 2904:352/002C

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

3. All windows and doors hereby approved shall be constructed of aluminium and shall be grey in colour and shall thereafter be retained as such.

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

**Application Reference:** P/FUL/2023/00134

**Application Site:** 13 Clarence House, West Bay Road, West Bay, DT6 4EN

**Proposal:** Change of use of land to outdoor dining/seating area, construction of low retaining wall.

**Recommendation:** REFUSE

**Decision:** REFUSED for the following reason(s).

1. Although the incorporation of further benches for visitors to sit and eat will provide convenience and overall bring benefit to the local economy, overall it is considered that this scheme results in less than substantial harm to the designated heritage assets of the Grade II listed Clarence House, Methodist Church, Bridport Arms Hotel and The Bay House, that is not outweighed by those public benefits and the scheme also fails to preserve or enhance the character and appearance of the West Bay Conservation Area. This concern is further supported by the pre-text to policy ENV11 (The Pattern of Streets & Spaces) of the adopted West Dorset, Weymouth & Portland Local Plan (2015) which states 'Works to the public realm within the historic environment should positively contribute to local character and identity' The lack of greenery is stated as a weakness of the area in the Supplementary Planning Document 'A Vision for West Bay – Regeneration Framework (2003)' so any reduction in the existing green areas should not be encouraged and this scheme would result in a reduction. As such, the scheme is contrary to policies ENV4, ENV10 and ENV11 of the West Dorset, Weymouth & Portland Local Plan (2015); policies D1, D8, HT2 of the Bridport Area Neighbourhood Plan (2020) and paragraphs 200 and 202 of Section 16 of the NPPF (2021).

2. The scheme seeks to replace a clearly visual public access with an access that is restrictive, not suitable for all users, less legible for the public and likely to introduce a conflict between pedestrians and vehicular traffic to the detriment of highway safety as it will encourage pedestrians, wheelchair & buggy users to go through the carpark to be able to get to the Discovery Centre and east beach and as such it is considered that it would have a negative impact on the qualities of the public realm. Therefore, it fails to comply with policy ENV11 of the West Dorset, Weymouth & Portland Local Plan (2015), Policies AM1 & AM3 of the Bridport Area Neighbourhood Plan (2020) and Section 9 para 112 of the NPPF (2021) that says development proposals should "create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards."

**Application Reference:** P/FUL/2022/07724

**Application Site:** 16A Albany Road Granby Industrial Estate Chickerell DT4 9TH

**Proposal:** Erect No. 2 Commercial Units to the front of site.

**Recommendation:** GRANT subject to conditions.

**Decision:** GRANTED subject to the following conditions.

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

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

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

Site Plan, Floor Plans, Location Plan, Elevations – Dwg No. 16 Albany Road/01A (submitted on 10 January 2023)

Manouverability of HGV – Dwg No. 16 Albany Road Highway (submitted on 11 January 2023)

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

3. The external facing materials for the wall(s) shall be Marley Eternit Cladding colour grey and roof(s) shall be Solar Panels surrounded by Dark Grey Slate.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for uses falling into Use Class B2.

Reason: In the interests of amenity and to ensure that the use remains compatible with surrounding land uses in the area.

5. Before the development is first occupied or utilised the first 5 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Planning Authority.

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

6. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

7. Prior to first use or occupation of the development hereby approved, the cycle parking facilities shown on drawing number: 16 Albany Road/01A shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

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

8. 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.

### **Informative: Highways**

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

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<b>Application Number:</b>	P/FUL/2022/02899
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Wintergreen Barn Higher Meerhay Farm Access Road Meerhay Dorset DT8 3SB
<b>Proposal:</b>	Continued use of land for a private residential Traveller site
<b>Applicant name:</b>	R / T McGill / Langton
<b>Case Officer:</b>	Bob Burden
<b>Ward Member(s):</b>	Cllr Knox

**1.0** This application is brought to committee at the request of the Service Manager for Development Management and Enforcement following a scheme of delegation consultation.

**2.0 Summary of recommendation:**

Grant planning permission subject to conditions.

**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 relatively 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**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Site for this Traveller family has been accepted in planning terms on this site under previous permissions.
Effect on visual amenity	“Contained” development and landscaping results in a visually acceptable development in the Area of Outstanding Natural Beauty.
Effect on residential amenity	No dwellings in close proximity-acceptable in residential amenity terms.

Highways	Development exists with appropriate vehicular access and on-site parking. Highways leading to site are acceptable.
EIA	EIA not required

## 5.0 Description of Site

The site lies 2km to the north-east of Beaminster on the east side of a lane. The site is within a wooded area with clearings and includes a car parking area adjacent to the lane. The site includes a pitched roof barn of natural stone and timber with a slate roof. This is used as a workshop. On the south-east side of this is a green painted caravan used for residential purposes. An awning extends from this with open sides. A sink, communal cooking facilities and a fire pit are located here. A mobile home-type structure is located immediately north-east of these structures, measuring 14.84 x 5.1m with an internal height of 2.8m. This structure rests on slabs/blocks, with ship-lap timber cladding sides and a corrugated dark grey coloured near-flat roof. The touring caravan previously indicated on the plans at the western edge of the frontage car park has now been replaced with a long wheelbase motor-van instead (which is used for accommodation when taken to events). To the north-west is the access to the site- Meerhay Lane. The residential-related structures are flanked by wooded surrounds, with a stream in a cutting running north-east/southwest close-by. A public footpath crosses the site from the frontage, passing between hedges before ascending to more open land to the south-east.

## 6.0 Description of Development

The application relates to existing structures on the site - as already described in the "Description of Site" section above. The personal circumstances of the applicant are understood as similar to those under the 2015 planning application (which was approved by the then West Dorset District Council Development Control Committee for 5 years). There are children who also live on the site. The majority of the applicants travelling is to show and sell items at a variety of fairs/gatherings and/or festivals, often going from one to the next.

## 7.0 Relevant Planning History

1/W/06/001969 Use of land for the stationing of a residential mobile home for a period of 3 years. Refused 25/1/2007.

Appeal allowed (after a High Court Challenge) 5/3/2012.

WD/D/15/000305 Variation of conditions 1 and 2 (three year temporary occupancy) of 1/W/06/001969.

Approved (5 year temporary occupancy) 18/6/2015

WD/D/20/000279 Use of land for stationing of a residential mobile home (variation of conditions 2 and 3 of WD/D/15/000305 to allow permanent permission for the duration of use by the occupiers.

Withdrawn.

## 8.0 List of Constraints

Outside defined development boundary

Right of Way: Footpath W21/21;

Right of Way: Footpath W21/22;

Risk of Surface Water Flooding Extent 1 in 1000

Areas Susceptible to Groundwater Flooding; Clearwater < 25%;

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

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

### **Highways Officer-**

The sites vehicular access is gained from a private road and not highway maintained at the public expense. Given the quantum of development the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.

### **Gypsy Liaison Officer-**

Does not know site in detail because deals mainly with unauthorised sites on Dorset Council land.

### **Planning Policy Officer-**

From my review of the records, the last temporary permission for use of Wintergreen as a Traveller site appears to be WD/D/15/000305, with the decision notice dated 18 June 2015.

Since this permission was granted:

- The West Dorset, Weymouth and Portland Local Plan was adopted in October 2015. Policy SUS2 does support a limited range of development types outside the defined development boundaries specified in the plan, including 'sites for gypsies, travellers and travelling showpeople'. The general location of development is not inconsistent per se with the adopted local plan.
- 'Planning policy for traveller sites' (PPTS) (August 2015) was published. In accordance with the PPTS council's are obliged to '...develop fair and effective strategies to meet need through the identification of land for sites.' (Paragraph 4. b.)
- Bournemouth, Christchurch, East Dorset, North Dorset, Poole, Purbeck, West Dorset and Weymouth & Portland, Gypsy, Traveller and Travelling Showpeople Accommodation Assessment was published in October 2017.
- Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA) (Final Report August 2022) published in October 2022.

There are no new policies which specifically or directly relate to the issue of whether a permanent permission should be given for the Traveller site at Wintergreen Barn. Despite this, and whilst there is no presumption that permanent planning permission should be given following the grant of a temporary planning permission (footnote 9 of PPTS and planning practice guidance Paragraph: 014 Reference ID: 21a-014-20140306), the following considerations are certainly relevant:

1. The need for Gypsy and Traveller pitches in Dorset Council area – This is a material consideration, and the latest evidence demonstrates that this need has grown from 102 pitches to 143 pitches between the dates when the GTAA were published in 2017 and 2022.
2. Sporadic and limited supply of Traveller sites since June 2015 - There has been a very limited supply of pitches across Dorset Council area since 18 June 2015. None of the predecessor councils allocated sites for Travellers in their local plans and work on the jointly prepared Traveller development plan document (DPD) ceased when the council's in Dorset re-organised in April 2019. The supply of sites has been limited to small numbers of unplanned pitches and the council is not able to identify a 5-year supply of Traveller sites to meet the area's needs.

At the point the planning appeal (APP/F1230/A/07/2042723) relating to this site was determined (22 November 2007), and after taking account of the support for the proposed use (i.e. the need for the Traveller sites, and the applicants personal need for a 'base'), the Inspector found that '...consideration should be given to granting a temporary permission where there is no alternative available accommodation but a reasonable expectation exists that sites are likely to come forward through a site allocations DPD.' Work on the DPD did not progress as anticipated and the council is now suggesting that it will attempt to prepare a development strategy to meet Dorset's need for Traveller sites through the Dorset Council Local Plan. The Local Development Scheme indicates that this plan will be adopted in Spring of 2026. No material weight can be attached to the emerging strategy presented in the Regulation 18 draft of the new local plan, but it does include a proposed allocation for the Wintergreen Barn Traveller site.

There have been changes in circumstances since the dates when the planning appeal and the most recent planning approval were decided; Dorset Council was formed, the need for Traveller sites has increased, the council is not able to identify a 5-year supply of deliverable sites for Travellers in the new council area and work on a Development Plan Document to allocate sites for Travellers has not progressed as quickly as anticipated. It will be down to the decision maker to determine whether these considerations in support outweigh any other considerations and warrant granting a permanent planning permission for this site. (The sites planning history, and more specifically the succession of temporary permissions over a prolonged period, and planning practice guidance relating to temporary planning permissions i.e. Paragraph: 014 Reference ID: 21a-014-20140306 which states 'It will rarely be

justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so.’).

### **Environmental Health Officer-**

Team Leader Housing Standards West-

I have looked at the planning application and note that it is for a permanent use of the existing residential caravan site with ancillary use. The Dorset Licensing team has no objection to the continuance of the planning permission.

We recommend that the conditions attached to the permission include a family tie and that the use of the caravan site as a permanent residential site with ancillary use cease when the site is owned or used by a person who is not a blood relative of the applicants. The definition from [the mobile homes requirement for a manager to be a fit and proper person England regulations 2020](#) would be a good guide –

(c) a person is a member of the same family as another person if–

(i) those persons are married to each other, in a civil partnership or live together as if they were married or in a civil partnership;

(ii) one of them is a relative of the other; or

(iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.

(3) For those purposes—

(a) a “couple” means two persons who are married to each other or otherwise fall within paragraph (2)(c)(i);

(b) “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

(c) a relationship of the half-blood is to be treated as a relationship of the whole blood; and

(d) the stepchild or adopted child of a person (“P”) is to be treated as P’s child.

The site should be for no more than two caravans meeting the definition in the caravan sites and control of development act 1960 and caravan sites act 1968. It should be noted that a long wheel base motor vehicle does not meet the definition of a caravan.

The application forms for a caravan site will still apply. If the site is occupied by family members only then there will be no need for an application for the 2020 regulations.

Environmental Protection Section- No comment.

### **Town Council-**

Following clarification of relevant plans, the Town Council recommend approval.

### **Representations received**

Comments on original submission-

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

- unsuitable location in the countryside/ Area of Outstanding Natural Beauty (AONB).
- lacks basic services e.g. electricity, sewerage facilities.
- lacks suitable access to town along narrow lane/track.
  
- visual harm to AONB-contrary to National Planning Policy Framework (NPPF).
- council/previous Inspector have resisted permanent use of site.
- contrary to National Planning Policy 2015-strictly limit new traveller development in open countryside.
  
- council has resisted previous attempts for permanent use by travellers.
- inspector allowed appeal-but only for temporary 3 year period.
- current use is unauthorised.
- consider this application is an intensification of the use.
- site lacks basic services for permanent residential use; electricity; mains water; sewerage facilities. Site served by an unadopted narrow lane-unsuitable access-contrary to NPPF.
- Landscape Character and Visual Assessment out of date-refers to a different scheme dated 2019.
- The site is unsuitable for a traveller's site in an area of AONB -contrary to National Planning Policy.
- Current proposal seeks to intensify the existing unauthorised use of site.
- Lack of basic services - access issues.
- The submitted landscape character and visual impact was undertaken in 2019 and refers to a different proposals.
- It should be a consideration that the family (x4, I believe) should rather be given residential status to use the property as a permanent domestic family dwelling rather than as a multi use travellers site.

### **Comments on additional information/corrected site plan-**

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

- disagree with the revised Landscape and Visual Assessment (LVA) conclusion that it would not harm landscape character and AONB.
- earlier independent assessments concluded the use would be harmful to landscape and scenic beauty.
- current intensification of use with touring caravan and large mobile home exacerbates visual harm contrary to local and national planning policy.
- applicants additional information does not overcome concerns over alternative site search and a clean water supply.

- no material change in circumstances or national planning policy justifying the continuation or intensification of this unauthorised use on temporary or permanent basis.
- concern over potential increased of use of spring water by applicant from spring source owner; suggest they seek a permanent water supply instead.
- lack of basic services for permanent occupation.
- concern over wildlife/habitat impacts and potential pollution.
- concern over access to site.

## 10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan 2015  
 INT1 Presumption in favour of sustainable development  
 ENV1 Landscape, seascape and sites of geological interest  
 ENV10 Landscape and townscape setting  
 ENV12 Design and positioning of buildings  
 ENV16 Amenity  
 SUS2 Distribution of development  
 COM7 Creating a safe and efficient transport network  
 COM 10 Provision of utilities service infrastructure

Neighbourhood Plan -  
 N/a

NPPF – Para number and any relevant text if required  
 National Planning Policy Framework 2021-  
 2 Achieving sustainable development  
 8 Promoting healthy and safe communities  
 12 Achieving well-designed places  
 15 Conserving and enhancing the natural environment  
 16 Conserving and enhancing the built 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 brown field registers and permission in principle, and work proactively with applicants to secure developments 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 Guidelines 2009  
 WDDC Landscape Character Assessment 2009  
 Planning policy for traveller sites (August (2015)  
 Bournemouth, Christchurch, East Dorset, North Dorset, Poole, Purbeck, West Dorset, and Weymouth and Portland Gypsy, Traveller and Travelling Show-people Accommodation Assessment (October 2017).

Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA) October 2022.  
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.

Having been in use for some years the location facilitates a Traveller lifestyle with space for the accommodation and parking areas. The location is close to Beaminster which facilitates access to health and education facilities. Parking areas are located close to the accommodation which allows for easier access if any persons have mobility issues. Educational needs for Traveller children are facilitated by local school facilities in Beaminster. Any health needs may be assisted by the pharmacy.

## **13.0 Financial benefits**

N/a

## **14.0 Climate Implications**

The units of accommodation are currently in situ on-site such that emissions would not be generated from this source. The use of vehicles from time to time would generate some emissions. However, this has to be balanced against the benefit of providing Traveller accommodation in a suitable, relatively sustainable location.

## **15.0 Planning Assessment**

**Principle of development-**



The adopted West Dorset, Weymouth and Portland Local Plan 2015 under policy SUS2 (under the various development types) allows sites for gypsies, travellers and travelling show-people outside defined development boundaries “having particular regard to the need for protection of the countryside and environmental constraints”. Policy ENV1 is also particularly relevant as it does not permit development that would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty.

Under the National Planning Policy Framework 2021 para 62 refers to the need to assess the “needs of different groups in the community” including travellers regarding accommodation.

Government policy includes Planning Policy for Traveller Sites (PPTS-August 2015) which indicates that councils are obliged to “develop fair and effective strategies to meet need through the identification of land for sites” (para 4b).

Regarding the Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA) October 2022 this indicates a marked growth in the need for sites in the Dorset Council area; the latest evidence demonstrates that this need has increased from 102 pitches in 2017 to 184 pitches in 2022 (an 82 pitch increase in 5 years). Secondly, there has been only a sporadic and limited supply of Traveller sites since June 2015; none of the predecessor councils allocated sites for Travellers in their Local Plans and work on the jointly prepared Traveller development plan document (DPD) ceased when the council’s in Dorset re-organised in April 2019. The supply of sites has been limited to small numbers of unplanned pitches and the council is not able to identify a 5-year supply of Traveller sites to meet the area’s needs.

It is the Council’s intention to attempt to prepare a development strategy to meet Dorset’s need for Traveller sites through the Dorset Council Local Plan. The Local Development Scheme indicates that this plan will be adopted in Spring of 2026. No material weight at this stage can be attached to the emerging strategy presented in the Regulation 18 draft of the new local plan, but it does include a proposed allocation for the Wintergreen Barn Traveller site.

There have been significant changes in circumstances since the most recent approved planning application was decided (2015); the need for Traveller sites has increased, the council is not able to identify a 5-year supply of deliverable sites for Travellers in the new council area and work on a DPD to allocate sites for Travellers has not progressed as quickly as anticipated.

Regarding other site options when asked the applicant states:

*We are part of a group of new travellers in Dorset and Somerset who keep an eye on any land coming up for sale. We network amongst ourselves and help each other out with viewings etc if someone isn’t around to view. I’ve been to a couple of auctions with friends over the last few years but they all go for crazy money so we never really get a look in.*

The principle of this traveller family residing on this site (albeit on a renewed temporary basis) has been the case for almost 20 years, with no other suitable site option being previously identified -and that seemingly remains the case.

### **Effect on visual amenity-**

The site lies within the Area of Outstanding Natural Beauty and is adjacent to two public rights of way. In accordance with the NPPF 2021; “*Great weight should be given to conserving and enhancing landscape and scenic beauty in . . . Areas of Outstanding Natural Beauty which have the highest status of protection.*” The site lies within the Brit Valley Landscape Character Area – Undulating River Valley Landscape Type. As such it is a sensitive site. The applicant has therefore supplied a Landscape and Visual Impact Assessment (in practice more of a concise “Landscape Appraisal”) in relation to the existing development on site. In essence the development has altered since the last approval by the replacement of the residential caravan alongside the north-east flank of the barn with a larger mobile home, and by the replacement of the touring caravan on the parking area lying to the western-most edge with a long wheel base motor van. A public bridleway W21/14 runs along the course of the un-named lane passing the site. Public Footpath W21/21 runs through the site passing across the parking area before being contained between hedging for a short distance before exiting south-eastwards into a meadow then eastwards with filtered views back. Also footpath W21/12 branches south-eastwards past a manege (the property being more screened by vegetation from here).

Stemming from the appeal decision (2012), and from the 2015 planning permission there was a requirement to carry out additional landscaping on the site to help mitigate impact on the AONB. Amongst the works this included additional planting associated with the parking area, the planting of native evergreen hedging flanking the public footpath for a section within the site and hurdle screen fencing. This was carried out.

The site is a fairly well contained group of structures. From the lane the aspect is mainly of the natural stone and timber clad barn gable end, with the upper part of the timber-clad mobile home partially visible above the close-boarded timber boundary fence. The evergreen hedging flanking the footpath through the site coupled with the willow hurdle fencing near the opposite end of the barn and its frontage area adds to the visual mitigation here. Well established and more recent planting to the site has helped assimilate the development on this site.

It is considered that the fairly close-knit structures are now satisfactorily assimilated by the existing and more recent landscaping; the development would not cause visual harm to the Area of Outstanding Natural Beauty and views from the public rights of way are visually acceptable.

### **Residential amenity-**

Although there are residential properties in the locality the site is well separated from these. The nearest is Meerhay Cottage which is over 40m away to the east. As such there are no unacceptable overlooking or loss of privacy issues.

### **Services-**

Regarding water supply the applicant advises that: *We collect some rain water and use water from two springs on the land here. We have personal filters for drinking it has been tested over the years. We have drunk it on and off for over 18 years.*

Surface water- the applicant indicates this drains to the existing adjacent watercourse. Foul sewage is dealt with by a compost toilet.

### **Highways-**

From Beaminster the site is accessed via Bowgrove Road and then by the un-named lane which leads to the site. The lanes leading to it are relatively narrow lacking footways. There is an existing vehicular access to the site itself together with ample off-road parking area. The un-named lane has relatively few properties along it. The Highways Officer comments that:

*The site's vehicular access is gained from a private road and not highway maintained at the public expense. Given the quantum of development the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.*

In light of the above it is considered that the scheme is acceptable in highway safety terms.

### **Comments on Letters of Representation-**

In addition to planning issues touching on objector concerns in the report above the following comments are offered in the light of letters of objection/representation received.

There is resistance to making the use of the site permanent citing the previous temporary permissions. However, it is clear from the above report that, whilst there are on-going steps to seek to identify sites for Gypsies and Travellers, this is far from straightforward and the scale of need for sites has increased in recent years. This is not a site that has prompted complaints in the preceding period of some years. As a rural site the site does not have a conventional range of services/utilities it does have access to basic facilities as outlined earlier. Concern has been expressed that the site harms the Area of Outstanding Natural Beauty. However, the applicant has responded to previous planning condition requirements for additional landscaping/screening by putting in place various measures to mitigate the impact. This, coupled with the physically contained site and use of natural materials including timber cladding helps to assimilate the development into this landscape context.

### **Planning Balance-**

From the earlier review of planning policy and relevant documents it is clear that the general task of identifying suitable sites for gypsies and travellers has been a very difficult issue to address -and continues to be very much a work in progress. Furthermore, the data shows there is a marked growth in the number of sites

required in Dorset in recent years. This particular site is not one where there are significant identified problems. Nor have there been complaints in recent years submitted to planning, environmental health or highways officers. In sustainability terms the development already exists. It is relatively close to Beaminster which has a good range of services. and is about 1mile (1.6km) from the town.

This application seeks to make permanent the use of this site for one Traveller family. Historic concerns over the impact on the AONB have been substantially reduced by the landscaping/screening that has been carried out in recent years. The Town Council are supportive of this application. Given the context of difficulties identifying sites generally for Gypsy/Traveller families, coupled with the “low key” presence and limited visual impact of this particular site it is considered that it would now be reasonable to permit this on a permanent basis for this *particular* Traveller family.

## 16.0 Conclusion

Given the on-going policy and research background of lack of available site options, coupled with the minimal visual impact on the Area of Outstanding Natural Beauty it is considered that the use of this site as a permanent base for this Traveller family is acceptable. It is considered that the scheme is also acceptable in residential amenity terms. The development would also be acceptable in terms of highway safety issues. It is considered that the scheme is in accordance with policies SUS2, ENV1, ENV10, ENV16, COM7 and COM9 of the West Dorset, Weymouth and Portland Local Plan 2015, and with guidance within the National Planning Policy Framework 2021 as referenced above.

## 17.0 Recommendation

Grant planning permission subject to the following conditions:

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

Site Location Plan TDA.2509.03A

Existing and Proposed site Layout TDA.2509.01C

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

2. The use hereby permitted shall be carried on only by Mr T Langton and Ms R McGill and their resident dependents for the period during which the premises are occupied by them.

REASON: To meet the particular Traveller family accommodation needs.

3. Within 4 months of the site ceasing to be permanently occupied by those named in condition 2 above the use hereby permitted shall permanently cease and all residential use caravan/mobile home structures, materials and equipment brought onto the land shown edged red on the approved plan (excepting the natural stone barn and log store), shall be removed and the land restored to its former condition before the development took place in accordance with the scheme and timetable for restoration which shall have first been agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting the visual amenity of the Area of Outstanding Natural Beauty.

4. The development hereby permitted shall be in accordance with layout plan TDA 2509.01C with the main caravan/mobile home structure stationed adjacent to the north-east side of the barn, and the secondary caravan (both used for residential purposes) retained on the south-east side of the barn, and the (travelling) touring motor van/or touring caravan (the latter on west edge of parking area) all within the site area edged red.

REASON: In the interests of helping to minimise the impact on the Area of Outstanding Natural Beauty.

5. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a mobile home-type structure), shall be used for residential occupancy purposes whilst stationed on the site shown edged red on the approved plan at any time.

REASON: In the interests of limiting the amount of residential development and of helping to minimise the impact on the visual amenity of the Area of Outstanding Natural Beauty.

6. The red-lined site area on the approved location plan shall only be used for purposes ancillary to the residential use of the approved main caravan/mobile home structure (adjacent the north-east side of the barn). No primary residential accommodation shall be formed in the barn.

REASON: To ensure control over the location and extent of the residential use in the interests of the visual amenity of the Area of Outstanding Natural Beauty.

7. The planting shown on Wintergreen Planting Plan 2015 (received 11/8/2015) shall be retained for the duration of this permission.

REASON: In the interests of protecting the Area of Outstanding Natural Beauty.

**Informatives-**

NPPF approval informative.

<b>Application Number:</b>	P/FUL/2022/06301
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=391269">https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=391269</a>
<b>Site address:</b>	35 George Street, West Bay, Bridport, DT6 4EY
<b>Proposal:</b>	Retain change of use from shop to shop/off-licence/bar
<b>Applicant name:</b>	Mrs J Joel
<b>Case Officer:</b>	Charlotte Loveridge
<b>Ward Member(s):</b>	Cllr Bolwell; Cllr Clayton; Cllr Williams

**1.0** The application relates to land that is in Dorset Council ownership and the application is therefore being reported to Committee in accordance with Dorset Council's Constitution.

**2.0 Summary of recommendation:**

Grant planning permission subject to conditions.

**3.0 Reason for the recommendation:**

- The location is considered to be sustainable.
- There is no harm to the designated heritage assets and the setting of the Conservation Area is preserved.
- There is not considered to be any significant harm to neighbouring residential amenity or highway safety.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Principle support for the scheme is provided by policies SUS2, ECON3 & ECON4 of the West Dorset, Weymouth & Portland Local Plan (2015) which all seek to support small scale business uses in appropriate locations.
Scale, design, impact on character and appearance	Given that the application is for change of use only there is no resulting visual impact.
Impact on amenity	It is considered that the use of the building has an acceptable impact on neighbouring amenity in accordance with ENV16 West Dorset, Weymouth & Portland Local Plan (2015) and HT2 of the Bridport Area Neighbourhood Plan (2020).

Impact on landscape or heritage assets	<p>Given that the application is solely for a change of use the wider natural beauty of the AONB is protected in accordance with policy ENV1 West Dorset, Weymouth &amp; Portland Local Plan (2015).</p> <p>The scheme results in no harm to the setting of designated heritage assets, and the Conservation Area is preserved or enhanced in accordance with policy ENV4 of the West Dorset, Weymouth &amp; Portland Local Plan (2015).</p>
Economic benefits	The small scale bar will overall bring benefit to the local economy in accordance with policies ECON3 & ECON4 of the West Dorset, Weymouth & Portland Local Plan (2015), and Policy EE2 (2c) of the Bridport Area Neighbourhood Plan (2020).
Access and Parking	No impact or change to the existing provisions, it will not alter vehicular routes or parking in the vicinity.
Other Matters	Located within Flood Zones 2 & 3, area at low risk of surface water flooding and ground water flooding. It also lies within the Chesil & The Fleet nutrient catchment area.

## 5.0 Description of Site

- 5.1 The building lies on the north-eastern side of George Street, approximately 30metres from the junction with the B3157. This part of George Street sits one street back from the centre of West Bay, the street runs north-west from the B3157 for approximately 153metres, and then continues round the corner in a south-westerly direction past the River Brit to the front of the George Hotel, the greens, public seating area, food huts and the harbour.
- 5.2 It is a grade II listed small, square stone built building, approximately 32m<sup>2</sup> with render to the ground floor section and a hipped slate roof. On the ground floor is a small bar (non-permanent fixture) with 4 tables and 14 chairs for customers, and upstairs is a shop area selling groceries. There is a ground floor “shop window” facing onto George Street with the old loading door above. The entrance door is on the north-western elevation. On the north-eastern side of the building is an attached lean-to/store with double wooden doors, which has had an awning attached. There is then a pair of garages with up-and-over garage doors, and a larger corrugated garage/store lean-to on the back of Unit 3 of the Old Timber Yard. Either side of the entrance door are a couple of free-standing wooden benches, and outside the lean-to, next to the garage block is a further wooden bench, small table and chairs. There is also a free-standing blue plastic portable chemical toilet unit.



- 5.3 The building sits on the entrance of a tarmacked area owned by Dorset Council which gives access to the garage units - there are a further two garages in the north-western corner of the site, adjacent to the private residential property 2 George Street and its garden/amenity space which is a grade II listed property. There is a Dorset Council sign on a pole adjacent to the corner of 2 George Street's wall which states "Private land No Parking". At the rear of the site is a stone wall beyond which lies the Hadden House Hotel complex which is a grade II listed property including its garden walls.
- 5.4 35 George Street lies within a level area, as is the surrounding area, and backs onto the higher, three-storey The Old Timberyard complex of buildings which contains a number of commercial units and showrooms some of which are single storey that front the B3157. Opposite the application site, on the south-western side of George Street lies the rear of Sladers Yard (a two storey gallery and café) which is a grade II listed building. To the north-west of that building is the rear of Harbour House, a modern built, three-storey residential care home. On the north-eastern side of the street between 2 George Street and the WI & Sea Cadet halls and the more industrial looking boat yard; there is a grade II listed terrace of 7 two-storey cottages known as "Swains Row" which are at right angles to the street. There is on-street parking on both sides of George Street with many "No Parking" signs outside various buildings. There are no pavements in George Street until the road goes around the corner to the south-west down towards the harbour, and there is a cut-through alleyway between 1 George St and Colmer Lodge which comes out on the green near the amusement arcade.
- 5.5 George Street comprises a mix of both commercial, business and residential buildings of varying scales ranging from single storey halls and flat roofed garage blocks to two storey residential and commercial buildings and a number of three-storey buildings (including the three-storey grade II listed warehouse that now houses HM Coastguard at the rear of the George Hotel). The built development becomes more open on the north-eastern side as it gets closer to the River Brit where views then open out more to the rising hills to the north-east and north-west.
- 5.6. The application site lies within the West Bay Conservation Area, is within the defined development boundary for West Bay, the Dorset AONB and within flood zones 2 and 3 and also falls within the Chesil & Fleet SSSI/SAC/RAMSAR recreation zone of influence.

## 6.0 Description of Development

Retain change of use from shop (Use Class E) to shop/off-licence/bar (Sui generis)

## 7.0 Relevant Planning History

**1/W/91/000675** - Decision: WIT - Decision Date: 10/03/1992

Fit new door and window and erect sign, make internal alterations (LBC)

**1/W/95/000373** - Decision: GRA - Decision Date: 23/08/1995

Erect non-illuminated shop sign (ADV)

**1/W/00/000480** - Decision: GRA - Decision Date: 18/10/2000

Make internal and external alterations (LBC)

**1/W/00/000481** - Decision: GRA - Decision Date: 18/10/2000

Replace window and door, convert loading door to window with planked shutters and erect signage hanging baskets and burglar alarm (FUL)

**WD/D/16/001184** - Decision: INV - Decision Date:

Pre-Application Consultation - Change of Use to Food, previously Hairdressers, Store, Furniture Shop (*rec'vd 16/06/2016*)

**WD/D/16/001664** - Decision: INV - Decision Date:

Sales of alcohol off the premises only (*off-site sales 10am-8pm premises licence consultation rec'vd 28/07/2016*)

**WD/D/18/001354** - Decision: RES - Decision Date: 10/09/2018

Premises licence variation to change to on and off sales of alcohol (*Response issued that there is no planning history for the premises (retail shop) to be used as a pub/bar for sale of alcohol.*)

**WD/ENF/19/00147** - Current enforcement investigation

Unauthorised change of use from A1 (Sales) to A4 (Drinking Establishment) (*Advice given that planning permission was required for the change of use*)

**WD/D/19/003028** - Decision: INV - Decision Date:

Change of use from A1 retail to A4 micro pub (*FUL rec'vd 06/12/19, insufficient information submitted*)

**WD/D/20/000439** - Decision: INV - Decision Date:

Installation of a bar (*LBC rec'vd 18/02/20*)

## 8.0 List of Constraints

Grade: II Listed Building: EMILY'S (35 George Street). HE Reference: 1279415 - Distance: 0

Grade: II Listed Building: 2, GEORGE STREET List Entry: 1228726.0; - Distance: 15.83

Grade: II Listed Building: WALL FROM NO 4 WEST BAY AS FAR WEST AS WAREHOUSE BELONGING TO MESSRS BURT BOULTON List Entry: 1228725.0; - Distance: 16.53

Grade: II Listed Building: MESSRS BURT BOULTON'S WAREHOUSE INCLUDING OUTHOUSES ON EAST SIDE OF YARD. HE Reference: 1228978 - Distance: 0

Grade: II Listed Building: SLADERS YARD List Entry: 1228728.0; - Distance: 13.42

Grade: II Listed Building: 6, WEST BAY ROAD (See details for further address information) List Entry: 1279417.0; - Distance: 24.53

West Bay Conservation Area

Within defined development boundary

Neighbourhood Plan - Made; Name: Bridport Area NP; Status 'Made' 05/05/2020;

Flood Zone 3

Flood Zone 2

Risk of Surface Water Flooding Extent 1 in 1000

Dorset Council Land (Freehold)

Area of Outstanding Natural Beauty (AONB)

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 218.31

Site of Special Scientific Interest (SSSI) (400m buffer): West Dorset Coast; - Distance: 218.31

## 9.0 Consultations

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

### Consultees

1. **Highways** - No objection.
2. **Conservation Officer** – No conservation objections to the change of use. The proposal is considered to create no harm to the exterior of the listed building, the setting of neighbouring listed buildings or the character and appearance of the Conservation Area.
3. **Bridport Town Council** - Support
4. **Environmental Health** – Conditions are recommended.

## 10.0 Relevant Policies

### **Adopted West Dorset and Weymouth & Portland Local Plan (2015):**

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV4 - Heritage assets

- ENV5 - Flood risk
- ENV 16 - Amenity
- SUS2 - Distribution of development
- ECON1 - Provision of employment
- ECON3 - Protection of other employment sites
- ECON4 - Retail and town centre development
- COM7 - Creating a safe & efficient transport network

### **Neighbourhood Plans**

Bridport Area Neighbourhood Plan 2020-2036 (made 5/5/2020)

POLICY EE2 Provision for New & Small Businesses

2. Support will be given for developments on sites that provide for:  
c) *Enabling microbusinesses.*

POLICY HT2 Public Realm

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

*Neighbourhood Characteristics: West Bay, the bulk of which is within Bridport parish, is almost entirely a conservation area.*

POLICY HT3 Shopfront Design

*High quality shopfronts in the neighbourhood plan area should be maintained and enhanced.*

*Appendix A - Shop Front Design Guidance*

### **Material Considerations:**

#### **National Planning Policy Framework (2021):**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be

approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and

expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

- Section 9 'Promoting Sustainable Transport' Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Para 112. Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- Section 11 'Making effective use of land'
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

### Statutory Duties

- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB.

### Other Material Considerations

## **Emerging Local Plans:**

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

## **Supplementary Planning Document/Guidance**

### All of Dorset:

Dorset AONB Landscape Character Assessment  
Dorset AONB Management Plan 2019-2024

Supplementary Planning Documents/Guidance For West Dorset Area:  
WDDC Design & Sustainable Development Planning Guidelines (2009)  
Landscape Character Assessment February 2009 (West Dorset)  
A Vision for West Bay – Regeneration Framework (2003)

### Conservation Area Appraisal:

West Bay or Bridport Harbour Conservation Area Appraisal (October 2013)

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **12.0 Public Sector Equalities Duty**

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

12.2 The current toilet provisions do not provide for a safe and suitable access for all and would have a material adverse impact on individuals or identifiable groups with protected characteristics.

### 13.0 Financial benefits

General economy benefits from providing convenience for business patrons to sit and consume drinks.

### 14.0 Environmental Implications

The application is for a change of use of an existing building and It is not considered that the proposals would have any environmental implications.

### 15.0 Planning Assessment

#### 15.1 Principle of development:

15.1.1 Principle support for the scheme is provided by policies SUS2, ECON3 & ECON4 of the West Dorset, Weymouth & Portland Local Plan (2015) which seeks to support appropriate development within defined development boundaries. However, this is also subject to other material considerations.

#### 15.2 Planning history:

15.2.1 The planning history that is available for 35 George Street shows that it has been used as a kitchen studio (1991 application), an electronics company (1995 application) and A1 retail (2000 applications). Whilst there have been a number of various types of planning applications submitted either for consultations for a premises licence or for a change of use; many of the applications did not have sufficient information submitted to be able to validate them, and therefore they could not be determined.

15.2.2 An enforcement case was opened following the WD/D/18/001354 consultation application for a premises licence variation to change to on and off sales of alcohol, and there was no record found for a change of use to a bar. The subsequent application form submitted 06/12/2019 for WD/D/19/003028 for a change of use from A1 retail to A4 micro pub says that the use started 31 January 2019, it stated that the current use was a *“shop crafts gifts clothes micro bar with on/off licence small seating area inside and out”* (sic) and they were asking for the shop and bar use for up to 20 people with the hours of opening being 11am to 11pm seven days a week

including bank holidays. However, this application was never determined as there was insufficient information that came forward to validate it. This current application subject of this report gives the existing use as “*upstairs: grocery/off licence, downstairs: bar*”.

### 15.3 Scale, design, impact on character and appearance

15.3.1 The change of use relates solely to the existing building and therefore the change of use of the building has a minimal impact on the character and appearance of the area. There are no external alterations to the building. The wooden seating benches, small table and chairs and portable chemical toilet unit externally are temporary moveable structures (and are not fixed to the grade II listed building), however they do not form part of this application anyway as they are outside of the red line for the application site and therefore do not fall to be considered here.

### 15.4 Impact on amenity

15.4.1 The application form submitted for this retrospective use states that the change of use started 01/02/2021 and there are no records of any complaints submitted to the local planning authority regarding the use since that time. No third party objections, support or comments have been submitted for this application.

15.4.1 Given the small scale of the bar, the main impact on amenity is likely to arise from the use of the benches and chairs outside which could have the potential to give rise to additional noise from patrons. However, the outside seating area does not form part of this application.

15.4.2 The consultation response from Environmental Health has recommended conditions be attached to any consent granted which restricts the operation hours of the bar from 12:00 to 23:00 in order to protect the amenity of nearby residential dwellings (the application states the hours of opening as 11am to 11pm seven days a week including bank holidays). For the same reasons, they also recommend a condition that no live music is played at the premises, and no amplified music played that is audible at the external façade of any nearby residential dwellings.

15.4.3 In respect of the portaloo, it does not form part of this application, and the provision of sanitary facilities for the site falls to be considered under other legislation outside of the control of planning. Whether the portaloo satisfies that legislation or not is not a matter to be considered in the determination of this application as the portaloo is outside of the application site. The closest public toilets available are approximately 120 metres away in the West Bay Road car park to the east.

### 15.5 Impact on heritage assets:

15.5.1 The application site is situated in the north-eastern part of the historic core of West Bay. It is a grade II designated heritage asset, and it is located at varying distances from other grade II listed designated heritage assets which means that any alterations and changes to the building will be highly visual and seen in the context of the historic/traditional and characterful built form surrounding it.



15.5.2 There is currently no external shop signage affixed to the building, an A-board is used next to the street during opening hours to advertise the “Shop Around the Corner” with its offerings of the micro bar selling ales, lager, wine and cider and groceries of bread, eggs, milk, fruit, off licence, vast range of cider which can be takeaway. A sign that had previously been fixed to the north-western elevation was removed following advice from the enforcement officer. As there is no signage currently there is no harm to the exterior of the grade II listed building or the setting of neighbouring listed buildings which also preserves and enhances the setting of the West Bay Conservation Area. Any future signage proposed for the unit would require Listed Building Consent and would need to take into consideration the Bridport Area Neighbourhood Plan (2020) policy HT3 for Shopfront Design.

15.5.3 The Senior Conservation & Design Officer states that the change of use is considered to create no harm to the exterior of the listed building, the setting of neighbouring listed buildings or the character and appearance of the Conservation Area. The outdoor seating area adjacent to the building, and also the awning on the lean-to store and the portable chemical toilet unit were also considered by the Senior Conservation and Design Officer. *However it should be noted that none of these elements form part of this application and don't therefore fall to be considered in the determination of this application.*

#### 15.6 Impact on landscape

15.6.1 As there is no change to the external appearance of the building, it will not create any harm to the setting of the Dorset Area of Outstanding Natural Beauty or the or Chesil & The Fleet SSSIs/SACs/SPAs.

#### 15.7 Economic benefits

15.7.1 There will be general economy benefits from providing convenience for business patrons to sit on the premises and consume drinks rather than it just being for sales of alcohol for takeaway.

#### 15.8 Impact on highway safety/public access:

15.8.1 The change of use would not have any impact on highway safety as there is little change from its previous use as an A1 retail use (now Class E). Customers access the site on foot. Highways raised no objections to the proposal.

#### 15.9 Other matters

15.9.1 The site is located within flood zones 2 & 3 (but at a low/no risk from surface water flooding or groundwater flooding). Although the change of use from Class E retail to shop/off-licence/bar (sui generis) is considered to be a “more vulnerable” use, given the limited size of the building and that it has been used as a shop for a considerable time, it would not be proportionate to require a Flood Risk Assessment. There is nothing to indicate that it would exacerbate any flooding issues in the location, the applicant advises that the site is part of the West Bay main drainage system that has recently been upgraded. It is considered necessary to add a condition for a Flood Evacuation Plan to be submitted and approved.

15.9.2 The site does fall within the Chesil & Fleet SPA/SAC/RAMSAR recreation zone of influence. However, it is not considered that the proposals would increase recreational pressures on the Chesil & Fleet as the proposal is for a change of use of a commercial building and does not include any residential accommodation.

## 16.0 Conclusion

It is considered having regard to the fact that the application is for change of use only there will be no harm to the designated heritage assets and the setting of the Conservation Area will be preserved, as will the wider natural beauty of the Dorset AONB. The proposal will not create any significant harm to neighbouring residential amenity and highway safety in accordance with policies SUS2, ECON3, ECON4, ENV1, ENV4, ENV16 and COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) and policies EE2 & HT2 of the Bridport Area Neighbourhood Plan (2020), and section 16 of the NPPF (2021).

## 17.0 Recommendation

Grant planning permission subject to the following conditions:

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

Location Plan (received 17/10/2022)

Floor Plan (received 11/10/2022)

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

2. The premises shall not be used as a bar other than between the hours of 12:00 to 23:00.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

3. No live music shall be played at the premises. Any amplified music played at the premises shall not be audible at any external façade of any nearby residential dwellings.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

4. Within one month from the date of this notice, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Flood Evacuation Plan shall be adhered to.

Reason: In order to safeguard the building and its users from unnecessary flood risk.

Informatives:

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.

Advertisements & Signage

The applicant is advised that any proposed signage will need to be the subject of a Listed Building Consent application.

Internal & External Alterations

The applicant is advised that any proposed alterations to the interior or exterior fabric of the grade II listed building will need to be subject of a Listed Building Consent application.

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<b>Application Number:</b>	P/FUL/2022/05320
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/05320">Planning application: P/FUL/2022/05320 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	4 Waterloo Place, Weymouth, DT4 7NX
<b>Proposal:</b>	Erect single storey rear extension
<b>Applicant name:</b>	Mr & Mrs Shorthouse
<b>Case Officer:</b>	Toby Hibbs
<b>Ward Member(s):</b>	Cllr Orrell

**1.0** This application has been brought to committee as Dorset Council is the landowner.

**2.0 Summary of recommendation:** Grant subject to conditions.

**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 proposal is acceptable in its design and general visual impact.
- No harm to heritage assets of the listed building or their setting or Conservation Area
- 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**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of development is acceptable and the scope of the proposal is very minor.
Design	The scale and design is considered to be subservient and in keeping with the existing building, the site and area.
Impact on landscape or heritage assets	No impact on the heritage assets (following amendments).
Amenity	No adverse impact on amenity.

## 5.0 Description of Site

The Weymouth Town Centre Conservation Appraisal (2012) references Waterloo Place as being first established circa 1835 providing a pleasant entry into Weymouth Town Centre from the north. The application site is located at the rear of a mid-terrace building in a row of 12 Grade II\* three storey listed terraces. The buildings of Waterloo Place are constructed in brickwork with number 1-6 finished in stucco render. The terraces feature slate tile roofing with bay sash windows and spearhead railings that comprise the principal elevation. Waterloo Place is situated some 84 metres northwest from Weymouth Beach and is considered a prominent and attractive landmark close to the Weymouth Esplanade. The site is within the Weymouth Town Centre Conservation Area and is also within the defined development boundary.

## 6.0 Description of Development

The proposal is to erect an infill extension to the rear northwest elevation of the dwellinghouse to facilitate an enlargement of an existing ground floor bedroom and to carry out internal alterations to the existing sitting room (the latter being only subject to the separate application for listed building consent). The proposed infill extension would be constructed with painted render walling with a timber door painted white, with cast iron rainwater goods and would feature a flat roof with a low-profile roof light. It would infill the gap between two existing built projections at the rear of the property and is very small in size.

## 7.0 Relevant Planning History

None.

## 8.0 List of Constraints

Grade II\* listed building NUMBERS 1-12 WITH RAILINGS listed building grade G2\*. HE Reference: 1147976 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Within the 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*)

*Landscape Character Area; Weymouth Urban Area*

Dorset Council Land (Freehold)

Within the defined development boundary

## 9.0 Consultations

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

### **Consultees**

1. **Conservation Officer:** The Conservation Officer has no objection to the proposal, following the receipt of amended plans.
2. **Historic England:** The LPA should seek the view of its specialist conservation advisors.
3. **Weymouth Town Council:** No objection.
4. **Cllr Orrell:** Similar to neighbours, so support.

### **Representations received**

None

## **10.0 Relevant Policies**

### **West Dorset Weymouth and Portland Local Plan 2015**

The following policies of the Local Plan are considered to be relevant:

- INT1 - Presumption in favour of Sustainable Development
- ENV4 - Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- WEY1 - Weymouth town centre strategy

### **Neighbourhood Plans**

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making

### **Other Material Considerations**

Supplementary Planning Documents/Guidance

- Weymouth & Portland Urban Design (2002)
- Weymouth Town Centre Conservation Appraisal (2012)
- Landscape Character Assessment (Weymouth & Portland)

### **National Planning Policy Framework (2021)**

The following policies of the National Planning Policy Framework (2021) are considered to be relevant for this proposal:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:  

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

## National Planning Practice Guidance

### **Duties under legislation:**

Duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of buildings or other land in the conservation area.

## **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 adverse impact on people with protected characteristics.

## **13.0 Financial benefits**

13.1 No direct financial benefits have been identified or detailed in the application.

## **14.0 Planning Assessment**

### Principle of development

14.1 The site is located within the Weymouth Town Centre Area and as such Local Plan policy WEY1 applies. It is considered that this proposal would be in line with this policy which strives to ensure all new development within the Weymouth Town Centre Strategy Area must retain and enhance the areas’ distinct local character and be in harmony with the scale, massing and materials of the locality. Furthermore, ENV4 of the Local Plan sets out that the impact of development on designated heritage assets must be thoroughly assessed. In this instance consultation with the conservation officer raised no objection concerning harm to the heritage assets following the receipt of amended plans. Therefore, the principle of development is considered acceptable.

### Design

14.2 The scope of this proposal is very modest and the external design is considered to be in keeping with the host building and adjacent neighbouring properties feature various extensions of similar character therefore as a whole, the design of this proposal would conform with the pattern of development within the area and would be in line with policies ENV10, ENV12 & WEY1 of the West Dorset, Weymouth & Portland Local Plan.

## Heritage & Conservation

14.3 The heritage assets relevant to this proposed development are the Grade II\* listed building the subject of this application and the adjoining row of terraces, their setting and the Weymouth Town Centre Conservation Area. The proposed development having regard to its location at the rear of the property, the small scale of the extension and its design is considered to not result in any harm to the listed building itself, the setting of adjacent listed buildings or the character and appearance of the Conservation Area. The initial proposed development scheme featured a parapet roof which was considered visually damaging and at odds with the existing rear roof of the north facing wall which features a cat slide design. This has since been omitted through an amended plan which replaced the former with a flat roof. This amendment was subsequently supported by the Conservation Officer. Furthermore, the Conservation Officer recommended the infill extension was set back from either rear element to preserve the visual expression of the gap. Having regard to all of the above it is considered that the development accords with Policy ENV4 of the adopted local plan and the NPPF.

## Amenity

14.4 The location of the extension is set back a considerable distance from the nearest highway 'Victoria Street' and is significantly obscured by the surrounding built environment of the rear (northwest) elevation(s) of Waterloo Place terraces. For this reason, the proposal would not be clearly visible in the street scene and its impact on visual amenity is considered diminutive. Furthermore, the nature of this proposal being an infill extension between two walls of the dwelling would pose no harm to the amenity of neighbouring occupants. For this reason the proposal is considered to accord with Policy ENV16 of the adopted local plan.

## **15.0 Conclusion**

15.1 The development has been assessed with regard to the policies of the West Dorset, Weymouth & Portland Local Plan (2015), the NPPF (2021) and all other relevant material considerations. It has been concluded that the proposed development would pose no harm to local amenity or the heritage assets of the Grade II \* listed building(s), their setting and the Weymouth Town Centre Conservation Area. In reaching this conclusion regard has been had to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **16.0 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, Site, Proposed floor plans & elevations 16/208/001 Rev B

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

3. The external door hereby approved shall not be installed until detailed drawings and specifications showing the design and construction of the new external door (at a scale no less than 1:10) 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 preserve or enhance the character and appearance of the heritage asset.

4. The rooflight to the extension hereby approved shall not be installed until details of the material, design, colour and height of the rooflight 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 preserve or enhance the character and appearance of the heritage asset.

5. Prior to the installation of the roof to the extension hereby approved the construction details of the roof and its finish, material, colour and sectional details of any connection with the existing building (this is to three sides) shall be 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 preserve or enhance the architectural and historical qualities of the building.

6. All new and replacement rainwater goods shall be cast metal and painted black to match the existing.

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

**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 applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

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<b>Application Number:</b>	P/LBC/2022/05321
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/05320">Planning application: P/FUL/2022/05320 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	4 Waterloo Place, Weymouth, DT4 7NX
<b>Proposal:</b>	Erect single storey rear extension and internal alterations
<b>Applicant name:</b>	Mr & Mrs Shorthouse
<b>Case Officer:</b>	Toby Hibbs
<b>Ward Member(s):</b>	Cllr Orrell

**1.0** This application has been brought to committee as Dorset Council is the landowner.

**2.0 Summary of recommendation:** Grant subject to conditions.

**3.0 Reason for the recommendation:**

- No harm to heritage assets - listed buildings or their setting or Conservation Area.

**4.0 Key planning issues**

Issue	Conclusion
Impact on landscape or heritage assets	No impact on the heritage assets (following amendments).

**5.0 Description of Site**

The Weymouth Town Centre Conservation Appraisal (2012) references Waterloo Place as being first established circa 1835 providing a pleasant entry into Weymouth Town Centre from the north. The application site is located at the rear of a mid-terrace building in a row of 12 Grade II\* three storey listed terraces. The buildings of Waterloo Place are constructed in brickwork with number 1-6 finished in stucco render. The terraces feature slate tile roofing with bay sash windows and spearhead railings that comprise the principal elevation. Waterloo Place is situated some 84 metres northwest from Weymouth Beach and is considered a prominent and attractive landmark close to the Weymouth Esplanade. The site is within the Weymouth Town Centre Conservation Area.

**6.0 Description of Development**

The proposal is to erect an infill extension to the rear northwest elevation of the dwellinghouse to facilitate an enlargement of an existing ground floor bedroom and to carry out internal alterations to the existing sitting room. The proposed infill extension would be constructed with painted render walling with a timber door painted white, with cast iron rainwater goods and would feature a flat roof with a low-profile roof light. It would infill the gap between two existing built projections at the rear of the property and is very small in size.

In respect of the internal alterations these are proposed as the removal of an internal wall in the service wing to provide an enlarged room as part of the proposed infill extension; the removal of a modern partition enclosing the stairs at ground floor and reinstatement of the balustrade to match floors above; and a new partition to separate the stairs/hall from the sitting room to be finished with skirting and coving to match existing. The partition is to be scribed round existing elements of construction to ensure works are fully reversible.

## 7.0 Relevant Planning History

None.

## 8.0 List of Constraints

Grade II\* listed building NUMBERS 1-12 WITH RAILINGS listed building grade G2\*. HE Reference: 1147976 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Within the 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*)

## 9.0 Consultations

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

### Consultees

1. **Conservation Officer:** The Conservation Officer has no objection to the proposal, following the receipt of amended plans.
2. **Historic England:** The LPA should seek the view of its specialist conservation advisors.
3. **Weymouth Town Council:** No objection.

### Representations received

None

## 10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

The following policies of the Local Plan are considered to be relevant:

- ENV4 - Heritage Assets
- Neighbourhood Plans

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making

#### Other Material Considerations

Supplementary Planning Documents/Guidance

- Weymouth Town Centre Conservation Appraisal (2012)

#### National Planning Policy Framework (2021)

The following policies of the National Planning Policy Framework (2021) are considered to be relevant for this proposal:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay.

Relevant NPPF sections include:

- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

National Planning Practice Guidance

#### **Duties:**

Duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of buildings or other land in the conservation area.

## **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 adverse impact on people with protected characteristics.

## 13.0 Planning Assessment

### Heritage & Conservation

13.1 The heritage assets relevant to this proposed development are the Grade II\* listed building the subject of this application and the adjoining row of terraces, their setting and the Weymouth Town Centre Conservation Area. The proposed development having regard to its location at the rear of the property, the small scale of the extension and its design is considered to not result in any harm to the listed building itself, the setting of adjacent listed buildings or the character and appearance of the Conservation Area. The initial proposed development scheme featured a parapet roof which was considered visually damaging and at odds with the existing rear roof of the north facing wall which features a cat slide design. This has since been omitted through an amended plan which replaced the former with a flat roof. This amendment was subsequently supported by the Conservation Officer. Furthermore, the Conservation Officer recommended the infill extension was set back from either rear element to preserve the visual expression of the gap.

13.2 In respect of the internal alterations the Conservation Officer has no objection following the receipt of an amended plan which shows the retention of nibs to each end of the wall to be demolished to allow for the enlarged bedroom created by the infill extension.

13.3 It is considered that the proposed alterations and extension will result in no harm to the listed building or the character and appearance of the Conservation Area. Having regard to all of the above it is considered therefore that the development accords with Policy ENV4 of the adopted local plan and the NPPF.



## 14.0 Conclusion

14.1 The development has been assessed with regard to the policies of the West Dorset, Weymouth & Portland Local Plan (2015), the NPPF (2021) and all other relevant material considerations. It has been concluded that the proposed development would pose no harm to local amenity or the heritage assets of the Grade II \* listed building(s), their setting and the Weymouth Town Centre Conservation Area. In reaching this conclusion regard has been had to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 15.0 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, Site, Proposed floor plans & elevations 16/208/001 Rev B

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

3. The external door hereby approved shall not be installed until detailed drawings and specifications showing the design and construction of the new external door (at a scale no less than 1:10) 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 preserve or enhance the character and appearance of the heritage asset.

4. The rooflight to the extension hereby approved shall not be installed until details of the material, design, colour and height of the rooflight 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 preserve or enhance the character and appearance of the heritage asset.

5. Prior to the installation of the roof to the extension hereby approved the construction details of the roof and its finish, material, colour and sectional details of any connection with the existing building (this is to three sides) shall be 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 preserve or enhance the architectural and historical qualities of the building.

6. All new and replacement rainwater goods shall be cast metal and painted black to match the existing.

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