



Western and Southern Area Planning Committee

Date: Thursday, 20 July 2023
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Dave Bolwell, Kelvin Clayton, Susan Cocking, Nick Ireland, Paul Kimber, Louie O'Leary, Mary Penfold, 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 Elaine Tibble – elaine.tibble@dorsetcouncil.gov.uk 01305 224202

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

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

3. MINUTES 5 - 66

To confirm the minutes of the meeting held on 15 June 2023.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

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. [Guide to Public Speaking at Planning Committee](#)

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

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- | | | |
|-----------|--|--------------|
| a) | P/FUL/2023/01846 Former Council Offices, North Quay, Weymouth, DT4 8TA
Demolition of the existing (former council) building, alterations to the existing car park and provision for additional car parking spaces. | 67 - 98 |
| b) | P/OUT/2021/05309 Land Adjacent Broadmead, Broadmayne
Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only). | 99 - 142 |
| c) | P/FUL/2021/05255 Land Adjacent Broadmead, Broadmayne
Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road. | 143 -
162 |
| d) | P/FUL/2022/07710 Newlands Farm, Coldharbour, Chickerell
Part full and part retrospective application for the change of use of land and buildings from agricultural use to storage (B8) and the siting of up to 43 storage containers | 163 -
176 |
| e) | P/FUL/2023/01475 Atlantic Academy Portland, Lerret Road, Portland, Dorset, DT5 1FN
Provision of additional car parking spaces, vehicular circulation space, footpath alteration, together with associated hard and soft landscaping works to include EV charging, air source heat pump and additional boundary fencing and gates. | 177 -
186 |
| f) | P/FUL/2023/00766 The Town Mill, Mill Lane, Lyme Regis, DT7 3PU
Alterations include:- Replace wooden gates with metal gates. | 187 -
200 |

Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Replace archway to car park.

- | | | |
|----|--|--------------|
| g) | P/LBC/2023/00767 The Town Mill, Mill Lane, Lyme Regis, DT7 3PU
Alterations include- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Install serving hatch. Replace archway to car park. | 201 -
210 |
| h) | P/ADV/2023/01041 The Town Mill, Mill Lane, Lyme Regis, DT7 3PU
Replace existing entrance sign with new entrance sign over footpath. | 211 -
220 |
| i) | P/LBC/2023/01913 Greenhill Chalet Buildings, Weymouth
Change of colour of the painted metalwork from the existing blue to the original grey. | 221 -
228 |

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 15 JUNE 2023

Present: Cllrs David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Dave Bolwell, Kelvin Clayton, Susan Cocking, Nick Ireland, Paul Kimber, Louie O'Leary (Left the meeting at 12:20), Mary Penfold (Joined the meeting at 12:20), Sarah Williams, Kate Wheller and John Worth

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

Ann Collins (Area Manager – Western and Southern Team), Mike Garrity (Head of Planning), Joshua Kennedy (Apprentice Democratic Services Officer), James Lytton-Trevers (Senior Planning Officer), Hannah Massey (Lawyer - Regulatory), Matthew Pochin-Hawkes (Lead Project Officer), Elaine Tibble (Senior Democratic Services Officer) and Katrina Trevett (Development Management Team Leader)

11. Apologies

No apologies for absence were received at the meeting.

12. Declarations of Interest

Cllr Wheller declared that she had sat as the chair of the Weymouth and Portland District Scouts, but did not have a pecuniary interest.

Cllr Worth sat as the Chairman of the Chickerell Town Council Planning Committee, however did not participate in the meeting when application P/FUL/2023/02025 was heard, so was not predetermined on this item.

Cllr Bolwell sat as the Chairman of the Bridport Town Council Planning Committee, however did not participate in the meeting for applications 1/D/11/002012, WD/D/16/002852 and P/RES/2021/04848, so was not predetermined on these items.

Cllr Clayton declared an interest in applications 1/D/11/002012 and WD/D/16/002852, due to his personal property being located near to the application site, therefore left the Council Chamber for the consideration of these items.

Cllr Ireland declared that he previously served as a Dorset County Councillor, however was not involved in planning and so would take part in items 5d and 5e.

Cllr Williams declared that she sat as a Bridport Town Councillor, however did not sit on the planning committee and therefore would take part in every item.

Cllr Dunseith declared an interest in application P/FUL/2023/02025, due to being predetermined on this item, therefore left the Council Chamber for the consideration of this item.

Cllr Penfold declared an interest in items 5d and 5e and left the Council Chamber for the duration of these items.

13. **Minutes**

The minutes of the meeting held on 18 May 2023 were confirmed and signed.

14. **Planning Applications**

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

15. **Application No 1/D/11/002012 - South West Quadrant, St Michael's Trading Estate, Bridport**

Cllr Clayton left the Council Chamber at 10:17.

With the aid of a visual presentation the Lead Project Officer presented the planning application to members. The location of the site within Bridport was outlined to members, as well as an ariel view of St Michaels Trading Estate. The Lead Project Officer detailed the location of the nearby listed buildings and heritage assets.

Photographs of the site were displayed, including photos of the non-designated heritage assets that were located within the application boundaries and of other buildings within the site, which showed the size and scale of the existing buildings. The Lead Project Officer explained that there was a variety of light industrial commercial units operating within the site, including a record shop and café.

It was explained that there was a range of housing proposed on this development ranging from 1-bedroom flats to 4-bedroom houses and that the affordable housing mix had been reduced since the last application, following a viability assessment submitted by the applicant. The Lead Project Officer noted that although the affordable housing mix had been reduced, this was outweighed by a number of considerations including the fact that the development would still contribute to the need for housing within Bridport and would develop a brownfield site.

The key planning issues were summarised by the Lead Project Officer, who noted the benefits of increased housing, open space and improved employment spaces, which would create more jobs for the local area. The proposal was not considered to harm the AONB or cause harm to the Bridport Conservation Area.

Public representation was received from the applicant Mr Ridley, who emphasised the importance of developing a sustainable brownfield site and the economic benefits that this application would provide for the local economy in Bridport.

In response to questions from members the Lead Project Officer stated the following:

- The estimated net number of jobs that would be created from this development was around 100, based on improving the commercial spaces.
- There had been extensive negotiations around this application regarding affordable housing and the independent District Valuer Service had determined that the amount of affordable housing agreed at the previous committee was no longer viable.
- The figures in the report about the need for housing in Bridport are from February 2023 and show a high need for both 1 and 2 bedroom homes.

Several members recognised the important contribution that this development would make in providing more homes in Bridport.

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

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions in the appendix to these minutes.

And

That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

16. **Application No WD/D/16/002852 - Lilliput Buildings adjoining 40 St**

Michael's Lane, St Michaels Estate, Bridport. DT6 3TP

The Lead Project Officer presented the application, which concerned the Northeast corner of the St Michaels Trading Estate. Members were shown the location of the site within the trading estate and the wider Bridport area and the location of nearby heritage assets and listed buildings.

The Lead Project Officer explained that this development included just 2-bedroom properties and a very small reduction in commercial floorspace. The proposed floor plans of each storey of the building were shown, as well as the elevations of the building from each side. This application would be completed within the first phase of the development and wouldn't include any affordable housing within the site boundary.

The key planning issues were summarised, and the Lead Project Officer noted that the development was acceptable in principle and that although there was a limited housing mix, this was because of site constraints including heritage assets.

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

Decision:

- A) That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:
- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
 - 2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions detailed in the appendix to these minutes.

And

- B) That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

17. **Application No P/RES/2021/04848 - Land at Foundry Lea, Vearse Farm, Bridport**

Cllr Clayton returned to the Council Chamber at 11:23.

The meeting was adjourned at 11:23 and reconvened at 11:31.

The Lead Project Officer presented the planning application, which had previously been approved by the committee in August, however following comments from the Environment Agency, three attenuation basins had been altered.

Members were shown a map, displaying the original locations of the three attenuation basins, as well as the proposed locations and design of each basin.

In response to questions from members the Lead Project Officer explained that the attenuation basins met the required guidelines and were not deep enough to require fencing and that the Flood Risk Management Officer had agreed that fencing wasn't required. The Head of Planning explained that the flood modelling that had been undertaken did include future possibilities regarding climate change and that these had been considered in the report. The Lead Project Officer explained that the basins were not designed for recreational purposes and would also not be filled with water for the majority of the time, meaning that fencing around the basins was not necessary.

Several members felt that in the interest of public safety, fencing and landscaping ought to be included around the basins, to prevent the possibility of accidents occurring.

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

Decision: That reserved matters were granted subject to the conditions set out in the appendix (as amended) to these minutes.

18. **Application No P/VOC/2023/00785 - Whitcombe Manor Stables, A352 Came Park Road to Main Road Broadmayne, Whitcombe, DT2 8NY**

Cllr Penfold left the Council Chamber.

With the aid of a visual presentation the Lead Project Officer presented the application to vary a condition that restricted the occupation of the dwellings in order to allow the dwellings to be used for both temporary holiday lets, in addition to the current equestrian usage.

The Lead Project Officer explained that most of the accommodation on the application site was currently unoccupied, because the site was not viable as a racehorse training business due to being located too far away from racecourses.

Oral representations in opposition to the application were received from Cllr Graham Brant of Bincombe Parish, Mr Pope a member of the Dorset AONB Partnership, Mr O'Brien a member of the Thomas Hardy Society and Cllr Tarr. They felt that the change of use of the site could damage the AONB and allow further development to an area of historic interest.

Mr Spiller, the agent for the applicant spoke in support of the application, who stated that this application was small in scale and would only diversify the usage of the current dwellings and not develop the site any further.

In response to questions from members the Lead Project Officer advised that:

- There was no current equine usage of the site, due to there being no operating racehorse training business.
- Possible enforcement proceedings shouldn't impact member's decision making, as they are confidential and separate to the application.
- The ownership of the dwellings would remain the same and the S106 would ensure that the dwellings remain as part of one holding.

In accordance with procedural rule 8.1 a vote was taken, the committee agreed to exceed the 3-hour meeting time limit at 12:55.

One member expressed disappointment that these dwellings were empty and not being used.

Proposed by Cllr Cocking and seconded by Cllr Kimber.

Decision:

(A) That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to the conditions in the appendix to these minutes.

And

(B) That permission be refused for the reasons set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to the remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2 outside a defined development boundary. As such the proposal would be contrary to Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

19. **Application No P/VOC/2023/00791 - Whitcombe Manor Stables, A352 Came Park Road to Main Road Broadmayne, Whitcombe, DT2 8NY**

Cllr Penfold left the Council Chamber at 14:02.

The Lead Project Officer presented the application for the variation of a planning condition that restricted the usage of the application site.

Members were shown a map of the site and the boundaries of the application were highlighted, in addition to the elevations and side view of the dwelling and photographs of the stables and house.

The Lead Project Officer explained that the applicant demonstrated the site was no longer viable for training racehorses, due to being too far away from racecourses and that the application was supported by policies ECON6 and SUS3 in the local plan.

Oral representation in support of the application was received from the agent for the applicant Mr Spiller.

The Lead Project Officer clarified that the owners accommodation referred to the principal accommodation on site that would be used by the person running the business, rather than the personal dwelling of the owner.

Proposed by Cllr Bolwell and seconded by Cllr Cocking.

Decision:

(A) That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to the conditions in the appendix to these minutes.

And

(B) That permission be refused for the reason set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to remaining authorised works under permission 1/E/94/000295 for the laying of a road to yard 2 outside a defined development boundary. The proposal would be contrary to West Dorset, Weymouth & Portland policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

20. **Application No P/FUL/2023/01286 - 9-12 Land West Of Tobys Close Portland**

Cllr Penfold returned to the Council Chamber at 14:15.

The Development Management Team Leader presented the application for the erection of a single dwelling. Members were shown the location of the site within Portland and an aerial view showing the grassed area of the application site. The application had come to the committee because of concerns from Portland Town Council due to loss of open space.

Members were shown the proposed floor plan and elevations of the single storey bungalow, as well as photos of the site and the access road to the site.

The Development Management Team Leader summarised the key issues and explained that although there was a loss of open space, it was considered to have limited amenity value due to its small scale and location. The proposed development was considered to be in keeping with the area and there were no concerns around impact on neighbours' amenity and no adverse impact on roads or parking.

In response to a question from one member the Development Management Team Leader responded that there were multiple other nearby dwellings, which also did not contain a parking space and there was no requirement to do so.

Proposed by Cllr Bolwell and seconded by Cllr Clayton.

Decision: That the application was granted subject to conditions contained within the appendix to these minutes.

21. **Application No P/FUL/2023/02025 - Scout Hall, Granby Close, Weymouth, DT4 0SR**

Cllr Penfold returned to the Council Chamber and Cllr Dunseith left the Council Chamber at 14:34.

Proposed by Cllr Shortell and seconded by Cllr Kimber.

Decision: That Cllr Kimber be appointed Vice-Chair for the duration of this item.

The Development Management Team Leader presented the application for a replacement scout hall, which was used by the Weymouth West Air Scout Group. The application had come to the committee for consideration due to the application site being located on Dorset Council owned land.

Members were shown the location of the application site on a map, as well as the floor plan of the proposed development, which would provide better accessibility and increased storage facilities. Dorset Police had expressed concern about a small open area of the proposed building, however this issue had been addressed through significant CCTV presence and external perimeter fencing.

The existing and proposed elevations were shown, in addition to photos of the existing scout hall and the access road and surrounding area. There would be no impact on neighbouring amenity as a result of this application and the application had received support from several neighbours, the Ward Member and other consultees.

Public representation was heard from Mr Clothier, who spoke on behalf of the applicant in support of the application. He highlighted the need for a new scout hall in order to provide better accessibility and storage facilities for the scouts.

The Development Management Team Leader responded to a question from one member and explained that a condition around a heat pump had been included, as a result of a comment from Environmental Health about potential noise issues.

Proposed by Cllr Wheller and seconded by Cllr Williams.

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

22. **Urgent items**

There were no urgent items.

23. **Exempt Business**

There was no exempt business.

Decision List

Duration of meeting: 10.05 am - 2.50 pm

Chairman

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Western & Southern Area Planning Committee 15 June 2023 Decision List

Application Reference: 1/D/11/002012

Application Site: South West Quadrant, St Michaels Trading Estate, Bridport

Proposal: Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of 'Tower Building'. Appearance and landscaping reserved for further approval. (Further revised scheme).

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
- 2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions detailed at Section 17 of this report.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 1) In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

Decision: That Delegated Authority be granted to the Head of Planning and Service Manager for Development Management & Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
- 2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions below.

Planning Conditions

Approved Plans

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

Site Location Plan - 10155 PL 001

Masterplan Showing Demolition - 10155 PL 002

Proposed Site Plan - 10155 PL101 Rev D

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

Procedural Conditions

2. Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Plans and particulars of the Reserved Matters shall be submitted to the Local Planning Authority and shall be carried out as approved.

REASON: To ensure the satisfactory development of the site.

3. The scale of buildings shall comply with the storey and building heights shown on the below plans:

Proposed Layout (new build) - Stover Building - 10155 PL110

Proposed St Michael's Lane - Residential - 10155 PL111 Rev A

Proposed New Housing-Proposed Plans, Sections & Elevations – Types C, D, E and F - 10155 PL112 Rev A

Proposed Aerial View - 10155 PL201

Proposed Site Sections Sheet 1 - 10155 PL202

Proposed Site Sections Sheet 2 - 10155 PL203

Proposed Site Sketches Across Cattlemarket Square - 10155 PL204

REASON: To ensure the satisfactory development of the site.

1. Application(s) for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

5. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

The Stover Building

6. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a contract for the subsequent and immediate implementation of the redevelopment of that part of the site as approved by this permission has been entered into. .

REASON: To avoid the premature demolition of the Stover Building in the interests of preserving the character of the Bridport Conservation Area.

7. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a scheme for recording the building's heritage significance during the process of demolition has been submitted to, and approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure a complete record of the heritage significance of the building.

The "Tin Shed"

8. No demolition of the "Tin Shed" (the northernmost building marked as no. 20 on drawing no. PL 002) shall take place until a scheme for the storage, re-use and relocation of the structure including timetable, shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter demolition and/or relocation shall proceed in accordance with such scheme and timetable as is approved unless otherwise agreed by the Local Planning Authority in writing.

REASON: To ensure that the structure is retained as part of the redevelopment proposals.

Residential Amenity

9. The ground floor of the new Stover Building and the two structures marked as "Cattlemarket small business units" on drawing PL101 Revision D shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties.

10. Before installation of plant or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measures shall be fully implemented and permanently retained thereafter.

Reason: In order to protect the amenity of nearby residential properties.

Biodiversity

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11 November 2022 must be implemented in accordance with any specified timetable and completed in full for the relevant phase (including the submission of compliance measures to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development within the relevant hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To enhance biodiversity.

St Michael's Island

12. Unless agreed otherwise in writing by the Local Planning Authority, none of the dwellings hereby approved shall be first occupied until a Management Plan for the enhancement and long-term management of St Michael's Island (marked as no. 8 on drawing no. PL 101 Revision D) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall

include the features identified at Section G of the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11 November 2022 and shall include: (a) timetabled proposals for enhancements to biodiversity and long term management; (b) details of arrangements for public access; and (c) details of the body/organisation charged with long-term maintenance. Thereafter, enhancement and long-term management shall proceed in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

Riverside Walk

13. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be commenced until a scheme for a riverside walk, incorporating the Environment Agency's 8m wide maintenance strip east of the River Brit, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; (2) timetable for provision and phased construction arrangements, if appropriate; (3) proposals for limiting vehicle access; and (4) proposals for long-term maintenance and public access. Thereafter, the development shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

Cattlemarket Square

14. Unless agreed otherwise in writing by the Local Planning Authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and future use of Cattlemarket Square (as identified on approved drawing PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; (2) proposals for long-term maintenance and public use/access (3) a timetable for implementation. Thereafter, the proposals for Cattlemarket Square shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To ensure that the potential of Cattlemarket Square to serve a number of uses is fully realised.

Flood Risk

15. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the proposed development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

16. The development hereby permitted shall not be commenced until such time as a scheme to ensure the finished ground floor levels of all new buildings (with the exception of the new Stover building) are set at least 300mm above the adjacent / corresponding present day 1 in 100 year flood level has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

17. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways has been submitted to and approved in writing by the Local Planning Authority. All other site levels must not be higher than those prior to the development. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

18. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

19. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of any drainage infrastructure and highway works

immediately adjacent to the replacement river wall and flood defence wall which are proposed to be carried out simultaneously with the flood defence works. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of all other development works on the site excluding any drainage and highway works included within the approved scheme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

Surface Water

20. No development shall take place on any phase of development until a detailed surface water management scheme for each phase of development has been submitted to and approved in writing by the Local Planning Authority. The detailed surface water management scheme is to be based upon:
- a) The hydrological and hydrogeological context of the development.
 - b) Provide clarification of how surface water is to be managed during construction for each phase.
 - c) Liaison with the Lead Local Flood Authority, and current industry best practice, guidelines and legislation.

The surface water scheme for each phase of development shall be fully implemented in accordance with the submitted details before each phase of the development is completed.

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

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

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

Land Contamination

22. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all

potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

23. Prior to the first occupation or use of a relevant phase of development a verification report to confirm that the relevant phase is fit for purpose following remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).

Reason: To ensure potential land contamination is addressed.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority 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.

Estate Road

25. Before the development is first occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

Cycle Parking

26. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities has

been submitted to and approved in writing by the Local Planning Authority. The approved scheme for the relevant phase must be constructed before the relevant phase of development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

Travel Plan

27. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include the Travel Plan measures identified at Section 5.2 of the Transport Assessment Addendum (ref. L06221/TAA02 dated 13 April 2023) together with:

- a) Targets for sustainable travel arrangements.
- b) Effective measures for the on-going monitoring of the Travel Plan.
- c) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- d) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development.

The development must be implemented only in accordance with the approved Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

Construction Traffic Management Plan

28. For each phase of development, no development shall take place within the relevant phase until a Construction Traffic Management Plan (CTMP) is submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- a) construction vehicle details (number, size, type and frequency of movement);
- b) a programme of construction works and anticipated deliveries;
- c) timings of deliveries so as to avoid, where possible, peak traffic periods;
- d) a framework for managing abnormal loads;
- e) contractors' arrangements (compound, storage, parking, turning, surfacing and drainage);
- f) wheel cleaning facilities;
- g) Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase;
- h) a scheme of appropriate signing of vehicle route to the site;

- i) a route plan for all contractors and suppliers to be advised on;
- j) temporary traffic management measures where necessary;

The development of the relevant phase must be carried out strictly in accordance with the approved CTMP.

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

Sustainability

29. Prior to commencement of development, an Energy Strategy setting out how the new residential and non-residential uses hereby permitted shall secure at least 10% (or such other percentage as may be agreed by the Local Planning Authority) of total unregulated energy from decentralised and renewable or low carbon sources, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented and permanently retained thereafter.

Reason: In the interest of addressing climate change and securing sustainable development.

30. The new non-residential space within the Stover Building and Cattlemarket Small Business Units as identified on drawing PL101 Revision D, shall be registered with Building Research Establishment (BRE), and shall achieve BREEAM Rating Excellent.

(A) Within six months of the completion of the new non-residential space, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.

(B) Within six months from the date of first use of the new non-residential spaces commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures have been implemented.

Following any approval of a 'Post Construction Stage' assessment and certificate of the new non-residential spaces, the approved measures and technologies to achieve the BREEAM Rating shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change and securing sustainable development in accordance with Bridport Area Neighbourhood Plan Policy CC2.

Informatives:

1. This permission should be read in association with the agreement made under Section 106 of the Town and Country Planning Act 1990 and dated #####.

2. Surface water

The surface water drainage scheme required by conditions 20 and 21 must meet the following criteria:

Any outflow from the site must be limited to run-off rates identified in the FRA and discharged incrementally for all return periods up to and including the 1 in 100 year storm;

The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the 1 in 30 year flood event (as agreed in the FRA);

If there is any surcharge and flooding from the system, overland flood flow rates and "collection" areas on site (e.g. car parks, landscaping etc.) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

The adoption and maintenance of the drainage system must be addressed and clearly stated.

3. Flood defence consent (recommended by the Environment Agency)

The applicant is reminded that in addition to planning permission, all works in, under, over or within 8 metres of a Main River channel such as the River Brit, or formal flood defence assets, will require prior Flood Defence Consent (FDC) from the Environment Agency. Such consent is required in accordance with the Water Resources Act 1991 and Byelaws legislation, and relates to both permanent and temporary works. Further guidance in this respect is available from the Environment Agency's Development and Flood Risk Officer (Tel. 01258 483351).

4. Sustainable Construction (recommended by the Environment Agency)

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

5. Pollution prevention during construction (recommended by the Environment Agency)

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

6. Waste Management (recommended by the Environment Agency)

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

7. Site waste management plan (recommended by the Environment Agency)

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

8. National Planning Policy Framework Statement

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

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

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

In this case:

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

9. Biodiversity Plan

In addition to the suitable tree species identified at Section H of the approved Biodiversity Plan (certified by the Dorset Council Natural Environment Team on 11 November 2022) Alder (*Alnus glutinosa*) is recommended by the Environment Agency. Dorset apple varieties are also recommended for the 75% fruit trees within Cattle Market Square.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

Application Reference: WD/D/16/002852

Application Site: Lilliput Buildings Adjoining 40 St Michael's Lane, St Michaels Estate, Bridport, DT6 3TP

Proposal: Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)

Recommendation:

Recommendation A:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
- 2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

Recommendation B:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 1) In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

Decision: That Delegated Authority be granted to the Head of Planning and Service Manager for Development Management & Enforcement to grant subject to the completion of a S106 Legal Agreement and the conditions set out below:

- A) Grant, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:
- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
 - 2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions below.

Planning Conditions

Approved Plans

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

Location Plan and Proposed Site Plan – 10064 PL201

Demolitions – Ground Floor Layout – 10064 PL202

Demolitions – First Floor Layout – 10064 PL203

Proposed Ground Floor Layout – 10064 PL204

Proposed First Floor Layout – 10064 PL205

Proposed Second Floor Layout – 10064 PL206

Proposed Roof Plan – 10064 PL207

Proposed North & East Elevations – 10064 PL210

Proposed South & West Elevations – 9613 PL211

Proposed North and South Section – 9613 PL212

Proposed Elevation Study – Part West Elevation – 9613 PL213

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

Time limit

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

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

Materials

3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details, including colours, (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority prior to the commencement of development.

REASON: In order to safeguard the character of the listed building.

Residential Amenity

4. The areas of the ground floor of the building proposed for commercial use (all those areas not providing access to the upper floor flats) shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties.

5. Before installation of any plant or similar equipment to any unit, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measures shall be fully implemented in accordance the agreed scheme prior to the plant or equipment being first brought into use and shall be permanently retained thereafter.

Reason: In order to protect the amenity of nearby residential properties.

1. Before Flats 1.1 and 1.4 as identified on drawing PL205 are first occupied the two lower rows of window panes on the north-facing windows serving the bedrooms shall be fitted with obscure glass to a minimum industry standard privacy level 3. Thereafter the obscure glass shall be maintained for the lifetime of the development.

REASON: To preserve the amenity and privacy of occupiers.

Security and Secure by Design

2. The development hereby permitted shall incorporate Secured by Design security measures for the doors serving the residential communal areas, each residential unit and each commercial unit to minimise the risk of crime and to meet the security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to construction above damp course level and shall be implemented in accordance with the approved details prior to occupation and maintained for the lifetime of the development.

REASON: In the interests of security and reducing the risk of crime.

3. Prior to construction above damp coarse level details of external lighting along (1) the access/service route to the flats and rear of the commercial units and (2) the pedestrian route between St Michael's Lane and Unit 3 as shown on drawing PL204 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be implemented in accordance with the approved details prior to occupation and maintained in accordance with the approved details for the lifetime of the development.

REASON: In the interests of security and reducing the risk of crime.

Flooding

4. The development hereby permitted shall not be commenced until such time as a scheme to incorporate the finished ground floor levels, flood resistance and resilience measures into the proposed Lilliput Building re-development in accordance with the Flood Risk Assessment (FRA) and FRA Addendum (Such Salinger Peters 27th June 2017) has been submitted to, and approved in writing by, the Local Planning Authority. As detailed within the FRA and FRA Addendum, the ground floors of the proposed refurbished Lilliput building shall be restricted to non-residential use only other than for communal access, bin and cycle storage areas. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

5. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels has been submitted to and approved in writing by the Local Planning Authority. The scheme must include clear assessment and evidence demonstrating no

increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

Surface Water

6. No development shall take place on any phase of development until a detailed surface water management scheme for each phase of development has been submitted to and approved in writing by the Local Planning Authority.

The detailed surface water management scheme is to be based upon:

- a) The hydrological and hydrogeological context of the development.
- b) Provide clarification of how surface water is to be managed during construction for each phase.
- c) Liaison with the Lead Local Flood Authority, and current industry best practice, guidelines and legislation.

The surface water scheme for each phase of development shall be fully implemented in accordance with the submitted details before each phase of the development is completed.

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

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

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

Land Contamination

8. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local

Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.
Reason: To ensure potential land contamination is addressed.

9. Prior to the first occupation or use of a relevant phase of development a verification report to confirm that the relevant phase is fit for purpose following remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).
Reason: To ensure potential land contamination is addressed.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority 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.

Biodiversity

11. The relevant works within the boundary of the application site (as shown on drawing PL201) including detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11 November 2022 must be implemented in accordance with any specified timetable and completed in full (including the submission of compliance measures to the

Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To enhance biodiversity.

Sustainability

12. Prior to commencement of development an Energy Strategy setting out how the new residential and non-residential uses hereby permitted shall secure at least 10% (or such other percentage as may be agreed by the Local Planning Authority) of total unregulated energy from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented and permanently retained thereafter.

Reason: In the interest of addressing climate change and securing sustainable development.

13. The new non-residential space shall be registered with Building Research Establishment (BRE) and shall, achieve BREEAM Rating Excellent.

(A) Within six months of the completion of the new non-residential space, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.

(B) Within six months from the date of first use of the new non-residential spaces commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures have been implemented.

Following any approval of a 'Post Construction Stage' assessment and certificate of the new non-residential spaces, the approved measures and technologies to achieve the BREEAM Rating shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change and securing sustainable development.

Car Parking

14. The dwellings hereby permitted must not be occupied or utilised until the associated car parking spaces serving the dwellings have been provided and

details of their location submitted to and approved in writing by the Local Planning Authority. Thereafter, the car parking spaces must be maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

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

15. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include the Travel Plan measures identified at Section 5.2 of the Transport Assessment Addendum (ref.

L06221/TAA02 dated 13 April 2023) together with:

- e) Targets for sustainable travel arrangements.
- f) Effective measures for the on-going monitoring of the Travel Plan.
- g) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- h) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

Informatives:

1. This permission should be read in association with the agreement made under Section 106 of the Town and Country Planning Act 1990 and dated #####.

2. Surface water

The surface water drainage scheme required by conditions 11 and 12 must meet the following criteria:

Any outflow from the site must be limited to run-off rates identified in the FRA and discharged incrementally for all return periods up to and including the 1 in 100 year storm;

The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the 1 in 30 year flood event (as agreed in the FRA);

If there is any surcharge and flooding from the system, overland flood flow rates and "collection" areas on site (e.g. car parks, landscaping etc.) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

The adoption and maintenance of the drainage system must be addressed and clearly stated.

3. Flood defence consent (recommended by the Environment Agency)

The applicant is reminded that in addition to planning permission, all works in, under, over or within 8 metres of a Main River channel such as the River Brit, or formal flood defence assets, will require prior Flood Defence Consent (FDC) from the Environment Agency. Such consent is required in accordance with the Water Resources Act 1991 and Byelaws legislation, and relates to both permanent and temporary works. Further guidance in this respect is available from the Environment Agency's Development and Flood Risk Officer (Tel. 01258 483351).

4. Sustainable Construction (recommended by the Environment Agency)

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

5. Pollution prevention during construction (recommended by the Environment Agency)

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

6. Waste Management (recommended by the Environment Agency)

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

7. Site waste management plan (recommended by the Environment Agency)

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

8. Biodiversity Plan

In addition to the suitable tree species identified at Section H of the approved Biodiversity Plan (certified by the Dorset Council Natural Environment Team on 11 November 2022) Alder (*Alnus glutinosa*) is also recommended by the Environment Agency.

And

B) That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development

would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

Application Reference: P/RES/2021/04848

Application Site: Land at Foundry Lea Vearse Farm Bridport

Proposal: Construction of 760 dwellings, public open space (including play space and landscape planting), allotments, an orchard, sports pitch provision, with associated changing rooms and car parking, pedestrian, cycle and vehicular links, drainage works and associated infrastructure (Reserved matters application to determine appearance, landscaping, layout and scale following the grant of Outline planning permission number WD/D/17/000986)

Recommendation: Grant reserved matters subject to conditions as set out in this report.

Decision: That the application be granted subject to the conditions set out below.

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

Arboriculture

Veteran Tree Assessment and Management Plan Dated March 2023

Arboricultural Assessment and Method Statement Dated March 2023

Architecture

Acoustic Mitigation Plan 1859 1119 Rev B

Design Compliance Statement Addendum DCSA_01

Location Plan 1859 1000 Rev D

Phasing Plan 1859 80 Rev D

Roof Materials, Front Door Colours and Chimney Placement Plan 1859 1140 Rev B

Planning Layout 1859 1100 Rev E

Planning Layout (1 of 3) 1859 1101 Rev E

Planning Layout (2 of 3) 1859 1102 Rev E

Planning Layout (3 of 3) 1859 1103 Rev E

Masterplan 1859 1105 Rev E

Materials Plan 1859 1111 Rev E

Storey Heights Plan 1859 1112 Rev D

Parking Plan	1859 1113 Rev D
Land Ownership Plan	1859 1114 Rev D
Affordable Housing Plan	1859 1115 Rev D
External Works Plan	1859 1116 Rev D
Waste Collection Plan	1859 1117 Rev D
Enclosures Plan	1859 1118 Rev D
Site Sections	1859 1150 Rev B
Site Sections	1859 1151 Rev B
Central Vearse Streetscenes	1859 1170 Rev B
Core Neighbourhood and Countryside Edge Streetscenes	1859 1171 Rev B
Park Edge and West Mead Streetscenes	1859 1172 Rev B
House Type Elevational Key	1859 3000 Rev A
House Type Elevational Key Central Vearse	1859 3001 Rev A
House Type Elevational Key Core Neighbourhood	1859 3002 Rev A
House Type Elevational Key Park Edge	1859 3003 Rev A
House Type Elevational Key Countryside Edge	1859 3004 Rev A
House Type Elevational Key West Mead	1859 3005 Rev A
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 NEAP and MUGA IDV-PD 1042.03 Rev A
 Tree Pit Section 10042-FPCR-CC-ZZ-DR-L-0049 Rev P01
 Landscape Proposal Sports Pitch Plan 10042-FPCR-XX-ZZ-DR-L-0048 Rev P02

 Woodland Trail Plan 10042-FPCR-XX-ZZ-DR-L 0046 Rev P02
 Allotment Scheme Plan 10042-FPCR-XX-ZZ-DR-L-0047 Rev P02
 Sheet Layout Plan 10042-FPCR-XX-ZZ-DR-L-0001 Rev P06
 Detailed Planting Plan Sheet 1 of 4310042-FPCR-XX-ZZ-DR-L0002 Rev P05
 Detailed Planting Plan Sheet 2 of 4310042-FPCR-XX-ZZ-DR-L0003 Rev P05
 Detailed Planting Plan Sheet 3 of 4310042-FPCR-XX-ZZ-DR-L0004 Rev P06
 Detailed Planting Plan Sheet 4 of 4310042-FPCR-XX-ZZ-DR-L0005 Rev P06
 Detailed Planting Plan Sheet 5 of 4310042-FPCR-XX-ZZ-DR-L0006 Rev P05

Detailed Planting Plan Sheet 6 of 4310042-FPCR-XX-ZZ-DR-L0007 Rev P06
Detailed Planting Plan Sheet 7 of 43 10042-FPCR-XX-ZZ-DR-L0008 Rev P05
Detailed Planting Plan Sheet 8 of 4310042-FPCR-XX-ZZ-DR-L0009 Rev P05
Detailed Planting Plan Sheet 9 of 4310042-FPCR-XX-ZZ-DR-L0010 Rev P05
Detailed Planting Plan Sheet 10 of 4310042-FPCR-XX-ZZ-DR-L0011 Rev P06
Detailed Planting Plan Sheet 11 of 4310042-FPCR-XX-ZZ-DR-L0012 Rev P06
Detailed Planting Plan Sheet 12 of 4310042-FPCR-XX-ZZ-DR-L0013 Rev P05
Detailed Planting Plan Sheet 13 of 4310042-FPCR-XX-ZZ-DR-L0014 Rev P05
Detailed Planting Plan Sheet 14 of 4310042-FPCR-XX-ZZ-DR-L0015 Rev P05
Detailed Planting Plan Sheet 15 of 4310042-FPCR-XX-ZZ-DR-L0016 Rev P05
Detailed Planting Plan Sheet 16 of 4310042-FPCR-XX-ZZ-DR-L0017 Rev P05
Detailed Planting Plan Sheet 17 of 4310042-FPCR-XX-ZZ-DR-L0018 Rev P05
Detailed Planting Plan Sheet 18 of 4310042-FPCR-XX-ZZ-DR-L0019 Rev P05
Detailed Planting Plan Sheet 19 of 4310042-FPCR-XX-ZZ-DR-L0020 Rev P05
Detailed Planting Plan Sheet 20 of 4310042-FPCR-XX-ZZ-DR-L0021 Rev P06
Detailed Planting Plan Sheet 21 of 4310042-FPCR-XX-ZZ-DR-L0022 Rev P06
Detailed Planting Plan Sheet 22 of 4310042-FPCR-XX-ZZ-DR-L0023 Rev P05
Detailed Planting Plan Sheet 23 of 4310042-FPCR-XX-ZZ-DR-L0024 Rev P05
Detailed Planting Plan Sheet 24 of 4310042-FPCR-XX-ZZ-DR-L0025 Rev P05
Detailed Planting Plan Sheet 25 of 4310042-FPCR-XX-ZZ-DR-L0026 Rev P05
Detailed Planting Plan Sheet 26 of 4310042-FPCR-XX-ZZ-DR-L0027 Rev P05
Detailed Planting Plan Sheet 27 of 4310042-FPCR-XX-ZZ-DR-L0028 Rev P05
Detailed Planting Plan Sheet 28 of 4310042-FPCR-XX-ZZ-DR-L0029 Rev P05
Detailed Planting Plan Sheet 29 of 4310042-FPCR-XX-ZZ-DR-L0030 Rev P05
Detailed Planting Plan Sheet 30 of 4310042-FPCR-XX-ZZ-DR-L0031 Rev P05
Detailed Planting Plan Sheet 31 of 4310042-FPCR-XX-ZZ-DR-L0032 Rev P05
Detailed Planting Plan Sheet 32 of 4310042-FPCR-XX-ZZ-DR-L0033 Rev P05
Detailed Planting Plan Sheet 33 of 4310042-FPCR-XX-ZZ-DR-L0034 Rev P05
Detailed Planting Plan Sheet 34 of 4310042-FPCR-XX-ZZ-DR-L0035 Rev P05
Detailed Planting Plan Sheet 35 of 4310042-FPCR-XX-ZZ-DR-L0036 Rev P05
Detailed Planting Plan Sheet 36 of 4310042-FPCR-XX-ZZ-DR-L0037 Rev P05
Detailed Planting Plan Sheet 37 of 4310042-FPCR-XX-ZZ-DR-L0038 Rev P05
Detailed Planting Plan Sheet 38 of 4310042-FPCR-XX-ZZ-DR-L0039 Rev P05
Detailed Planting Plan Sheet 39 of 4310042-FPCR-XX-ZZ-DR-L0040 Rev P05
Detailed Planting Plan Sheet 40 of 4310042-FPCR-XX-ZZ-DR-L0041 Rev P05

Detailed Planting Plan Sheet 41 of 4310042-FPCR-XX-ZZ-DR-L0042 Rev P05

Detailed Planting Plan Sheet 42 of 4310042-FPCR-XX-ZZ-DR-L0043 Rev P05

Detailed Planting Plan Sheet 43 of 4310042-FPCR-XX-ZZ-DR-L0044 Rev P05

Sustainability

Energy Statement SOL_21_S008_LRM Issue 4

Sustainable Design and Construction Statement SOL21S008_LRM Issue 4

Section 38 Agreement Layout Sheet 1 of 26 P7100 Rev P4

Section 38 Agreement Layout Sheet 2 of 26 P7101 Rev P3

Section 38 Agreement Layout Sheet 3 of 26 P7102 Rev P4

Section 38 Agreement Layout Sheet 4 of 26 P7103 Rev P4

Section 38 Agreement Layout Sheet 5 of 26 P7104 Rev P4

Section 38 Agreement Layout Sheet 6 of 26 P7105 Rev P4

Section 38 Agreement Layout Sheet 7 of 26 P7106 Rev P4

Section 38 Agreement Layout Sheet 8 of 26 P7107 Rev P4

Section 38 Agreement Layout Sheet 9 of 26 P7108 Rev P4

Section 38 Agreement Layout Sheet 10 of 26 P7109 Rev P3

Section 38 Agreement Layout Sheet 11 of 26 P7110 Rev P4

Section 38 Agreement Layout Sheet 12 of 26 P7111 Rev P4

Section 38 Agreement Layout Sheet 13 of 26 P7112 Rev P3

Section 38 Agreement Layout Sheet 14 of 26 P7113 Rev P3

Section 38 Agreement Layout Sheet 15 of 26 P7114 Rev P3

Section 38 Agreement Layout Sheet 16 of 26 P7115 Rev P3

Section 38 Agreement Layout Sheet 17 of 26 P7116 Rev P4

Section 38 Agreement Layout Sheet 18 of 26 P7117 Rev P3

Section 38 Agreement Layout Sheet 19 of 26 P7118 Rev P3

Section 38 Agreement Layout Sheet 20 of 26 P7119 Rev P3

Section 38 Agreement Layout Sheet 21 of 26 P7120 Rev P3

Section 38 Agreement Layout Sheet 22 of 26 P7121 Rev P4

Section 38 Agreement Layout Sheet 23 of 26 P7122 Rev P4

Section 38 Agreement Layout Sheet 24 of 26 P7123 Rev P3

Section 38 Agreement Layout Sheet 25 of 26 P7124 Rev P3

Section 38 Agreement Layout Sheet 26 of 26 P7125 Rev P3

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

2. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev D (or any subsequent phasing plan approved by the Local Planning Authority pursuant to Condition 2 of planning permission WD/D/17/000986) shall take place until samples of materials to be used in the construction and finish of walls and roofs for that phase have been made available on site for the inspection by the Local Planning Authority and they have been approved in writing by the Local Planning Authority. The samples shall include sample panels measuring 1 metre by 2 metres of each principal facing material, which shall include details of coursing, mortar mix and pointing. The sample panels shall be retained on-site until they have been approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality.

3. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev D (or any subsequent phasing plan approved by the Local Planning Authority pursuant to Condition 2 of planning permission WD/D/17/000986) shall take place until detailed drawings (at a scale of not less than 1:20) showing the design, materials and construction specifications of external doors and windows for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: In order to ensure that the details are of sufficient standard.

4. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev D (or any subsequent phasing plan approved by the Local Planning Authority pursuant to Condition 2 of planning permission WD/D/17/000986) shall take place until a scheme showing details of all external vents, flues and utility meter boxes for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

5. The development hereby approved shall proceed only in strict accordance with the details set out in the Arboricultural Method Statement dated: March 2023, with associated Tree Protection Plans ref: 10042-T-03 C - 10042-T-13 C and details contained within the Veteran Tree Assessment dated: March 2023.

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

6. In implementing the landscape planting hereby permitted, the following species must not be planted within 10m of the A35:

- Blackthorn (*Prunus spinosa*)
- Goat willow (*Salix caprea*)
- Crack willow (*Salix fragilis*)
- Dogwood (*Cornus sanguinea*)
- Italian alder (*Alnus cordata*)
- Bird cherry (*Prunus avium*)
- Quaking Aspen (*Populus tremulans*)
- Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the A35 trunk road carriageway or any significant National Highways asset:

- Silver Birch (*Betula pendula*)
- Austrian Pine (*Pinus nigra*)
- Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*)
- English Oak (*Quercus robur*)

Reason: To ensure the safe and efficient operation of the strategic road network.

7. No development above damp proof course level shall take place within a sub-phase of development, until a plan showing the sub-phasing arrangements for the development hereby approved in relation to the visibility splay areas shown on Drawing Number 1628 P7150 P4 has been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation or the utilisation of each agreed sub-phase, the approved visibility splays as per Drawing Number 1628 P7150 P4 shall be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

8. Prior to the construction of the vehicular access to the rear of plots 700-707 inclusive as shown on Drawing Number 1859 1100 Rev E, a scheme showing how the vehicular access to the rear of plot 707 will be signposted and marked to ensure the access is used for the purpose of Entry Only, shall be submitted and approved in writing to the Local Planning Authority. The approved scheme shall be implemented prior to the occupation or utilisation of plots 700 to 707 and, thereafter, must be permanently maintained for the purpose specified.

Reason: To ensure safe entry and exit to and from the site onto the highway.

9. Prior to the construction of drainage basins 2, 6, and 7b schemes for the fencing and/or landscaping around the drainage basins and a scheme for the maintenance of the landscaping and fencing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme for each basin shall be carried out in full prior to first use of each drainage basin and shall be retained thereafter.

Reason: In the interests of health and safety

Informative Notes:

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 1 May 2019.

2. Informative: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

3. Informative: The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Development team. They can be reached by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

4. Informative: There is a requirement for condition 22 of the outline planning permission to provide a plan showing the sub-phasing arrangements for the development hereby approved in relation to the access, geometric highway layout, turning and parking areas shown on Drawing Number 1859 1100 Rev E.

5. Informative: The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the

form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering.

6. Informative: Plans of the Skills Academy shall be submitted to and agreed by the Local Planning Authority in the discharge of condition 20 of the outline permission for the agreement of a Construction Traffic Management Plan.

7. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

Application Reference: P/VOC/2023/00785

Application Site: Whitcombe Manor Stables A352 Came Park Road To Main Road Broadmayne Whitcombe DT2 8NY

Proposal: Erect 4 no. houses to existing yard and 3 no. houses to yard 2 without compliance with condition 4 of planning permission 1/E/96/000515 to remove restriction as to use.

Recommendation:

- (A) Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.
- (B) Refuse permission for the reasons set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to the remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2 outside a defined development boundary. As such the proposal would be contrary to Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

Decision:

A) That delegated authority be granted to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

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

Plans 53-123-10, 11, 12, 13, 14, 15

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

2. The occupation of each of the four dwellings shall be limited to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference I/E/87/0775, or the widow or widower of such a person, and to any resident dependants or shall be occupied for holiday purposes only and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling(s) and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: In order to ensure that the accommodation remains occupied as equestrian or holiday accommodation only.

Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to rescinding permission for three dwellings.

B) Refuse permission for the reasons set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to the remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2 outside a defined development boundary. As such the proposal

would be contrary to Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

Application Reference: P/VOC/2023/00791

Application Site: Stables Whitcombe Manor A352 Came Park Road To Main Road Broadmayne Whitcombe DT2 8NY

Proposal: Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access (with removal of condition 11 of planning permission 1/D/09/001333) - restriction to use.

Recommendation:

(A) Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

(B) Refuse permission for the reason set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to remaining authorised works under permission 1/E/94/000295 for the laying of a road to yard 2 outside a defined development boundary. The proposal would be contrary to West Dorset, Weymouth & Portland policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework

Decision:

(A) Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

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

Location Plan - Dwg. No: 7475/P001A received on 20/08/2009

Location Plan - Dwg. No: 7475/P002 received on 20/08/2009

Site Plan - Dwg. No: 7475/P003A received on 20/08/2009

Site Plan - Dwg. No: 7475/P004A received on 20/08/2009

Stable Block Floor Plans - Dwg. No: 7475/P010A received on 20/08/2009

Stable Block Elevations and Sections - Dwg. No: 7475/P011A received on 20/08/2009

Proposed House Floor Plans - Dwg. No: 7475/P034 received on 20/08/2009

Proposed House Elevations - Dwg. No: 7475/P040 received on 20/08/2009

Proposed House Elevations - Dwg. No: 7475/P041 received on 20/08/2009

Proposed House Elevations & Section - Dwg. No: 7475/P042 received on 20/08/2009

Proposed House Sections - Dwg. No: 7475/P043 received on 20/08/2009

Proposed Site Section - Dwg. No: 7475/P013A received on 20/08/2009

Landscape Strategy Plan - Dwg. No: 504-2 received on 20/08/2009

Topographical Survey - Dwg. No: 457WC01 received on 20/08/2009

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

2.The occupation of the flat and house shall be limited to a person or persons solely or mainly working, or last working, on a full time, or near full time basis, in the racehorse breeding and/or training facility established on “the holding” as defined within the Section 106 agreement associated with this permission or in the running of the racehorse breeding and/or training facility, or a widow or widower of such a person, and to any resident dependants or shall be occupied for holiday purposes only and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling(s)and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: In order to ensure that the accommodation remains occupied as equestrian or holiday accommodation only.

Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to rescinding permission for a road to yard 2.

(B) Refuse permission for the reason set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement.

The proposal would fail to make provision for variation of the s106 Agreement pertaining to remaining authorised works under permission 1/E/94/000295 for the laying of a road to yard 2 outside a defined development boundary. The proposal would be contrary to West Dorset, Weymouth & Portland policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

Application Reference: P/FUL/2023/01286

Application Site: 9-12 Land West Of Tobys Close Portland

Proposal: Erection of one dwelling.

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:

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

3. Details of the means of enclosure to the plot boundaries of the dwelling including height and materials shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwelling. The dwelling shall not be first occupied until the agreed means of enclosure for its plot boundaries has been erected and retained thereafter.

Reason: In the interests of visual and residential amenity.

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

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

5. Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

6. The development hereby approved shall not be commenced until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS must include details of:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, permitted by Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

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

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

Informative

Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

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 was provided with pre-application advice.

INFORMATIVE NOTE: Dorset Council Waste Services (residential)

The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474 or by email at bincharges@dorsetcouncil.gov.uk.

INFORMATIVE NOTE: Fire safety

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

Right of Way

Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect. Permission

must be obtained for any vehicle to drive along the Public Footpath. To drive a vehicle along a public footpath without consent is against the road traffic act.

Application Reference: P/FUL/2023/2025

Application Site: Scout Hall Granby Close Weymouth DT4 0SR

Proposal: Replacement Scout Hall.

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:

16/237/001 Rev B Location and Site plan

16/237/002 Rev A Proposed floor plans and elevations

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

3. The external materials to be used for the wall(s) and roof(s) shall be as shown on the Proposed elevations drawing no.16/237/002. Thereafter, the building shall be retained as such.

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

4. The soft landscaping works detailed on approved drawing 16/237/001 Rev A must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

5. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority.

Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

6. All private functions (as in non-scout association functions) and any associated amplified music/microphones shall cease by 23:00 hours.

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

7. The use of the building hereby approved shall be in compliance with the submitted travel plan received on the 13th June 2023.

Reason: In the interests of neighbouring amenity.

8. Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. Before the installation of the air source heat pump (ASHP), the applicant shall identify the specific model of ASHP to be used and demonstrate its acceptability in terms of noise effects on nearby dwellings. This can be achieved by undertaking the calculations laid out in MICROGENERATION INSTALLATION STANDARD: MCS 020 MCS 020.pdf(mcscertified.com); the calculations shall be submitted to and approved in writing by the local planning authority for written approval also prior to the installation of the ASHP. Thereafter, the ASHP model shall be as agreed and retained thereafter.

Reason: to protect the amenity of nearby dwellings in relation to noise from the development.

Informatives:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and

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

In this case:

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

2. It is recommended that the applicant contacts the Dorset Police Crime Prevention Officer to consider the security measures for the site including the placement of CCTV cameras to prevent antisocial behaviour.

Application Number:	P/FUL/2023/01846
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Former Council Offices, North Quay, Weymouth, DT4 8TA
Proposal:	Demolition of the existing (former council) building, alterations to the existing car park and provision for additional car parking spaces.
Applicant name:	Dorset Council
Case Officer:	Bob Burden
Ward Member(s):	Cllrs Heatley, Cllr Sutton and Cllr Wheller

1.0 The application has been made by Dorset Council in relation to land that is owned by Dorset Council and is reported to committee for consideration in accordance with requirements of Dorset Council's Constitution.

2.0 Summary of recommendation:

Grant subject to conditions.

3.0 Reason for the recommendation:

The recommendation is made following consideration of the application having regard to:

- The development plan;
- The Weymouth Town Centre Masterplan Supplementary Planning Document;
- National planning policy and guidance;
- Consultation responses and other representations made about the application; and other material planning considerations set out in this report.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Application in context of WEY1 and WEY7 policies; this temporary use does not compromise the comprehensive development opportunities of WEY7.

Effect on Heritage Assets	Demolition of this unlisted and undesignated heritage asset is considered acceptable. The scheme would not cause harm to the conservation area, setting of listed buildings and would preserve the character and appearance of the conservation area.
Archaeology	Site has archaeological interest; works should be subject to observation and recording.
Residential amenity	Construction Environment Management Plan submitted. Use as car park similar to existing in terms of amenity. Acceptable in residential amenity terms.
Employment considerations	Policy WEY7 does not preclude commercial use as part of a mixed use development. The employment has not been lost since those who worked at the offices now work elsewhere for the Council.
Arboricultural considerations	Some trees would be removed, but more would be provided in pots/planters to compensate.
Ecological considerations	An acceptable biodiversity mitigation plan has been submitted and Certified by the Natural Environment Team.
Sustainability aspects	Existing building has issues in terms of re-use due to age, design and condition. Demolished materials to be used on site if possible, otherwise building materials used elsewhere in Council area. Some of the materials in the building are to be recycled.
Flood-risk aspects	Site largely in Flood Zone 1, small part in Flood Zones 2/3. No increase in impermeable area; acceptable surface water drainage details supplied.
EIA	The application is considered to not constitute EIA development.

5.0 Description of Site

- 5.1 The site lies on the south side of Weymouth Harbour, and fronts onto the south side of the North Quay road. The site is currently occupied by the “footprint” and building of the vacant former Weymouth and Portland Borough Council offices. This is essentially a four storey brick and predominantly Portland Stone building with additional higher storey elements in the central section. It covers an area of about 68m x 19m= 1292m².
- 5.2 The site is surrounded on all sides apart from the north by the existing car park. To the north of the site, across North Quay, is Weymouth Marina within the Harbour

area. To the east side is part of the existing car park with older traditional houses 27, 28 and 28A Trinity Street beyond. To the south side is the elevated linear belt of trees/vegetation known as Chapelhay Gardens, retained by a mix of historic natural stone walling, buttresses and timber retaining sections. To the west is the historic High West Street area. Buildings close to the edge of the existing car park include the brick/slate historic Kingdom Hall of Jehovah's Witnesses (now apparently occupied by "Reach"), the Old Town Hall and the listed Boot Inn. North Quay House (residential) is also to this side.

- 5.3 The Application Site has an average depth of approximately 40 metres and its road frontage along North Quay extends to approximately 150 metres. Ground levels within the Application Site generally rise gently to the south and west but rise sharply beyond the southern boundary of the site through the Chapelhay Gardens. There are a number of medium sized mainly birch trees on the site.
- 5.4 Within the Application Site is a currently vacant, predominantly four-storey office building that is positioned centrally along the North Quay frontage close to the highway edge. Hard surfaced pay and display parking areas are present at either end of the Application Site and to the rear (south) of the office building. Along the North Quay frontage is a narrow strip of amenity grassland that contains six trees (3 x Silver Birch, 1 x Holly, 1 x Cherry, and 1 x Ash). Further trees are present within the parking areas at either end of the office building. Also present within the Application Site are small pockets of scrub.
- 5.5 The office building has a footprint of about 1,040m² and was opened in 1971 and served as the main headquarters of the former Weymouth and Portland Borough Council between 1974 and 2017. The building is of steel frame construction with much of the steel frame understood to be encased in reinforced concrete. External walls are finished in a mix of Portland Stone cladding, brickwork and concrete. Above the third floor of the office building are rooftop rooms containing plant, lift equipment and access to a water tower and telecommunications apparatus. At the rear of the building is an electricity sub-station. Vehicular and pedestrian access to the Application Site is available from North Quay and from New Road.
- 5.6 Regarding the surrounding area, the Gardens contain a number of established trees and remnant walls associated with development that historically stood on the southern side of a former roadway – Weymouth High Street also known as 'the old High Street' – that ran between Trinity Road and High Street West, but which were demolished in the wake of war damage and to accommodate the office building and associated car parking. Beyond the Gardens is a narrow strip of amenity grassland and Chapelhay Street, beyond which is residential development including a number of 4-storey apartment buildings comprising Chapelhay Heights. To the east of the Application Site is New Road and the junction of New Road and High Street West adjacent to which are the Boot Inn and the Old Town Hall (both Grade II listed buildings) and the former Weymouth Coffee Tavern (now a community services centre). Further east beyond New Road are residential properties at North Quay House and the redeveloped former fire station site (contemporary residential development (Harbour Lights Court).
- 5.7 To the west of the Application Site is a terrace of Grade II listed buildings fronting Trinity Road beyond which are Grade II listed retaining walls, railings and steps ('Chapelhay Steps'), the Grade II* listed Church of the Holy Trinity and the Grade II listed Town Bridge which separates in the inner and outer harbour areas. The

Chapelhay Steps connect between Trinity Road and Chapelhay Street. The Application Site, the Chapelhay Gardens and all of the listed buildings are located within the designated Weymouth Town Centre Conservation Area. Chapelhay Heights is located beyond the boundary of the Conservation Area which runs through the amenity grassland on the northern side of Chapelhay Street, but includes adjoining areas of older residential development in Chapelhay.

6.0 Description of Development

6.1 The application was submitted in March 2023 but subsequently amended through the submission of an amended schematic layout plan (WSP Drawing 70085295-WSP-00-DR-C-0001 Rev P05) and revised and supplementary supporting information.

6.2 The application proposal provides for the demolition of the office building and its replacement with an additional 45 surface level parking spaces. On-site parking provision within the Application Site would rise from approximately 129 spaces to approximately 174 spaces. The electricity sub-station present at the rear of the office building would be retained, as would the existing parking areas and all other trees within the Application Site. All six trees present within the strip of amenity grassland along the site frontage would be felled to facilitate the proposed demolition. The proposal includes filling the footprint void with crushed Portland Stone and brick from the building which would be to a standard which can be used as fill and a base surface for the proposed use as a temporary car park. It would be graded into the existing levels of the car park with a grass bank. The additional parking spaces would be surfaced in asphalt to match adjacent areas and the strip of amenity grassland along the North Quay frontage would be regraded, with the parking spaces fenced with a 1 metre high post and rail fence.

Background and context to the application-

6.3 The applicant has a "Vision for North Quay" and this includes providing high quality apartments, commercial units that address the marina and surrounding landscaped spaces, and providing improved harbour facilities. It is intended to serve as a catalyst for much needed highway improvements, sea defences and pedestrian priority to this quarter.

6.4 They further comment on North Quay that:

The office view to the north, however picturesque, is in shade for the majority of the day, with the southern facing side overlooking a car park and retaining wall. Not ideal for residential tenure or public realm with substantial shadow casting from the existing building towards the water's edge. Repurposing the structure, although well intended, will retain these limitations and any refurbishment will not improve the public realm or wider sense of place due to its aspect and position between swathes of tarmac and relationship to the sun path.

6.5 Expanding on the context the applicant has provided the following statement to provide context to this planning application:

As major landowners and economic enablers, local authorities have a vital role to play in supporting the government's levelling up agenda, which aims to reduce the imbalances between areas and social groups across the United Kingdom through multiple projects intended to improve transport, communication, education, skills, healthcare, urban regeneration, and more.

The Levelling Up Fund (LUF) funding that Dorset Council has secured for the North Quay site will enable improvements to the harbour walls, public realm, and traffic improvement measures to North Quay road by moving it away from the harbour wall, diverting utilities, and securing retaining sea wall defences. This will leave North Quay as a clear site for private development in line with the requirement of the government funding.

The LUF funds need to be spent by March 2025 on these critical infrastructure areas. As a result, there is a clear need to obtain the necessary approvals to advance the site preparation work, clear the site for future development, and ensure that highway and utility work can begin. The demolition of the building is the first step in this process.

The memorandum of understanding agreement between Dorset Council and the government states that the Weymouth LUF funds will be used to create additional residential units, increase commercial floor space, improve public spaces, and improve sea defence's. If the council deviates from these outcomes, it could lose funding. As a result, there is a clear need for the council to submit a plan in the near future.

This project presents an excellent opportunity for Weymouth. It will not only provide much-needed new homes, but it will also improve the harbour facilities and public spaces around the marina. The development of the North Quay site will help to change the perception of the town from one of underinvestment and stagnation to a place that demonstrates new investment, benefits the local community, and boosts the local economy.

7.0 Relevant Planning History

WP/15/00031/OUT: Demolition of the existing office buildings and redevelopment with approximately 72 dwellings and approximately 216 sq. m. of commercial space (Outline) on land at Council Offices, North Quay, Weymouth, DT4. Decision: Conditional planning permission (outline) granted.

The permission reserved approval of the details of the layout, scale and appearance of the building(s) and the access to, and landscaping of, the site for subsequent approval. The application included an illustrative site layout arrangement predicated on re-establishing the line of Weymouth High Street between Trinity Road and West High Street. No reserved matters were approved pursuant to the planning permission which lapsed in July 2019.

WP/16/00745/OFF: Conditional approval was granted on appeal (APP/P1235/W/16/3165092) allowed on 26 January 2018 under the provisions of Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the change of use of the building from office (Use Class B1) use to a use falling within Use Class C3 (Dwellinghouse) at land at Former Council Offices, North Quay, Weymouth, Dorset DT4 8TA. The permission granted under the General Development Order has since lapsed.

WP/19/00445/FUL: Demolition of existing building and provision of car park on land at Council Offices, North Quay, Weymouth. DT4 8TA.

Dorset Council's Western and Southern Area Committee considered the application in September 2019 and resolved that planning permission should be refused on the basis that: "The demolition as proposed is unacceptable as it does not encourage the reuse of

existing resources, including the conversion of existing buildings; and as such is contrary to para. 148 of the National Planning Policy Framework 2019.”

The para 148 reference actually is a reference to para 152 of the NPPF. The application was withdrawn following the committee meeting and so not formally determined.

8.0 List of Constraints

Within Defined Development Boundary

Adopted Local Plan Policy WEY7

Flood risk

Land contamination

Setting of Grade II listed buildings (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)

LB - 28, TRINITY ROAD listed building grade G2. HE Reference: 1148098 - Distance: 0

LB - Grade: II Listed Building: THE BOOT INN List Entry: 1141924.0; - Distance: 5.9

LB - Grade: II Listed Building: OLD TOWN HALL WITH RAILINGS List Entry: 1141923.0; - Distance: 13.83

LB - Grade: II Listed Building: 28, TRINITY ROAD List Entry: 1148098.0; - Distance: 2.72

LB - Grade: II Listed Building: 26 AND 27, TRINITY ROAD List Entry: 1148097.0; - Distance: 7.66

LB - Grade: II Listed Building: 25, TRINITY ROAD List Entry: 1148096.0; - Distance: 21.97

Secondary Shopping Frontage; Trinity Street, Weymouth - Distance: 0

Town Centre Areas; Weymouth - Distance: 0

Area of Archaeological Potential; Town Centre South of Harbour, Weymouth - Distance: 0

Westwey Road and North Quay Area; Westwey Road and North Quay Area - Distance: 0

Weymouth Town Centre Strategy; Weymouth Town Centre - Distance: 0

Landscape Character; Urban Area; Weymouth Urban Area - Distance: 0

Neighbourhood Area; Name: Weymouth; Status Designated 18/05/2020; - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely.; - Distance: 0

Risk of Groundwater Emergence; Groundwater levels are between 0.025m and 0.5m below the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally.; - Distance: 0

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 2483.11

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 2463.43

Main River Consultation Zone - Distance: 13.09

Flood Zone 3 - Distance: 0

Flood Zone 2 - Distance: 0

9.0 Consultations

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

Weymouth Town Council Noting that the Council supports this application subject to the trees on and around the site being protected during the demolition and seek a commitment from Dorset Council to work with Weymouth Town Council to develop a future vision and strategy for the town centre and harbour.

Environment Agency No objection but noting:

“The majority of the site falls within present day Flood Zone 1, but flood risk will increase over time with the impacts of climate change. Although the carpark may be temporary, we recommend that the Planning Authority ensures that a suitable Flood Plan is in place, in consultation with the Emergency Planners, as considered necessary.”

“This development site appears to have been the subject of past industrial activity which poses a risk of pollution to surface waters.”

Historic England no objection and commenting:

“The proposals are for the demolition of the empty office block at North Quay Weymouth, and temporary use of the site for car parking. The existing building is of no architectural or historic merit and makes a negative contribution to the character and appearance of the Weymouth Conservation Area. The conservation area is included on our register of Heritage at Risk due to its declining condition.

We understand that the site forms part of an area identified for investment through the Government's Levelling Up Fund. There is an opportunity to use the site to further the sensitive regeneration of Weymouth's Harbourside in future phases.

We have no objection to these proposals but would like to be involved in preapplication discussions for further phases of the site's development. This would enable us to consider how future phases of the development might address the factors that have led to the inclusion of Weymouth Conservation Area on our Heritage at Risk register."

Natural England No response received.

Dorset Fire and Rescue No response received.

Dorset Wildlife Trust No response received.

Poole Harbour Commissioners No response received.

Dorset Police Crime Prevention Design Adviser No response received.

Dorset Council Assets and Property No response received.

Dorset Council Building Control stated "No comments".

Dorset Council Conservation Officer no objection and commenting:

"The building is not Listed however there are various Listed buildings immediately to the east (Trinity Road) and west (Old Town Hall and Boot Inn) of the site. The site is located within the Weymouth Town Centre Conservation Area fronting onto North Quay.

"The proposal would see the demolition of the existing substantial 4 storey building which sits in a prominent position within the street scene.

"The existing building is of no architectural or historic merit and it is considered that the building does not enhance the Conservation Area.

"The proposed demolition would not have a detrimental impact on the significance and setting of the neighbouring Listed buildings nor on the character and appearance of the Conservation Area."

Dorset Council Economic Development and Tourism No response received.

Dorset Council Environmental Protection noted that land contamination reports should be reviewed as normal by the council's land contamination consultants.

Dorset Council Flood Risk Management no objection and stating that drainage related conditions are not required. Commented:

“There is no increase in impermeable area and therefore no increase in peak surface water runoff rates. We generally seek to explore opportunities to provide a betterment for brownfield sites to reduce the peak surface water discharge rate in order to reduce the loading on the downstream drainage network and to reduce the potential for flooding. However, in this location, the site discharges directly to Weymouth Harbour. Therefore, no betterment of peak surface water discharge rates is required (or would provide any benefit) for this development.”

“For brownfield sites we also encourage any measures to improve the quality of surface water runoff. Table 26.2 of the CIRIA (753) SuDS manual, details a pollution hazard level for commercial roof land use, of ‘Low’ and lists a value for Total Suspended Solids, Metals and Hydrocarbons. The table also details a pollution hazard level for non-residential carparking land use, of ‘Low’ and lists a value for Total Suspended Solids, Metals and Hydrocarbons. Although the existing land use of the building and the proposed land use both have a ‘Low’ pollution hazard level, the proposed use (car park) has slightly higher values for Total Suspended Solids, Metals and Hydrocarbons. There may be opportunity to improve the quality of surface water runoff by fitting an oil separator, or gross pollutant traps to remove rubbish and sediment. There may be opportunity to install these within the drainage network when the site works are undertaken. The benefit may be marginal however, and therefore, I am recommending this strategy as an advisory note.”

Dorset Council Highways Asset Manager No response received.

Dorset Council Senior Archaeologist Advised that archaeological evaluation undertaken in 2021 by Context One Heritage and Archaeology involved the excavation of trial trenches in the car park areas only and that this exercise demonstrated the presence of well-preserved remains of historic Weymouth.

Considers that these remains would need to be recorded to an appropriate professional standard in advance of any development on the site that would impact on them.

The evaluation indicates that the archaeological deposits are not particularly deep, so considers it highly unlikely that anything of archaeological significance survives beneath the building, which had a basement level and considers that demolition of

the existing building would not need archaeological mitigation, provided demolition works took place within the building footprint only.

Further comments that the evaluation showed that in some places the archaeological remains are surprisingly close to the present surface (when the car park was constructed 50 years or so ago, it looks like the builders just laid some surfacing on the ground beneath) and considers that it is a matter of degree – if grading works are just at the edges of the footprint and close to the surface, would not be concerned, but if it is more extensive, archaeological mitigation (a ‘watching brief’ or even excavation) would be appropriate.

Dorset Council Transport Development Management

The Outline Method Statement provides details of the proposed demolition works and the construction of the new car parking area. It is further supported by a Construction Environmental Management Plan (CEMP). The new parking spaces are to be accessed from the existing internal circulation routes within the car park. There are no changes proposed to the existing means of accessing the current car parking facilities. Hence, the Highway Authority has NO OBJECTION, subject to the following conditions:

Before the development is occupied or utilised the accesses, geometric highway layout, turning and parking areas shown on Drawing Number 70085295-WSP-00-XX-DR-C-00001 Rev P05 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

Before the development hereby approved commences the submitted a Construction Environmental Management Plan (CEMP) must be implemented and adhered to fully for the full length of the construction period.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

Dorset Council Landscape Architect

Indicated that Landscape Team will not be providing a comment on application.

Dorset Council Natural Environment Team

Advised that a Biodiversity Plan (BP) for this site has been submitted and that a decision on the application should not be issued until the biodiversity issues have been confirmed as resolved and implementation in full of the approved BP should be conditioned to any permission.

Dorset Council Public Health No response received.

Dorset Council Public Transport

Requested consideration for onward bus travel from this development (Car Park) to promote sustainable travel around the town and commenting that:

“The existing bus stop/shelter at the location will need enlarging to cope with greater numbers continuing their journey, or getting about by bus. Ideally I'd like the shelter improvement to be incorporated in the development or maybe with s106.”

Dorset Council Rights of Way No response received.

Dorset Council Tree Officer

Noted that principle of demolition is fine but that car park has virtually no significant tree planting within its boundary and that with emphasis on climate change, it is felt that a fully considered tree planting scheme will be needed for shading of parked cars, for filling the openness of the car park, and to add to amenity of the area. Tree planting condition recommended.

Dorset Council Urban Design Officer

No comment to make on this application but believe it would be useful to consult Planning Policy.

WPA Consultants Ltd

WPA were consulted as they provide advice to the local planning authority on contaminated land matters. They noted that the Phase 1 Desk Study Report recommended further invasive site investigation and that the Construction Environment Management Plan (CEMP) notes that contamination and hazardous substances require specific control measures. Further notes:

“Such required measures have not been detailed sufficiently. WPA concludes that there is a requirement for further characterisation of site soils and materials that have potential issues with contamination. Further work is required to generate data to inform risk assessment and site material control procedures in more detail to the mention provided within the CEMP. Contaminated land conditions can only be agreed as having been met to the extent of the provision of a Phase 1 investigation and general provisions concerning the control of pollution.”

Representations from Local Ward Members -

Councillor Brian Heatley- (Summary-full comments on website)-

I wish to object to this application. I am not against re-development of this site. I broadly accept as the basis for determining the future of this site the policy laid out in paragraph WEY7 of the local plan. This is a key site in Weymouth. Comprehensive scheme needed. In particular there is no proposal before the Committee even hypothetically that incorporates the existing building while making more efficient use of land.

objecting, raising concerns over:

- climate implications
- heritage assessment
- uncertain structural state of the building
- parking proposal.

Notes that:

Presented carbon assessment is an entirely hypothetical exercise.

There is no certainty that the Ben Pentreath proposal, or something like it in carbon performance, will come forward.

Demolition of building will mean re-use is no longer an option.

Carbon cost of construction will arise in next few years, while hypothetical saving will arise over the remaining 55 years or so of use. It is the next 10 years or so that are crucial for avoiding serious climate damage.

There is no assessment in the Carbon Impact Review of any scheme incorporating existing building but also developing more of the site. An important option is ignored. The Dorset Council Conservation Officer says the existing building is of *no architectural or historic merit* (my emphasis) and it is considered that the building does not enhance the Conservation Area. That surely is too sweeping. Architectural merit is quite a subjective matter. It could with imagination be incorporated in a wider scheme. 'No architectural merit' simply goes too far.

'No historic merit' is surely just wrong. This was a prestige building when it was built, which represents well the style and techniques of the time. At that time, looking back over a similar period, many Victorian and Edwardian buildings were demolished that we might now seek to preserve. We should place some weight on avoiding that error with representative buildings of the sixties and seventies.

It is hard to comment on effect on the Conservation Area without seeing what would follow demolition. Hard to see that a large car park will enhance Conservation Area. Report before the Committee on structure of building points to some minor and other possible structural issues but does not go so far as to suggest that re-use is impossible at reasonable cost.

Demolition of building will be irreversible.

Lack of certainty that a comprehensive re-development will happen.

Already too much car parking around the harbour; better to use some of this for housing, shops, restaurants, tourist attractions.

Councillor Clare Sutton-

Redevelopment of this site is long overdue and I entirely agree that, with reference to para WEY7 of the local plan, a comprehensive scheme is required to enhance the waterfront and make more efficient use of land. However, there are strong arguments both for and against this particular application. I don't think it's necessary to repeat the points submitted by my Rodwell and Wyke Dorset Councillor colleague Brian Heatley on 8.6.23 but, on balance, I wish to register my agreement with his objections re. climate implications, the heritage assessment, the structural condition of the extant building, and parking issues. In short:

1. While the delivery of Dorset Council's Climate Emergency Strategy does not hinge on the future of a single building in Weymouth, the Council does need to carefully consider the climate impact of everything it does. The huge carbon cost of construction proposed herein will accrue in the next few years but the 'saving' will not accrue for 60 years, and even then only if it is assumed that Dorset Council will only sell to a developer who guarantees to build to high carbon performance standards.
2. Whilst many people do not like the extant building, many do, and the view of the Conservation Officer, that it has no architectural or historic merit, is surely subjective. How many times have buildings been levelled only for that to be regretted decades later? If the structural state of the extant building is so poor that demolition is the only viable option so be it but the report as it stands does not indicate that to be the case and neither does it explore whether or not a good architect could create a sympathetic redesign in the context of the wider site.

Representations:

27 letters of objection/comment have been received (to 10 June). The main planning-related points include-

- Application should be refused because it fails to demonstrate a policy driven or structural need for demolition of the building and has failed to demonstrate any tangible benefits of demolition.
- There is no future development plan for this site (just a car park). Any environmental impact assessment for future development of the site is pure conjecture.
- No reasonable grounds presented for proposed demolition.
- Application does not deliver value for taxpayers.
- No consideration of or proposals for sustainable transport.
- Proposed action is a politically driven decision contrary to the National Planning Policy Framework, the emerging Dorset Council Local Plan, Dorset Council's Climate Emergency Plan, the emerging Weymouth Neighbourhood Plan and the current practice in the building industry of re-using buildings based on an assessment of the whole of life carbon emissions.
- The applicant has conducted a campaign of misinformation, concealment and lies to support this appalling proposal.
- Supporting documents used to justify demolition contain errors and where corrected they do not support demolition.

- Proposal is for an unsustainable form of development.
- Applicant has failed to supply an Environmental Impact Assessment (EIA) as required by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- Lack of realistic Carbon Impact Assessment.
- Ecological surveys have been redacted without explanation.
- Submitted asbestos survey is only a walk through survey, not a full survey which is required.
- Construction Environmental Management Plan should have been submitted after full asbestos survey.
- Proposal represents a wilful act of environmental and architectural vandalism, it does not represent sustainable development, it ignores national planning policy guidance and should be withdrawn.
- Demolition to provide a car park is contrary to planning policy.
- Proposal is contrary to National Planning Policy Framework which requires the planning system to "support the transition to a low carbon future in a changing climate" and to "encourage the reuse of existing resources, including the conversion of existing buildings".
- Proposal is contrary to Policy WEY7 of the Adopted Local Plan which states that a comprehensive scheme is required for North Quay which will complement the scale, rhythm and rich texture of the buildings in Trinity Road to the East and High West Street to the South so as to present an attractive frontage to the harbour and to respect the historic buildings of the old High Street.
- Proposal is contrary to policy ECON2, ECON3 and/or ECON4 of the Adopted Local Plan – loss of potential employment, harm to vitality and viability of town centre, and no provision for ongoing employment use on the Application Site.
- Proposal is contrary to policy ENV4 and paragraphs 2.3.13 and 2.5.3 of the Adopted Local Plan:
 - creating an unsightly gap in the street scene where there are no suitable arrangements in place to provide an approved replacement development in keeping with the character of the conservation area; and
 - the proposals is for a poor design that fails to take opportunities available for improving the character and quality of area and way it functions.
- Proposal is contrary to policy ENV13 of the Adopted Local Plan – it would not achieve high levels of environmental performance.
- Proposal is contrary to policy ENV15 of the Adopted Local Plan – it would not make efficient and appropriate use of land.
- Proposal is contrary to policy ENV16 of Adopted Local Plan which states that development proposals will only be permitted provided they do not generate unacceptable pollution, vibration or detrimental emissions unless it can be

demonstrated that the effects on amenity and living conditions, health and the natural environment can be mitigated to the appropriate standard.

- The North Quay Municipal building is of excellent design, materials and build quality.
- The building is structurally sound and is of local distinctiveness – the three principal facades being of local Portland stone. It is built to last and is ripe for repurposing.
- The building is an architecturally strong, enduring and dramatic piece that will improve as time goes by. It is well-made, fine structure.
- The building has potential to be used as housing, business, tourist accommodation and for community purposes.
- Existing assets should be preserved.
- National planning policy encourages the reuse of buildings. Proposal is for unnecessary and wasteful destruction of a sound and iconic building.
- Building is historically and architecturally important.
- Presence of building enhances character and appearance of area.
- The building represents Weymouth's diverse architectural heritage.
- Town has already lost too many iconic buildings.
- The building is beautiful and fills the space well .
- There are developers willing to re-purpose the building.
- Good building that has potential to be re-used.
- Building should be repurposed to conserve materials and energy.
- All developers interested in this site have wanted to repurpose this building because it is so very obviously the right thing to do on every level.
- The applicant has deliberately blocked any possibility of the building being reused.
- The application also does not prove that it is not economic to retain the building.
- Significant resources are tied up in the building. Demolition followed by reconstruction would be a wasteful use of resources.
- The idea that this substantial, useful, and valuable publicly owned asset should be wasted at vast taxpayer expense to make a car park is obscene.
- Having been built with tax payers money, the building should be returned to use by people across the social spectrum. The building has the space, longevity, location and infrastructure to support housing, community and business all at the same time.
- We cannot risk wasting this significant asset and the enormous quantities of resources and captured carbon that it embodies, when there is *no alternative plan at all* (least of all a viable, ethically sound, and sustainable one) for this site (other than a car park).
- The applicant has declared a climate emergency but wilfully chooses to disregard national planning policy which clearly encourages the reuse of existing resources, including the conversion of existing buildings.

- The short-sighted removal of previous buildings on the same land has become a matter of regret and this mistake should not be repeated.
- This is a prime commercial or residential site which should command a high value. Complaints about an "eyesore" principally relate to its dilapidation, vandalism and unloved look.
- Demolition of a functional building has an enormous and unnecessary carbon footprint.
- This building has a particularly high embedded carbon count because of its brutalist construction of steel and concrete.
- No viable scheme for alternative use of the site has been proposed, so it will become a poor quality parking space.
- Already too much car parking in town centre.
- Proposed car parking will detract from character and appearance of area.
- Existing building should be used to address housing shortage.
- The proposed funding for this proposal is a shocking misappropriation and misuse of very significant sums of public money.
- Council should consider bigger picture in making planning decisions. Priority should be contributing to 'net zero'.
- Additional car parking will encourage car use adding to emissions and congestion.
- Waste of a public asset and resources.
- Alternative use should be found for site (e.g. park; skate park; cycle park)
- The carbon impact assessment commissioned by Dorset Council was proven unfit for purpose and the Applicant was forced to re visit it several times at great public expense), presumably in an attempt to achieve a favourable result. It did not.
- The recently revised (version six) of the Architype report clearly shows that the (fictional) proposed new build re-development would increase the Total Lifecycle Carbon Impact of the site by 9038 tons of CO2.
- The carbon impact of demolition and replacement with (a fictional/ theoretical) new development significantly outweighs that of retention and repurposing of the existing building, even over a period of 60 years, at (highly unlikely) best-case scenario, according to this document, commissioned by the applicant.
- To date the environmental impact of the "interim" car park has not been considered at all regarding this proposal and would increase the carbon impact further if realised.
- There is no guarantee that this site will not remain a car park for years to come. This is in direct contradiction of a covenant that the applicant had placed on the sales particulars of this very site in 2015.
- This site has been lain to waste for too long because the applicant refuses to do the logical, environmental, and commercial right thing. This is of detriment to Weymouth. This is a disgraceful mark of shame upon the applicant.
- There is a shortage of 'affordable' and 'social' housing in Weymouth and re-using the building immediately would go some way to resolving this.

Other Comments:

- Application should be subject to screening under the Environmental Impact Assessment Regulations.
- Archaeology should be investigated prior to redevelopment.
- Please bring back the old high street.
- Use as car park should be stopgap.
- Chapelhay Gardens should be protected.
- Whole saga has been an embarrassment.
- Site should be redeveloped to blend in with the old Fire Station redevelopment.
- Site contain 14 mature large growing trees which are of considerable important to the environment and landscape of Weymouth. It is very important that these trees are protected and retained. If removal is necessary, a planning condition should be placed that requires their replacement with equivalent large-growing trees or other suitable tree type.
- If there is a compelling reason to grant planning permission for demolition before comprehensive plans have been agreed, the permission should prevent demolition until a replacement has been granted planning approval.
- Previous application was rejected/withdrawn because of potential carbon implications of demolition. Carbon implications of demolition cannot properly be assessed without knowledge of proposed replacement.
- Existing building should be listed in honour of the Tudor house that was destroyed to allow its construction.

11 letters of support have been received. The main planning-related points include:

- Building has been abandoned and derelict for many years.
- Building is an eyesore, out of place and a blot on townscape.
- Building is unoccupied and decaying.
- Building has little or no architectural merit.
- Building detracts from character and appearance of the Weymouth Town Centre Conservation Area.
- Support demolition so that something more aesthetically pleasing and economically supportive can be built there, something to increase the tourist trade by capitalising on our history.
- The building should never have been built.
- The local council is woefully inept. Please - be decisive, proactive and diligent, and give us something that we can all be proud of.
- Application documents say that a new build can be carbon neutral overall, and it will make better use of the site with the current building removed.
- If this application is refused then the ongoing costs of keeping this building in its current state, approximately 100K per year, paid out of taxes, and the

carbon used to generate that money, will outweigh any savings that could be gained by reusing the current buildings frame and footings.

10.0 Duties

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

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

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Government planning policy set out in the National Planning Policy Framework ('the NPPF') makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development (NPPF, paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (NPPF, paragraph 8).

11.0 Relevant Policies

Development Plan:

West Dorset, Weymouth and Portland Local Plan 2015:

- INT1. Presumption in Favour of Sustainable Development
- ENV1. Landscape, Seascape and Sites of Geological Interest
- ENV2. Wildlife and Habitats
- ENV4. Heritage Assets
- ENV5. Flood Risk
- ENV9. Pollution and Contaminated Land
- ENV10. The Landscape and Townscape Setting
- ENV11. The Pattern of Streets and Spaces
- ENV12. The Design and Positioning of Buildings
- ENV15. Efficient and Appropriate Use of Land
- ENV16. Amenity
- ECON3 Protection of other employment sites
- SUS1. The Level of Economic and Housing Growth
- SUS2. Distribution of Development

- COM7. Creating A Safe and Efficient Transport Network
- COM9. Parking Standards in New Development
WEY1 Weymouth Town Centre Strategy
- WEY7 Westwey Road and North Quay Area

The most relevant policy of the Adopted Waste Plan is:
Policy 22 – Waste from new developments.

Material Considerations:

Neighbourhood Plan

The Application Site is located within the civil parish of Weymouth for which there is currently no made and no post-examination draft neighbourhood development plan.

National Planning Policy Framework 2021:

- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 6. building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Other material considerations

Weymouth Town Centre Conservation Area Character Appraisal
Weymouth Town Centre Masterplan SPD 2015
Dorset Council Parking Standards
Dorset Council Natural Environment, Climate and Ecology Strategy 2023-25

12.0 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.

13.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The increased availability of car parking in close proximity to shops and facilities would benefit elderly or less able persons in terms of facilitating access.

14.0 Financial benefits

Material considerations

Increased revenue from 45 additional parking spaces

Savings on maintenance costs of building

Employment during demolition/construction phase

Non material considerations

None.

15.0 Environmental Implications

15.1 Use of powered machinery releasing CO2 and carbon monoxide during demolition phase. Loss of embodied energy in the building materials, etc. Maximising re-use of existing on-site materials will minimise off-site transport of these and any consequent emissions. Potential increased emissions from those vehicles powered by fossil fuels making use of the larger car park area. However, this must be balanced against the merits of advancing the site towards a condition more prepared for a potential redevelopment.

16.0 Planning Assessment

Principle of development:

16.1 The site lies within the defined development boundary of the town where development is normally permitted subject to relevant material planning considerations. The adopted West Dorset, Weymouth and Portland Local Plan 2015 includes policy WEY1 (Weymouth Town Centre Strategy). This includes reference to preparation of a masterplan as supplementary planning guidance to guide town centre development generally and including more detailed guidance on several areas including the Westwey Road and North Quay area. In this context the Local

Plan also includes Policy WEY7 (Westway Road and North Quay Area). This policy states:

- i) *The Westway Road and North Quay area will be redeveloped for mixed uses which may include residential, hotel, commercial and small scale retail development so as to create an active street and waterfront.*
- ii) *A comprehensive scheme is required for North Quay which will complement the scale, rhythm and rich texture of the buildings in Trinity Road to the East and High West Street to the South so as to present an attractive frontage to the harbour and to respect the historic buildings of the old High Street. Redevelopment can proceed in phases provided it does not compromise the above objectives.*

The principle of extending the car park over the footprint of the removed building would not compromise the above policy objective.

16.2 Furthermore, approved outline planning application WP/15/00031/OUT in 2016 accepted the principle of removal of the existing building to allow for the redevelopment of the site for up to 72 dwellings and up to 216m² of commercial floor space.

16.3 This application represents an interim step in preparing the site for potential redevelopment in the future, whilst ensuring the site continues in an appropriate use in the meantime. The wider site and the former Fire Station site (now re-developed) fall within the area covered by Local Plan policy WEY7. The Weymouth Town Centre Masterplan Supplementary Planning Document also includes reference to this Harbourside area indicating that “the existing development along the whole of the site frontage is unattractive” (now accepting that the Old Fire Station element of street scene is now sympathetically redeveloped). Hence, the longer-term objective of a comprehensive redevelopment of this site would not be prejudiced by this current application.

16.4 However, the principle of this development also requires consideration of the loss of the former office building which constitutes an undesignated heritage asset. This aspect is therefore explored below.

Heritage-related Considerations:

16.5 The site occupies a prominent site in the Weymouth Town Centre Conservation Area. A Heritage Statement was provided with the application. Historically the site supported characterful buildings which were lost as a result of WW2 bombing. The building subject of this application resulted from a post-war redevelopment of the site. The building is 4 storey with a small top pavilion and crown feature, and was the former civic offices of Weymouth and Portland Borough Council opening in 1971. It has a slab and frame construction with the front and side elevations mainly in Portland Stone, with brick to the rear. The elevations have alternating stone and window panels.

16.6 The Weymouth Town Centre Conservation Appraisal (2012) includes the building in its category of “Detrimental characteristics”. It states: “While the building

may have architectural merit its imposition on the earlier historic street pattern of Weymouth, including the clearing of High Street is to the detriment of the area". This is a building which is highly prominent and visible from a variety of viewpoints in the locality. It also lies in the vicinity of historic buildings, including 28 Trinity Road, the listed Boot Inn to the west, the Old Town Hall, the terraced houses of High West Street, the listed Town Bridge and the grade II* Trinity Church. However, there is a separation of about 45m between the east side of the building and the west elevation of 28 Trinity Street, the closest listed building to the east. Similarly, there is a separation distance of c 40m to the Boot Inn, the nearest listed building to the west.

16.7 Historic England have no objection to the proposed development and nor does the Councils Conservation officer (their comments are set out above in section 9).

16.8 Although it can be said the building has a distinctive design and appearance it is not considered this is of sufficient architectural or historic merit to warrant its retention. Furthermore, it is significant that the Weymouth Town Centre Conservation Appraisal includes this building in its category of "Detrimental characteristics". In visual terms the removal of this building would (temporarily) "open up" the site substantially in a way which would allow some increased public views of the rear historic walling, listed and/or historic buildings and the rear vegetated planting area below Chapelhay Gardens. The interim use as extra parking spaces would be visually similar to the existing surrounding parking area and the tarmac surface would be similar to the existing.

In these circumstances it is considered that the scheme would, in that sense, preserve the character of the conservation area.

16.9 In these circumstances it is considered that there would be no harm to the character of the conservation area, nor to the setting of the listed buildings in the locality. The scheme is considered to preserve the conservation area.

16.10 It is considered that the proposal will not adversely affect the setting of the listed buildings nearby. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy. The proposal is considered to preserve the character of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

Archaeology:

16.11 The site has been subject to an archaeological evaluation in June 2021. The site is located over the former Old High Street which occupies part of Weymouth's historic core from the Medieval period to development in the 1960's. Evidence of the historic layout of properties was found, together with a range of artifacts associated with domestic and commercial activities.

16.12 The Senior Archaeologist comments that:

the archaeological evaluation undertaken in 2021 by Context One Heritage and Archaeology involved the excavation of trial trenches in the car park areas only and that this exercise demonstrated the presence of well-preserved remains of historic Weymouth.

He considers that these remains would need to be recorded to an appropriate professional standard in advance of any development on the site that would impact on them. The evaluation indicates that the archaeological deposits are not particularly deep, so considers it highly unlikely that anything of archaeological significance survives beneath the building, which had a basement level and considers that demolition of the existing building would not need archaeological mitigation, provided demolition works took place within the building footprint only.

16.13 The archaeologist further comments that the evaluation showed that in some places the archaeological remains are surprisingly close to the present surface (when the car park was constructed 50 years or so ago, it looks like the builders just laid some surfacing on the ground beneath) and considers that it is a matter of degree – if grading works are just at the edges of the footprint and close to the surface, he would not be concerned, but if it is more extensive, archaeological mitigation (a ‘watching brief’ or even excavation) would be appropriate. This aspect can be conditioned.

Condition of the building:

16.14 This building was designed in the 1960’s and completed in the early 1970’s and has not been occupied since mid 2017. An Existing Building Study and Structural Report (compiled by GAP) has been submitted. Whilst it appears structural defects are relatively minor, there are nevertheless signs of developing significant problems including water ingress through the third floor roof slab and potentially through the ground floor. The interior has suffered from vandalism/trespass and water damage and the exterior suffered broken windows/necessary boarding-up. Whilst the superstructure and substructure appear to be of relatively robust construction there are notable defects such as structural elements at roof level showing excessive carbonation within the concrete encasement, suggesting potential corrosion of the underlying steelwork. The application does not include information on the relative costs of re-use versus demolition/re-development. However, it would be reasonable to say it is a building which would require significant work and expenditure if it was to be retained for a beneficial use.

Residential amenity:

16.15 Regarding the demolition/construction phase a Demolition Works - Outline Method Statement and a Construction Environmental Management Plan (CEMP) have been submitted. These explain the sequence of events in terms of demolition/construction and procedures. A wide range of issues including measures

to mitigate noise, dust and disturbance are included during the demolition phase. As such this would be beneficial to minimising any residential amenity effects relative to residential properties in the locality of the site. These documents form the basis for a planning condition with additional detail including appropriate CEMP appendices, to be conditioned.

16.16 Regarding the actual car park extension, the wider site is already in use as a pay and display car park and as such the normal activities of starting, driving and headlamps at night are established in this area. It is considered the scheme is acceptable in residential amenity terms.

Employment Considerations:

16.17 Whilst the last use was for employment, the site has been vacant for 6 years, and policy WEY7 does not preclude commercial use as part of a mixed use development. The employment that occurred at the site has not been lost since those who worked at the offices now work elsewhere for the Council.

Arboricultural Considerations:

16.18 Along the North Quay frontage is a narrow strip of amenity grassland that contains six trees (3 x Silver Birch, 1 x Holly, 1 x Cherry, and 1 x Ash -varying around 6-8m height). Seven further birch trees (circa 8-11m high) are present within the parking areas at either end of the office building. Also present within the site are areas of scrub/shrubs.

The Tree Officer responded that:

the principle of demolition is fine but that the car park has virtually no significant tree planting within its boundary and that with emphasis on climate change, it is felt that a fully considered tree planting scheme will be needed for shading of parked cars, for filling the openness of the car park, and to add to amenity of the area. Tree planting condition recommended.

16.19 The Case Officer would comment that the retained trees, due to their distribution to the east and west of the building, do actually provide a useful visual “softening” of the existing car park area. Secondly, given that the proposed use is temporary it is not considered “conventional” tree planting of a site allocated for redevelopment is appropriate. However, additional trees in pots/planters are proposed (see section below).

Ecological Considerations:

16.20 A revised biodiversity mitigation plan (BMP) has been submitted which includes compensatory measures for the loss of the 6 frontage trees. This includes 10 replacement trees in pots/planters on the site along the northern frontage. The species would include apple, flowering dogwood and maples. This BMP was certified

acceptable by the Natural Environment Team on 16/5/23. The submitted biodiversity net gain assessment indicates this would exceed the 10% figure sought.

16.21 The application has been assessed under the Habitats Regulations regarding an Appropriate Assessment by the Councils Senior Environmental Assessment Officer, with the following comments:

The site lies within 5km of the Chesil Beach and Fleet Special Area of Conservation and the Chesil and the Fleet Ramsar. There is currently an unacceptable level of existing recreational pressure at Chesil Beach and the Fleet which is likely to be compromising the integrity of the SAC site features. There are concerns that the trampling of habitats and species by people are resulting in adverse effects on the features of the SAC designation.

The proposed development will result in the provision of an extra 45 car parking spaces approximately 2.5km to the north of the Chesil and Fleet European Site. It is considered likely that the vast majority of those using the additional car parking will do so to use the services and facilities within Weymouth rather than access Chesil and the Fleet for recreational purposes, given the proximity of the car park from the European site and the provision of other more convenient car parking significantly closer to the European Site.

Therefore, in the absence of a viable pathway between the proposed development and the increase in recreational pressure at Chesil and the Fleet, the proposed development will not result in a likely significant effect upon the European site.

16.22 Natural England have seen this conclusion and have no objection to it. As such it is considered that there would be no adverse impact on protected sites.

Sustainability Aspects:

16.23 A Sustainability Assessment has been provided. Demolition would provide c 2000m³ of stone/brick. This would be crushed on-site to a coarse base material. Firstly, this would infill the basal ground area on-site. The remaining material would be removed from site but used for highways projects within the Dorset Council area. Hence, this approach would minimise any transport of the material, and would reduce any need of the Council to “buy-in” material from further afield. This would result in less emissions and pollution due to the reduced transportation needed with environmental benefits. The approach to demolition outlined would be consistent with Waste Plan Policy 22.

16.24 A Construction and Environmental Management Plan (by Hanson) has been submitted. This includes a demolition “soft-strip” whereby non-structural items such as doors, windows, partitions, plasterboard, etc will be sorted such that these can be placed in separate skips for re-cycling/re-use before removal from site. This approach therefore helps to minimise any waste to landfill.

16.25 A Carbon Impact Review prepared by Aecom (dated 20/3/23) has also been submitted which includes exploring the option of refurbishment of the existing building versus a new build scheme.

16.26 The review was intended to demonstrate that it would be possible to end up with a reduced carbon development as a result of a new build scheme rather than refurbishing and converting the existing building. There are however inherent limitations with the review in that it was considering a new build scheme which does not currently have planning permission and may not be the scheme that the Council chooses to seek planning permission for in the future and as such the review is therefore somewhat hypothetical.

16.27 Perhaps more pertinent is that whilst the NPPF does encourage the re-use of existing resources, it does not require them to be re-used. The Council's Natural Environment, Climate and Ecology Strategy 2023 to 25 Refresh has the objective: "Develop to high standards that cuts operational and embodied carbon, energy, water, and materials use, protects and enhances nature, and ensures climate resilience". There are then a series of actions set out, the second being:

2. Promote sustainable materials use and waste management: Promote sustainable construction (using the BREEAM tool) and waste management to drive waste up the waste hierarchy. For infrastructure, cut natural resource use, waste, pollution, and primary aggregate use in favour of reused or recycled materials. And prioritise reuse, remodelling, maintenance and improvement of existing assets.

The Strategy is a material consideration but again like the NPPF it doesn't require reuse of existing assets.

Demolition of existing resources is to be considered on a case by case basis having regard to the policies of the development plan, the NPPF and all relevant considerations. Why the demolition of the existing building is considered acceptable is set out in the conclusion of this report.

Flood-risk:

16.28 A Flood Risk Assessment was submitted as part of the application. Most of the site lies within Flood Zone 1 with a smaller part to the north-east side of the site in Zones 2 and 3. A car park is a less vulnerable use than the former use and is compatible with these zones. The application is accompanied by a Surface Water Management Statement and a Drainage Maintenance Plan (each prepared by WSP). The existing drainage systems would be modified to accommodate surface run-off. There would be no increase in impermeable area, and the existing drainage system retained with modification of the network with discharge continuing to the harbour.

16.29 The Flood Risk Management Team have no objection and the Environment Agency responded similarly, although they did advise a Flood Evacuation Plan be included. This can be conditioned. (The comments of these consultees are in Section 9).

Land contamination:

16.30 This application is supported by a Contaminated Land Desk Study Phase 1 Reports (7/1/15). Other reports submitted include: Ground Investigation report, Unexploded Ordnance Study, Existing Building Study and Structural Report by GAP and an Asbestos Re-inspection report by Airsafe Surveys Ltd.

16.31 The Land contamination Reports identified historic potentially contaminating activities occurring on the site. These were related to the presence of a timber yard, garages with associated fuel tanks and commercial uses.

16.32 The Council's Environmental Protection Officer responded that land contamination reports should be reviewed as normal by the Council's land contamination consultants. Accordingly, WPA Land Contamination Consultants responded noting that the Phase 1 Desk Study Report recommended further invasive site investigation and that the Construction Environment Management Plan (CEMP) notes that contamination and hazardous substances require specific control measures. In light of this appropriate land contamination conditions would be recommended.

Highways:

16.33 The new parking spaces are to be accessed from the existing internal circulation routes within the car park. There are no changes proposed to the existing means of accessing the current car parking facilities via North Quay and New Road. The Highway Authority have been consulted and raise no objection subject to conditions including internal layout, turning and parking as shown on the submitted site layout plan (70085295-WSP-00-XX-DR-C-00001 Rev P05), and to the submitted Construction Environmental Management Plan.

16.34 The Council's Public Transport Section requested consideration for onward bus travel from this development (Car Park) to promote sustainable travel around the town commenting that: *The existing bus stop/shelter at the location will need enlarging to cope with greater numbers continuing their journey, or getting about by bus. Ideally I'd like the shelter improvement to be incorporated in the development or maybe with s106.*

16.35 The Case Officer note this request but does not consider this particular proposal justifies the enlargement of the bus shelter because the car park location is likely to be primarily for visitors who would then enter the town on foot given the short distance, and bearing in mind the proposed car park is proposed as a temporary measure.

17.0 Conclusion

17.1 The current application represents an opportunity to move forward the development potential of this site in a way which does not prejudice the comprehensive development objectives within the adopted Local Plan policy WEY7. The applicant views this proposal as an “interim” position in that it wishes to make appropriate temporary use of the site until circumstances allow progression towards its re-development. The removal of the building and the temporary use as a car park can be viewed as “phase 1” of the longer-term redevelopment objective, as WEY7 states; *redevelopment can proceed in phases provided it does not compromise the above objectives.*

17.2 The existing building, whilst distinctive, is not regarded as of sufficient architectural or historic quality as to justify its retention. The Conservation Appraisal regards the building as being detrimental. Policy WEY7 makes no reference to retaining the existing building -thus implying its removal is expected. Indeed, the principle of the removal of the building was accepted by the 2016 outline permission. The interim use as a car park (given that all the surrounding land is already car park) would not compromise the stated planning policy objective. The car park is applied for as “temporary” reflecting the intention to redevelop the site. It is considered appropriate to limit the use of the land for parking to a 3 year temporary period, via a planning condition, thus reflecting the intention for a redevelopment in due course.

17.3 An additional 45 spaces is potentially useful because it would add to the capacity of car parks on this side of the town, so providing convenient parking in close proximity to the many facilities in this important seaside town, and particularly to the Brewers Quay/Hope Square side of the town.

17.4 In the context of the NPPF and achieving sustainable development, in terms of the economic thread the scheme would provide employment during the demolition and construction phase. From a social perspective the proposal would facilitate local people and tourists reaching the social and cultural facilities in the town, by providing additional parking in easy access to the harbour and town centre. Regarding the environmental perspective a building which is judged in the Conservation Area Appraisal as detrimental would be removed resulting in no harm to the conservation area and no harm to the setting of listed buildings. Furthermore, an acceptable biodiversity mitigation plan has also been approved.

17.5 Accordingly, it is considered that the scheme is acceptable in the context of policy WEY7 of the local plan and that it would have an acceptable effect in relation to heritage assets. The scheme would be acceptable in residential amenity terms and in relation to highway safety. It is considered in accordance with the content and/or spirit of policies INT1, ENV1, ENV2, ENV4, ENV5, ENV9, ENV10, ENV16, COM7, COM9, WEY1 and WEY7 of the adopted West Dorset, Weymouth and Portland Local Plan 2015, and in relation to the NPPF. The proposal would enable a comprehensive redevelopment scheme to come forward in the future which fully utilises the wider sites’ maximum developable area.

18.0 Recommendation

Grant subject to conditions:

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

Location plan received 30/3/2023

Proposed Car Park Schematic Layout 70085295-WSP-00-XX-DR-C-0001 P05

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

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

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

3.This permission for use as an additional car parking area shall be limited to the period ending 31 July 2026. At the end of this period the use of the additional car parking area shall cease, and the land restored in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The agreed restoration scheme shall be completed by 31st October 2026.

Reason: To exercise control over the temporary use and to enable review of the potential redevelopment of the site.

4. No development approved by this permission shall be commenced until a Demolition/Construction Management Plan (based on the already submitted CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and within an agreed timetable.

The plan shall include pollution prevention measures, (including details of any crusher equipment to be used), arrangements for the protection of local residents from noise, vibration and dust from the development and proposals to ensure that-

Hours of works are limited to-

08.00- 17.00 Monday-Friday

08.00-16.00 Saturday

No working on Sundays or Bank Holidays

The start up of vehicles and machinery is only carried out in a designated area, as far way from residential/sensitive areas as practicable.

The start up of vehicles/equipment etc. is limited to 30 minutes prior to the hours of demolition/construction only.

Details of the construction traffic shall be provided.

Reason: To protect residential amenity, to minimise the likely impact of construction traffic on the surrounding highway network, prevent pollution of the water environment and to protect water quality interests.

5. The surfacing of the additional car park area shall be similar to the existing car park in materials, finish and colour.

Reason: To protect the character of the conservation area

6. The car park extension hereby approved shall not be first brought into use until the surface water drainage scheme shall have been fully installed in accordance with for Surface Water Management Statement, by WSP, version 2, and dated 21 February 2023. The scheme shall thereafter be maintained in accordance with the Drainage Maintenance and Management Plan Report by WSP, ref DR001, rev 1 and dated 24 February 2023.

Reason: To ensure appropriate site drainage and its maintenance.

7. The detailed biodiversity mitigation, compensation and enhancement set out within the approved Biodiversity Plan dated 10/5/23 certified by the Dorset Council Natural Environment Team on 16/5/23 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

8. Prior to the commencement of any development hereby permitted, a scheme detailing arrangements for archaeological observation and recording that shall take place during any excavations (beyond the footprint of the building to be demolished) within the application site shall be submitted to the local planning authority for approval. The development shall thereafter be carried out in accordance with the approved scheme of observation and recording.

Reason: To ensure any archaeology is correctly and adequately recorded.

9. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use. On

completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

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

Reason: To ensure risks from contamination are minimised.

11. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan 70085295-WSP-00-XX-DR-C-0001 P05 to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

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

12. Before the development is utilised the accesses, geometric highway layout, turning and parking areas shown on Drawing Number 70085295-WSP-00-XX-DR-C-00001 Rev P05 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

13. The car park hereby approved shall not be first brought into use until a Flood Warning Plan and means of its implementation shall first have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the agreed details.

Reason: In the interests of minimising risk to public safety.

Informatives:

NPPF Approval.

For brownfield sites the Environment Agency also encourage any measures to improve the quality of surface water runoff. Table 26.2 of the CIRIA (753) SuDS manual, details a pollution hazard level for commercial roof land use, of 'Low' and lists a value for Total Suspended Solids, Metals and Hydrocarbons. The table also details a pollution hazard level for non-residential carparking land use, of 'Low' and lists a value for Total Suspended Solids, Metals and Hydrocarbons. Although the existing land use of the building and the proposed land use both have a 'Low' pollution hazard level, the proposed use (car park) has slightly higher values for Total Suspended Solids, Metals and Hydrocarbons. There may be opportunity to improve the quality of surface water runoff by fitting an oil separator, or gross pollutant traps to remove rubbish and sediment. There may be opportunity to install these within the drainage network when the site works are undertaken.

Application Number:	P/OUT/2021/05309
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead Broadmayne
Proposal:	Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only)
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 Given the number and scope of comments from consultees and members of the public, the Head of Planning has requested this application be considered by Planning Committee.

2.0 Summary of recommendation:

REFUSE for the following reasons:

1. The proposal would result in the unnecessary development of best and most versatile agricultural land for residential development outside the defined development boundary. Furthermore, it would result in an unsustainable pattern of development which would be disproportionate in scale to the village of Broadmayne and harmful to the countryside and local character through adverse visual effects and impacts on the countryside-edge character of this part of Broadmayne as a result of the quantum, density and scale of the development. The proposal is contrary to Policies SUS2, ENV1 (part iii), ENV8 (part ii), ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
2. In the absence of a completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
3. In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
4. In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West

Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.

5. In the absence of a completed Section 106 legal agreement to secure a Locally Equipped Area for Play (LEAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
6. In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

3.0 Reason for the recommendation:

3.1 There is a balance to be struck in considering a proposal which would deliver new housing in a location which the Local Plan does not envisage as the most sustainable location for housing.

3.2 The provision of housing outside of the DDB would be contrary to Local Plan Policy SUS2 and there would be local adverse effects caused by residential development of the site. The proposal would fundamentally alter the character and appearance of the site and would erode the countryside-edge character of this part of Broadmayne, an important component of the village's sense of place. Furthermore, it would sterilise best and most versatile agricultural land. The higher density of the site and provision of 2-storey dwellings across much of the site would contrast with the existing character, height and density of the surrounding area and would not be in harmony with local character. The proposals would also fail to mitigate limited visual impacts from the surrounding public right of way network to the south of Broadmayne.

3.3 The benefits of the proposal are not considered to outweigh the harm of the proposals and in principle conflict with policy. The proposed development fails to comply with the development plan as a whole.

3.4 It is recommended that planning permission be refused due to conflict with Policies SUS2, ENV1 (part iii), ENV8 (part ii), ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015). In addition, in the absence of necessary provision of affordable housing and appropriate mitigation of adverse impacts in respect of Dorset Heathlands and Poole Harbour, provision of a locally equipped area for plan and off-site highway improvement works secured via a Section 106 legal agreement the proposal would conflict with Policies HOUS1, ENV2, COM1 and COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development outside of the DDB and loss of best and most versatile

	agricultural land is unacceptable contrary to Policies SUS2 and ENV8. The proposal represents a disproportionate expansion of Broadmayne compared to the size of the village.
Access, highways and highway safety	No unacceptable impacts on highway safety and the residual impacts on the road network would not be severe. In accordance with Policies COM7, COM9 and the NPPF (Para. 111).
Housing mix and affordable housing	Housing mix, tenure and provision of 45% affordable housing aligns with Policy HOUS3 and exceeds the 35% policy requirement of Policy HOUS1. Whilst the applicant has confirmed an intention to provide all housing as affordable, this cannot be secured by legal agreement and is afforded very limited weight in the planning balance.
Impact on the setting of the AONB	The site is not located within the AONB. The development would have an acceptable effect on the setting of the AONB and would not harm its special qualities or natural beauty.
Impact on local landscape and village character	The development would undermine the prevailing character of the area and have a harmful visual effect in conflict with Policies ENV1, ENV10 and ENV12 of the Local Plan.
Layout, design and open space	The illustrative layout is sufficient to form a basis to indicate that the site can be developed satisfactorily for future residents. A reserved matters layout would require significant changes from the illustrative masterplan.
Heritage impacts	No harm to designated heritage assets. Harm through loss of off-site concrete hard standing on the east side of Rectory Road (a Non Designated Heritage Asset) offset by the benefits of the proposal.
Residential amenity	Significant adverse effects on residential amenity would be avoided.
Flood risk and drainage	The proposals would avoid increases in flood risk and would provide off-site betterment by disconnecting existing highway gullies from the foul sewer network.
Ecology	The proposals would deliver biodiversity net gains and potential adverse effects on Dorset Heathlands and Poole Harbour are capable of mitigation.

Trees	All trees would be retained and impacts on existing trees can be suitably managed by condition.
Archaeology	Impacts on archaeology can be appropriately managed through a planning condition securing the implementation of a programme of archaeological work.
External lighting	Acceptable subject to planning conditions.
Minerals safeguarding	A method statement to be secured via planning condition would avoid sterilisation of sand and gravel resources as far as practicable.
Community Infrastructure Levy	Market housing would be CIL liable in accordance with the West Dorset CIL Charging Schedule.
EIA Regulations	An Environmental Impact Assessment is not required.

5.0 Description of Site

5.1 The site comprises a 4.7ha square shaped agricultural field in the village of Broadmayne. It lies adjacent to the existing developed areas of the village, surrounded on three sides by dwellings and the Defined Development Boundary.

5.2 The southwest of the site is bound by the rear gardens of dwellings along Martel Close, a post-war cul-de-sac of properties of varying ages and sizes sited in generous plots. To the south lie residential properties along Chalky Road, including the residential infill developments of Knights Mayne / No. 6 Chalky Road (six dwellings) and Lytchetts Park / No. 4 Chalky Road (four dwellings). To the east is Littlemead, a 1980s development of modest terraced and semi-detached properties. North of the site is Broadmead, comprising bungalows set in regular plots. To the northwest lies open countryside and the associated Suitable Alternative Natural Greenspace (SANG) site. The surrounding area has an established low density, somewhat suburban, countryside-edge character of 1-2 storey residential properties and open countryside: markedly different to the more compact historic core of the village, approximately 350m to the east.

5.3 The site is in arable agricultural use with a pronounced fall in levels from northwest to southeast (approximately 65m to 55m AOD). The applicant's Agricultural Land Classifications Report (November 2021) identifies the entirety of the site comprises Best and most versatile Agricultural Land (BMV) split approximately 30% Grade 2 (very good) and 70% Grade 3a (good). A post and rail fence along the Broadmead boundary allows clear views over the field towards the residential properties of Martel Close. To the north of the site (within the SANG site) lies a public bridleway (S9/15) which leads west from Bramble Drove into the wider Public Rights of Way network. To the north of the bridleway is a line of mature beech trees. These provide an important landscape feature and field boundary within the adjacent SANG site.

5.4 The southwestern and southern boundaries of the site are enclosed by mature trees sited within the rear gardens of adjacent dwellings and there is established vegetation along the rear of properties along Martel Close. The Dorset AONB boundary includes the properties of Martel Close and follows the western boundary of the site. The site itself does not fall within the AONB.

6.0 Description of Development

6.1 The application seeks outline planning permission to develop the site for up to 80 dwellings with approval for the access point only and all other matters (layout, scale, appearance and landscaping) reserved for future determination.

6.2 The amount of housing has been reduced over the course of determination from a maximum of 90 dwellings (as originally submitted) to 80 dwellings (as proposed). The applicant has also increased the provision of affordable housing from 35% to 45% and confirmed the intention to provide all homes as affordable. 45% of homes are therefore proposed to be affordable. 35% would have a 70:30 split between social / affordable rented and intermediate. The additional 10% (beyond the policy requirement up to 45%) would be shared ownership. The overall housing tenure mix is outlined below:

Table 6.1 Housing Tenure Mix

	Market	Social/Affordable Rented	Intermediate	Total
No. Dwellings	44	20	16	80
% Dwellings	55%	24.5%	20.5%	100%

6.3 Providing Members considered the enhanced affordable housing offer to be necessary to make the development acceptable in planning terms, the provision of affordable housing beyond the policy requirement of 35% could be secured via a Section 106 legal agreement.

6.4 The application is accompanied by a plan (ref. 23054-04-6 Rev B) showing the proposed site access point from Broadmead opposite the cul-de-sac of Nos. 19-45 Broadmead. The site would be served by the single vehicular access point from the public highway. An additional plan (ref. 23054-04-7 Rev B) identifies off-site highway improvement works comprising alteration of the Rectory Road/Broadmead junction and installation of a 2m footway on the east side of Rectory Road between that junction and Chalky Road.

6.5 A series of indicative site plans show how a development of 80 dwellings could be configured:

- P003 and P004 Indicative site layouts
- P005 Indicative site layout proposal – affordability
- P006 Indicative site layout proposal – unit types

- P007 Indicative pavements and roads proposals
- P008 Indicative parking, refuse and cycle strategy proposal
- P009 Indicative boundary treatment plan proposal

6.6 These illustrative drawings are submitted for purely illustrative purposes only. They represent one way in which the development could come forward at the subsequent Reserved Matters stage and intend to show how the detailed design of the site could be configured in an acceptable way to provide 80 dwellings.

6.7 The illustrative drawings show the site could be developed to provide detached bungalows along Broadmead and detached and semi-detached houses throughout the rest of the site. A total of six house types are shown, ranging from 2-bed semi-detached houses through to 4-bed detached houses. The layout shows dwellings set back from the western boundary and existing foul sewer. The illustrative proposals show how a mix of market and affordable dwellings (35%) could be provided on site. Two clusters of affordable rented dwellings are identified within the centre of the site and shared ownership dwellings are dispersed in the west, south and north of the site. Internal access is shown via a central circulatory road.

6.8 Parking is generally shown on-plot to the front or side of dwellings. A parking court is provided within the centre of the site. The illustrative proposals show three areas of public open space within the site:

1. a 7,760sq.m area along the south eastern boundary adjacent to Chalky Road and within the area of surface water flood risk;
2. a central open space of 2,673sq.m; and
3. an area of 2,554sq.m in the north of the site providing links to the adjacent SANG site and existing bridleway.

6.9 In addition, 27 allotments are identified within the north west corner of the site.

6.10 The site lies outside but adjacent to the Defined Development Boundary (DDB) and Dorset AONB. It lies within 5km of protected heathlands, within a mineral safeguarding area, within the river and nutrient catchment area of Poole Harbour and within a groundwater source protection zone. The site falls within Flood Zone 1 (low risk of flooding from river and sea sources) but has an elevated risk of groundwater flooding (+75%). Parts of the southeast of the site adjacent to properties along Chalky Lane also have an elevated risk of flooding from surface water (1 in 30yr, 1 in 100yr and 1 in 1,000 year risk level).

6.11 The site does not fall within a Conservation Area. The closest listed buildings are located approximately 180-200m to the east of the site within the historic core of Broadmayne (various buildings) and the northern end of Bramble Drove (Historic England ref. 1323944). A Scheduled Ancient Monument is located approximately 500m north at Little Mayne Farm (Historic England ref. 1002697). The heritage assets are not visible from the application site. Representations note the concrete section of Rectory Road has historical importance regarding the D-Day landings where it was used for equipment maintenance and the refuelling and parking of heavy vehicles. It has been considered a Non-Designated Heritage Asset for assessment purposes.

6.12 The site lies predominantly within the Chalk Valley and Downland Landscape Character Area which extends to the north west. A central part of the site falls within the Heath/Farmland Mosaic Landscape Character Area which extends to the east and incorporates the historic core of Broadmayne. Nevertheless, the site has a somewhat suburban, countryside-edge character owing to its topography and presence of dwellings on three sides.

7.0 Relevant Planning History

7.1 The relevant planning history for the site is summarised in the table below.

7.2 The most relevant planning history relates to an outline planning application (all matters reserved) submitted in 2014 for redevelopment of the eastern part of the site for up to 30 dwellings together with creation of new vehicular and pedestrian access from Broadmead (WD/D/14/002343). The illustrative drawing submitted with the application showed housing in the northern part of the site with public amenity space provided to the south adjacent to Littlemead. The application was refused in March 2015 for four reasons. In summary:

1. Highway safety impacts on the A352/Rectory Road junction;
2. Adverse impacts on below-ground archaeology;
3. Adverse impacts on Dorset Heathlands; and
4. Affordable housing provision.

7.3 At the time of the decision, the Local Planning Authority could not demonstrate a 5-year housing land supply (5YHLS) meaning the presumption in favour of sustainable development was engaged.

7.4 The historic applications of the 1980s include part of the current planning application site together with adjacent land to the north.

7.5 The live application for change of use of land to the north to provide a SANG (P/FUL/2021/05255) relates to the current outline planning application and is proposed in order to mitigate impacts on Dorset Heathlands.

Table 7.1 Relevant Planning History

Application No.	Proposal	Decision	Date
P/FUL/2021/05255	Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road	Under consideration	N/A
WD/D/14/002343	Residential development of land for up to 30 dwellings and formation of new vehicular and pedestrian access	Refused	11 March 2015

1/E/85/000573	Develop land by the erection of 35 houses and garages, construct estate road	Refused	9 October 1985
1/E/83/000427	Develop land for residential purposes and construct estate roads	Refused	28 February 1984

8.0 List of Constraints

Land Outside Defined Development Boundary

Dorset Heath Designation Buffer 5km

Landscape Character Areas: Open Chalk Downland (South Dorset Downs) and Heath Farmland Mosaic (Crossways Gravel Plateau)

Adjacent to Area of Outstanding Natural Beauty (AONB) to the west

Minerals and Waste Safeguarding Area

Groundwater Source Protection Areas

Poole Harbour Nutrient Catchment Area; Poole Harbour

Risk of Flooding from Surface Water (Extent 1 in 30/100/1000) – within the southern part of the site

Areas Susceptible to Groundwater Flooding; Clearwater (+75%)

SSSI impact risk zone and 5k buffers (Various)

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines – along the western boundary of the site

Rights of Way: to the north of the site

9.0 Consultations

9.0 There have been three rounds of public consultation on the planning application. The first consultation was undertaken following validation of the application in December 2021. At that stage, the application related to “up to 90 residential units”.

9.1 Following the first round of consultation, the Applicant submitted amended plans and supporting documents. The revised proposal included the reduction in housing to “up to 80 residential units”. The second round of consultation took place between April-May 2022. The Applicant subsequently advised of the intention to provide all housing as affordable housing and submitted a series of new and amended documents. A third round of consultation was undertaken between October-

November 2022. The applicant subsequently increased the provision of affordable housing from 35% to 45%. No further public consultation was undertaken in respect of this change.

9.2 Alongside the public consultations the Applicant has been liaising with Natural England in respect of nutrient neutrality and the proposed off-site mitigation proposed. This has resulted in some delay in reporting the application to planning committee due to the need to undertake the necessary Habitat Regulations Assessment.

9.3 All consultee responses can be viewed in full on the website. A summary is provided below.

Consultees

Natural England

9.4 Natural England's consultation response confirms no objection in principle subject to the mitigation measures in respect of the SANG, SAMP and nutrient neutrality being secured in perpetuity. The response notes further details are required to comply with The Conservation of Habitats and Species Regulations 2017. Natural England note and support the comments of the AONB Team.

9.5 Following review of Dorset Council's Habitat Regulations Assessment, Natural England advised they concur with the assessment conclusions, provided that all mitigation measures including the ongoing SANG management arrangements and associated costs and the agreed nutrient mitigation measures are appropriately secured in any permission given.

Historic England

9.6 Historic England's consultation response confirms Historic England does not wish to offer any comments on the application. Historic England recommend the views of Dorset Council's conservation and archaeological advisors are sought.

Wessex Water

9.7 The response from Wessex Water confirms the location of Wessex Water assets within the Application Site and easement requirements for habitable buildings, landscaping, and drainage to be located sufficient distance away. It notes sewers and water mains must remain located in highway or public open space as Wessex Water requires unrestricted access for maintenance and repair. The response acknowledges the application is submitted in outline application and places a "holding objection on the layout" until the Applicant has demonstrated how the easements will be accommodated.

9.8 The response notes the proposed surface water drainage strategy and states no surface water runoff or land drainage will be accepted into the public foul sewer.

Southern Gas Networks (SGN) – No comments received.

Dorset Clinical Commissioning Group (CCG) – No comments received.

Dorset Area of Outstanding Natural Beauty Partnership

9.9 The response from Dorset AONB Partnership notes the location of the dwellings outside of the AONB boundary. The response acknowledges Dorset Council was unable to demonstrate a five-year supply of deliverable housing sites and that the ‘tilted balance’ in favour of sustainable development did not apply in a number of sensitive locations, including AONBs.

9.10 Dorset AONB Partnership note guidance within the NPPF and draw attention to what is defined as a ‘major’ application in the context of NPPF Para. 177 is a matter for the planning authority to evaluate. The response requests the Local Planning Authority to consider whether the proposal could constitute major development within the AONB given the link between the residential element (outside the AONB) and SANG (within the AONB). This assessment is dependent on whether there is a major effect on the character and appearance of the designated areas.

9.11 The response considers the introduction of housing within the site *“is not considered likely to inherently impact upon the rural character of land within the designated area”*. It explains this is due to the location of housing outside the AONB, interface with existing residential areas to the east, south and west and topographic screening of the site. The response highlights key mitigation measures in the form of scale, materials, lighting and planting will need to be carefully designed.

9.12 Dorset AONB Partnership comment on the Landscape Appraisal (see assessment section below) and note the layout, scale and landscaping are important requirements which need further consideration. In respect of density, the response defers to Dorset Council’s urban design and landscape consultees.

Dorset and Wiltshire Fire and Rescue

9.13 Dorset and Wiltshire Fire and Rescue note the requirement to meet Building Regulations requirements and draws attention to key recommendations to improve safety and reduce property loss in the event of fire. The response highlights the need to provide access and facilities for fire services and to provide water supplies for firefighting.

Dorset Police - Crime Prevention Design Engineers – No comments received.

Planning Policy

9.14 The Planning Policy Team identify the relevant policies for the site and comment on the principle of development, housing land supply and the 'major development test' for development within AONB.

9.15 Policy SUS2 restricts development outside DDBs to a limited range of uses including market housing through the re-use of existing rural buildings or affordable housing as exception sites. Given the related SANG site falls within AONB, the response recommends consideration is given to whether the combined residential and SANG proposals constitute 'major development' under Para. 177 of the NPPF.

9.16 Following the submission of evidence challenging the council's stated 5YHLS position, the Planning Policy Team provided an updated response drawing attention to the need to assess the proposals against Policy HOUS2 (affordable housing exception sites) and the NPPF (Para. 78). The Planning Policy Team reiterated that the council is able to demonstrate a 5YHLS and has a Housing Delivery Test result of 114% for the plan area.

9.17 Following the intention to provide 100% affordable housing, the Planning Policy Team commented to note the decision maker will need to be satisfied that the proposal qualifies as an affordable housing exception site by meeting all of the criteria detailed at Policy HOUS2 to be acceptable in principle. They also noted assessment under Para. 78 of the NPPF would be required.

Housing Enabling Team

9.18 The Housing Enabling Team note community engagement has indicated to the applicant that 2-3 bedroom dwellings are desired locally. The response confirms the affordable housing provision (35%) is policy compliant although any additional affordable housing would be welcomed.

9.19 It is desirable that affordable housing should be proportionate to the scale and mix of market housing, be well-integrated and designed to the same high quality resulting in a balanced community of housing that is 'tenure neutral'.

9.20 The housing register demonstrates that there is a significant need for quality affordable family housing with a high demand for a range of dwelling sizes and tenures which this development will assist in meeting.

9.21 The Housing Enabling Team did not provide a further consultation response following confirmation by the applicant that they intend to provide all housing as affordable.

Landscape

9.22 The Landscape Officer provided comments to the initial consultation and second consultation. The latest comments maintain the objection to the proposal and request further information.

9.23 The Landscape Officer has no in-principle objection to development on the site. However, whilst the quantum of development has been reduced from 90 to 80 dwellings, the indicative layout does not demonstrate that this scale of development can be appropriately accommodated on site.

9.24 The density and indicative layout does not comply with Policy ENV 12: “i) *Development will achieve a high quality of sustainable and inclusive design. It will only be permitted where it complies with national technical standards and where the siting, alignment, design, scale, mass, and materials used complements and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place.*”

9.25 The main issues are summarised as follows:

1. Housing density and dominance of street parking and the parking courtyard has a suburban character inappropriate in the area.
2. The layout does not adequately address the easement along NW/SE border. Drainage requirements may reduce the housing capacity of the site.
3. Landscape Strategy - Inadequate strategic mitigation particularly to NW/SE/NE boundary Landscape mitigation is unclear. Proposal is over-reliant on off-site trees for mitigation.
4. The allotment provision remains squeezed into the site detached from the community and with insufficient parking. Suggest relocating the allotments close to the SANG carpark.
5. Note potential for pleasant pedestrian route along the western boundary subject to significant rearrangement of the layout.
6. Play provision has not been provided. A Locally Equipped Area for Play is required in the area. Provision may reduce the housing capacity of the site.
7. The illustrative masterplan does not demonstrate that the quantum of 80 dwellings can be accommodated appropriately.

9.25 The response notes a Landscape Management Plan would be required at Reserved Matters stage that relates specifically to landscape strategy objectives and the landscape maintenance.

9.26 The Landscape Officer further notes the updated LVA (May 2022) does not assess the worst case scenario given it contains a winter view from View Point (VP)

1 within the site only, and not the VP3 highlighted in the officer's earlier objection. Nevertheless, the Landscape Officer considers VP3 would afford more open view of the site as the existing mature trees are deciduous and notes the LVA states the level of effect on visual amenity as a result of the development from VP3 is major/moderate in year 1 and moderate in year 10.

Urban Design

9.27 The Urban Design Officer's comments on the latest proposals note that although there are aspects of the illustrative layout that should not be carried through to the Reserved Matters stage, the reduction in density from 90 to 80 dwellings would allow these issues to be overcome at a more detailed design phase.

9.28 The Urban Design Officer makes a number of comments on the illustrative proposals acknowledging that a number of the issues raised are not for detailed consideration at this outline planning stage but will need to be addressed at the Reserved Matters stage:

1. The provision of single storey dwellings along the north eastern boundary responds to the character of Broadmead.
2. Revised illustrative proposal shows increased natural surveillance from dwellings towards footpaths. Footpath along the S/SW boundary has been re-routed as recommended. The provision of a pedestrian network with direct and well-surveyed links throughout the site would be a key consideration for the Reserved Matters.
3. The orientation of dwellings adjacent to open spaces are generally shown to be fronting towards these areas. In instances where this isn't the case, the layout could be tweaked at a more detailed design stage to achieve this. Some dwellings should be re-orientated to face the street.
4. Support Landscape Officer's comments (summarised above) that the allotments should be relocated.
5. Request Locally Equipped Area for Play (LEAP) is provided and included within the illustrative plans to demonstrate Fields In Trust guidance is met.
6. Major concerns with public open space proposed as the buffer between the site and existing housing at Martel Close. Recommend this part of the site is reconfigured to back development onto the boundary using plots with deep rear gardens to utilise the foul sewer easement. Suggest larger detached and some semi-detached dwellings would better reflect the character of the wider area in line with Martel Close.

7. Boundaries have been significantly improved. SANG boundary could be optimised at the Reserved Matters stage to allow more dwellings to front toward the SANG with less visible plot boundaries.
8. Introduction of flint/brick to the materials palette is a welcome addition reflective of Broadmayne.
9. Illustrative layout shows parking provision could be sufficiently accommodated subject to detailed design. Garages to bungalows facing Broadmead supported.

Conservation Officer

9.29 No objection. The proposals are not considered to have the potential to affect the significance of any built designated heritage assets owing to distance and/or substantial intervening development.

Natural Environment Team (NET)

9.30 NET provided a Certificate of Approval in respect of the Landscape and Ecological Management Plan (LEMP) on 8 February 2022. The certificate confirms the LEMP adequately addresses the impact on biodiversity. The response notes the LEMP is considered to provide reasonable ecological mitigating and enhancement measures to meet the NERC Act 2006 duty. NET request the full implementation of the LEMP is secured by planning condition.

9.31 The response recommends consultation with Dorset AONB Partnership and Natural England. It also notes the proximity to European Wildlife Sites, SSSI and within 5km of designated heathland.

Highways

9.32 On balance, when judged against the parameters of the NPPF, given the proposed highway alterations/mitigation measures and the analysis of the Chalky Road/A352 junction, the Highway Authority has no objection subject to planning conditions related to: estate road construction; visibility splays; off-site highway works; and construction traffic management plan.

9.33 The proposed access points to the residential development and the SANG car park have sufficient vehicular visibility provision and comply with local and government guidance. The position of the accesses within the highway and in relation to other highway features is acceptable. The width of the access is compliant and allows appropriate refuse vehicle access.

9.34 As with previous applications, the Highway Authority remain concerned regarding any proposals that would see an intensification of use of the Rectory

Road/A352 junction due to the existing substandard vehicular visibility splays available. The current application has acknowledged this concern and seeks to mitigate it through alterations and improvements to the public highway in the vicinity of the site. The proposed alterations and improvements are as follows:

- No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road
- Alteration to the arrangement and priority of the Broadmead / Rectory Road junction, including improved pedestrian facilities
- Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving
- Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road
- Access only signage to Bramble Drove, which is a private road

9.35 Junction analysis of the Chalky Road/A352 junction has been undertaken and shows that the junction currently operates well within capacity. The analysis goes on to show that the additional traffic expected to be associated with the proposed development and that created by the proposed restriction of exiting traffic from the Rectory Road/A352 junction can be comfortably accommodated. This analysis has been tested at current levels and using forecast growth figures (TEMPRO Growth Rates), a recognised methodology which is a standard practice and is considered robust. Visibility at the junction is in excess of standard, given the speed limit of the road. With the above in mind, it is considered that the junction is compliant with Department for Transport standards and has sufficient capacity to accommodate the increase in traffic associated with the proposal.

Lead Local Flood Authority

9.36 No in-principle objection to the proposed scheme or conceptual drainage strategy subject to the pre-commencement planning conditions in respect of detailed design and maintenance.

Minerals and Waste Policy

9.37 There is potential for sand and gravel under part of the site falling within the Mineral Safeguarding Area as designated by Policy SG1 of the Minerals Strategy 2014. It is expected that it may be possible for some mineral to be removed from the site and re-used in some capacity within the housing site should permission be granted. Planning condition seeking re-use of sand and gravels recommended.

Building Control West Team

9.38 Building Control raise no objection and note Building Regulations Approval will be required.

Dorset Waste Partnership – No comments received.

Trees – No comments received.

Economic Development and Tourism – No comments received.

Environmental Services – Protection

9.39 Dorset Council's Environmental Health team recommend planning conditions in respect of land contamination.

Archaeology

9.40 Following liaison with the Applicant's archaeological consultant, and noting the potential for archaeological remains on the site, the council's archaeologist raises no objection subject to conditions.

Libraries – No comments received.

Street Lighting Team

9.41 Any of the new estate being proposed for adoptable as public highway must be lit, as per Dorset Council Street Lighting Policy POLS900, for areas where most roads are already lit. Mature tree canopy sizes should be plotted to allow further assessment of street lighting compatibility.

9.42 The shared surface areas (roads without any pavements) provide no safe locations for street lighting to be installed. Safety legislation requires a minimum separation of vehicles from highway electrical apparatus which, for lighting columns, is taken as 800mm from a full height kerb. These necessary kerbed and raised islands around each light will reduce the useable width of the highway significantly and conflict with pedestrians and vehicle movements.

9.43 The use of a vertical traffic calming features will require permanent all-night street lighting, to comply with the Road Hump Regulations, rather than part night street lighting which would otherwise apply to the estate if horizontal or other measures were employed.

Adult social care – No Comments received.

Public Rights of Way Strategic Access Development

9.44 The Strategic Outdoor Access Development Officer provided a response in respect of PRow and countryside access matters. The Officer notes PRow S9/15 through the SANG site would be affected by the development and its character would change from crossing an open field to running adjacent to the residential development. The response requests further details and clarifications and notes that increased footfall and cycling on Bridleway 19/15 and the wider PRow network should be considered to ensure it functions effectively as a bridleway and better integrates with the development. Concerns raised with construction of the haul road across the PRow and request planning conditions to mitigate impacts.

Broadmayne Parish Council

9.45 Broadmayne Parish Council provided objections at all consultation stages. The latest response maintains the objection and states the revised proposal (100% affordable) would exacerbate many of the issues identified within the earlier objections. In summary, the objections raise the following points:

1. Development would be out of scale with Broadmayne and would conflict with Policy SUS2 as a large scale residential development outside the DDB;
2. 80 affordable dwellings would be wholly inappropriate for the rural location given the lack of local employment, healthcare, retail and community facilities within the village coupled with the poor bus service;
3. The proposal would not qualify as an affordable housing exception site because only 35% of dwellings would be affordable, no assessment of local needs has been carried out and the scheme is not of a character, scale and design appropriate to the location;
4. Concerns with highway impacts, including: underestimation of impacts; lack of safe cycling routes; highway safety concerns with additional traffic; junction capacity at Chalky Road/A352; impacts of making Rectory Road one-way; effectiveness of 'access only' signage on Bramble Drove; loss of on-street parking areas; insufficient parking provision for residents; adverse impacts on road surfacing; conflict with Policy COM7 and the NPPF (Paras. 105 and 112);
5. Planning history shows a series of refused developments and should not be relied upon to justify the proposed development;
6. Adverse impacts on the character of Broadmayne and nearby ANOB;
7. Adverse amenity impacts through loss of outlook, overbearing impact and external lighting;

8. Loss of concrete strip along Rectory Road which has historic significance preceding D-Day when the village hosted many US military personnel;
9. Loss of best and most versatile agricultural land; and
10. Flooding and surface water drainage concerns.

Winterborne and Broadmayne Ward Councillors – Roland Tarr

9.46 Request that the applications be considered by Planning Committee. Note support to Broadmayne Parish Council’s comments and states the Local Plan should be adhered to given Broadmayne is a small village adjoining the Dorset AONB. The village Infrastructure for active travel across the village and to places of education and work such as Dorchester is currently unsatisfactory and dangerous and a certain amount of public and/or private investment, goodwill and discussion with other stakeholders in the area would be required to rectify this problem.

West Knighton Parish Council – No comments received.

Whitcombe Parish Council – No comments received.

Representations Received

9.47 At the time of writing a total of 169 representations have been received. Of these 144 comprise objections, 13 make comments and 12 support the application. It should be noted that in a number of instances multiple representations have been submitted by the same residents. These representations have been taken into account fully and carefully in assessing the proposal. Comments received were wide-ranging. In summary, the following key themes of the representations are as follows:

Topic	Comments
Comments of Support	
Housing	<ul style="list-style-type: none"> - Development would provide affordable housing in an area of high prices. - Affordable housing is much needed. - Some shared ownership homes should be ring-fenced for applicants with a village connection. - Affordable housing supported subject to: increasing the low-cost element to 50%; ensuring the development is viable; and viability review mechanisms - Bungalows will provide suitable housing for an aging population and allow local people to stay local.
Socio-Economic Benefits	<ul style="list-style-type: none"> - New houses will support facilities within the village and allow them to grow and thrive. - Proposals will attract young people to village.

Renewable energy	- Support renewable energy generation.
Comments of Objection	
Principle	<ul style="list-style-type: none"> - Development is outside of the DDB. - Brownfield sites should be prioritised before greenfield. - Site is not allocated for development. - Development is not required. - Other locations within the village would be more appropriate for village expansion. - Proposal is not a small scale rural exception site. - Loss of best and most versatile productive farmland. - Loss of open land. - Site is not a sustainable location due to limited local services, employment opportunities and poor public transport provision.
AONB	- Increased urbanisation within the setting of the AONB will harm the AONB.
Local character and visual amenity	<ul style="list-style-type: none"> - Harm to village character through development of an urban housing estate disproportionate to the scale of the village. - Harm to visual amenity from existing open views along Broadmead and form surrounding houses. - Development would be out of character with dwellings along Martel Close, a number of which are chalet bungalows and bungalows. - Development would not be in harmony with adjacent properties. - Detrimental impacts on visual, physical and social character of village. - Proposals would fundamentally change the character from rural to suburban.
Scale and density	<ul style="list-style-type: none"> - 90 dwellings is too dense for a village of c. 600 dwellings. - 15-20% increase in the number of dwellings would totally alter village character and would be a disproportionately large increase to a small village. - Density would far exceed that in Martel Close (10dph) or Broadmead (13dph). - Broadmayne is only suitable for small-scale in-fill development. - Concern design and materials would be out of keeping with village. Should be similar to properties in Martel Close and Broadmead (reconstituted stone).
Housing (including affordable housing)	<ul style="list-style-type: none"> - Inadequate assurances on affordable housing. - Houses will be unaffordable to young families of Broadmayne. - Concerns housing would provide second homes, holiday lets and/or investment properties rather than first homes. - Housing will not meet local needs. - Absence of social housing.

	<ul style="list-style-type: none"> - Percentage of homes should be safeguarded for locals during an initial sales period. - Mixed tenure development on a smaller scale would be far more appropriate to maintain the character of Broadmayne. - Proposal for 100% affordable housing would not create a mixed and balanced community.
Heritage	<ul style="list-style-type: none"> - Concrete section in Rectory Road proposed to be removed would destroy the historical importance regarding D Day. - Development would harm archaeology.
Residential amenity	<ul style="list-style-type: none"> - Increased noise and disruption from traffic. - Major disruption during construction phase. - Loss of privacy to residents of Martel Close and Littlemead. - Overshadowing of existing homes. - Harm to peaceful enjoyment and private family life (Human Rights Act). - Proposals would result in a loss of property value.
Highway safety	<ul style="list-style-type: none"> - Rectory Road/A352 junction is substandard and has poor visibility. Existing safety concerns would be exacerbated. - Rectory Road/Chalky Road has no footpath or streetlighting and has poor visibility. Additional traffic causes pedestrian safety concerns. - Bramble Drove and Bramble Drove/A352 junction is not suitable. - Rectory Road / Broadmead junction is dangerous and not wide enough to support increase in traffic. - Street parking would restrict visibility splays. - Absence of footpaths throughout village (inc. Rectory Road) causes pedestrian safety concerns due to additional traffic. - Increased traffic would be a danger to vulnerable road users, including children, elderly, cyclists and horse riders. - Street lighting needs to be considered and provided along rectory road.
Highways (including public transport and sustainable travel)	<ul style="list-style-type: none"> - Increased traffic from dwellings and users of SANG. - Highway impacts will be severe. - Chalky Road/A352 junction is too busy. - Impacts have been underestimated due to surveys during Covid lockdowns. - Temporary haul road should be made permanent and used by residents for main access. This would relieve pressure of village roads. - Bus service improvements should be secured and funded by the developer. Existing provision is poor. - Inadequate provision of cycle routes.
Parking	<ul style="list-style-type: none"> - Increased parking on street would cause parking stress. - Parking should be provided for allotments.

	<ul style="list-style-type: none"> - Inadequate parking for dwellings. - Proposals would reduce existing on street parking.
Biodiversity and trees	<ul style="list-style-type: none"> - Harm to wildlife through loss of habitat, including: hares, owls, bats, foxes, voles, hedgehogs, deer and reptiles. - Loss of trees caused by construction of haul road. - Tree report inaccurately plots existing trees. - Adverse impacts on Poole Harbour through additional nutrient loading. - Some proposed tree species would be unsuitable for the calcareous soils.
Flood risk	<ul style="list-style-type: none"> - Existing flooding issue at Rectory Road/Broadmead needs to be fully addressed. - Proposal would make existing flooding issues worse and increase flood risk to adjacent homes especially in Knights Mayne.
Air quality and noise	<ul style="list-style-type: none"> - Increased air pollution and noise caused by increased traffic and construction works.
Lighting	<ul style="list-style-type: none"> - Light pollution caused by street lighting. - Loss of dark sky environment.
Community Infrastructure	<ul style="list-style-type: none"> - Pressure on health and leisure facilities and public services (education, police, healthcare and council services). - Existing facilities within village are limited. There isn't a doctors surgery or dentist within the village. - Loss of amenity provided by bench immediately opposite the proposed entrance to the estate.
Utilities	<ul style="list-style-type: none"> - Development could adversely affect existing water mains through vibrations. - Transformer sub-station at Rectory Road could be liable to damage in the event of an accident at the Rectory Road/Broadmead junction. - Waste water sewage system are inadequate and should be upgraded.
Climate Change and Sustainability	<ul style="list-style-type: none"> - Increased carbon emissions due to urbanisation and use of vehicle movements. - Proposals won't tackle the climate emergency declared by Dorset Council. - Commitment to carbon neutral dwellings is supported. - Development on greenfield site is not appropriate.
Socio-Economic Benefits	<ul style="list-style-type: none"> - Benefits would be limited.
Emerging Dorset Local Plan	<ul style="list-style-type: none"> - Proposal does not comply with emerging new Local Plan.

Land Ownership	- Site boundary includes land and trees within the rear gardens of properties along Martel Close.
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10.0 Relevant Policies

Development Plan

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. The following policies are considered to be relevant to this proposal:

West Dorset and Weymouth & Portland Local Plan (2015) (LP) Policies

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV8 - Agricultural land and farming resilience
- ENV9 - Pollution and Contaminated Land
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV 16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- HOUS1 - Affordable housing
- HOUS2 - Affordable housing exception sites
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and houses in multiple occupation
- COM1 - Making sure new development makes suitable provision of community infrastructure
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking standards in new development
- COM10 - The provision of utilities service infrastructure

Bournemouth, Dorset and Poole Minerals Strategy (2014)

- SG1 - Mineral Safeguarding Area

Other Material Considerations

Emerging Dorset Council Local Plan

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.

National Planning Policy Framework (NPPF)

Relevant NPPF sections include:

- Section 4. 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...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- Section 11 ‘Making effective use of land’. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 ‘Achieving well designed places.’
 Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).
- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 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). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 SPD (2006)

Dorset Heathlands Interim Air Quality Strategy (2021)

Nitrogen Reduction in Poole Harbour SPD (2017)

Dorset Waste Storage, Collection, and Management – Guidance notes for residential developments (2020)

West Dorset Planning Obligations SPD (2010)

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.

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

- Access; arrangements can be made to ensure people with disabilities or mobility impairments or pushing buggies can be accommodated (off road footpath links and crossing points). There will be improved footpath links.
- Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Total housing	Up to 80 dwellings
Affordable housing	Minimum 45% (36 dwellings based on maximum of 80 dwellings)
Market housing	Maximum of 55% (52 dwellings based on maximum of 80 dwellings)
Quantum of open space and play space, based on indicative proposals and associated SANG application.	- SANG: 8.9ha - Public open space within residential parcel: 12,985sq.m (including LEAP)

	- 400sq.m Locally Equipped Area for Play (LEAP) in accordance with Fields In Trust Guidance
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains
Non-Material Considerations	
Council Tax	According to value of each property
New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767
Community Infrastructure Levy (CIL)	According to CIL Regulations and in line with West Dorset CIL Charging Schedule.

14.0 Climate Implications

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

14.2 The construction phase would include the release of CO2 emissions from construction workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

14.3 This has to be balanced against the benefits of providing housing in a moderately sustainable location and should be offset against factors including the provision of electric car charging and the dwellings being reasonably energy efficient as required by Building Regulations.

14.4 Under the council's current Validation Checklist (updated 12 December 2022), a Sustainability Statement demonstrating how sustainable design and construction have been addressed, including reducing energy consumption and carbon emissions taking into account adaptation to climate change would be required at the Reserved Matters stage.

15.0 Planning Assessment

Principle of development

Redevelopment outside of the DDB

15.1 The site is currently in arable agricultural use. It adjoins the DDB of Broadmayne on three sides to the east, south and west. Although outside of the DDB, the site is well-related to the surrounding settlement of Broadmayne.

15.2 Policy SUS2 of the Local Plan sets the spatial strategy confirming a greater proportion of development will be distributed to larger and more sustainable settlements. Broadmayne falls within the third tier of the settlement hierarchy and is one of the larger villages wherein Policy SUS2 advises development should take place at an appropriate scale to the size of the settlement. The proposed development of up to 80 homes would be disproportionate to the size of the

settlement representing around a 14% uplift in the existing number of households within the village (approximately 560).

15.3 Policy SUS2 confirms development will be strictly controlled, having particular regard to the need for the “protection of the countryside and environmental constraints” (assessed below). The stated criteria where development outside DDBs may be permitted include “affordable housing” (bullet 4) and “open market housing through the re-use of existing rural buildings” (bullet 6).

15.4 The Council’s latest published 5 year housing land supply position reflecting the 1 April 2022 base date is 5.34 years. In a recent appeal decision (APP/D1265/W/22/3291668) an Inspector considered that the Council had a 5.25 year supply, bearing in mind the evidence that was presented to them earlier in 2023 before the publication of the 1 April 2022 base date position. However, the Inspector in that same decision stated that for a number of reasons the supply may be greater than 5.25 years but less than that stated by the Council at the time of the appeal which was 5.75 years. The fact that the Council stated a position of 5.34 years in April this year is considered to be consistent with the Inspector’s statement that supply could be greater than 5.25 but less than 5.75 years and as such the position remains at 5.34 years supply as of the 1 April 2022 base date. Given the former West Dorset, Weymouth and Portland area is currently able to demonstrate a 5 year housing land supply and meet the Housing Delivery Test, the proposal for a mixed market and affordable development is not acceptable in principle.

15.5 Whilst the provision of market housing on a greenfield site does not comply with Policy SUS2, the site is adjacent to the DDB and is a moderately sustainable location. It is well-related to Broadmayne within walking distance of a range of facilities, including the village hall, shop and public house. Broadmayne First School is located approximately 1.1km to the north. It is also served by limited bus services into Dorchester, which takes 10 minutes. The increased number of households would help to support the limited local facilities within the village. These factors would not overcome the scale of development which would be disproportionate to the size of Broadmayne.

15.6 Notwithstanding the restrictive policy basis for market housing, the site was considered in the Strategic Housing Land Availability Assessment (SHLAA) (2021) and found to be a “suitable site with potential as an affordable housing exception site subject to identified need”. The applicant and their housing association partner (Abri) has confirmed the *intention* to deliver 100% affordable housing on the site. Homes England corroborates this intention and confirms Abri secured a total grant allocation of £250m to deliver over 3,000 new affordable homes by March 2028. Homes England has confirmed the site is included in Abri’s Strategic Partnership development pipeline.

15.7 Policy HOUS2 of the Local Plan allows for the provision of affordable homes through ‘exception sites’ i.e. affordable housing on sites that would not normally be granted planning permission for open market housing. It allows for small sites adjoining DDBs to provide 100% affordable housing without a fundamental policy objection. Affordable homes on such sites should remain available to meet local housing needs in perpetuity and appropriate arrangements to ensure this will be

expected. The policy requires that the scheme is of a character, scale and design appropriate to the location (assessed in sections below). To avoid an unbalanced community mix, large sites are not encouraged through the exception site approach.

15.8 The NPPF (Para. 78) sets out that Local Planning Authorities should support opportunities to bring forward rural exceptions sites that will provide affordable housing to meet identified local needs. The NPPF defines rural exception sites as *“small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection...”*

15.9 The proposal represents a large scale site for housing that would not be of a character and scale appropriate to the location. That would remain if all housing were secured and delivered as affordable. This would not fall within the provision of Policy HOUS2 or NPPF (Para. 78). At up to 80 dwellings with the majority served via one access point there are concerns such an approach would not create a mixed and balanced community. Were 100% affordable housing to be secured, the proposal would not be acceptable as an affordable housing exception site.

15.10 The outline application proposes that 45% affordable housing is secured via a Section 106 Agreement. The +10% increase from the policy requirement of 35% has been proposed by the applicant to seek to improve the benefits of the proposal. The intention to provide 100% affordable housing is afforded very limited weight in the decision-making process as the applicant advises it cannot be secured due to funding requirements. The proposal is therefore assessed as a mixed-tenure development. The intention to provide 100% affordable housing has however been assessed and also found not to be acceptable in principle.

15.11 On the basis of the 45% affordable housing proposed to be secured by way of a planning obligation, the proposal is considered unacceptable in principle and would represent a disproportionate expansion compared to the scale of Broadmayne in conflict with Policy SUS2. Nevertheless, the additional +10% affordable housing provision is a significant planning benefit weighed in the planning balance.

Loss of Agricultural Land

15.12 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).

15.13 A number of objections raise concerns with the loss of agricultural land and highlight concerns with food security. The site is currently in arable agricultural use and is assessed as comprising approximately 30% Grade 2 (very good) and 70% Grade 3a (good) agricultural land. The entirety of the 4.7ha site therefore comprises best and most versatile agricultural land (BMV). The proposals would result in the

loss of 4.7ha of agricultural land and the associated economic and food security benefits associated with food production.

15.14 The submitted Agricultural Land Classification Report makes the case that there are no obvious areas of poorer quality agricultural land on the periphery of Broadmayne and therefore any expansion of Broadmayne would result in the loss of some BMV. This argument is accepted. However, given the council is able to demonstrate a 5YHLS and large scale expansion of Broadmayne does not form part of the strategy, there is considered to be sufficient housing land available to negate the need to develop the site for housing. The loss of the land therefore conflicts with Policy ENV8 of the Local Plan and the clear preference of the NPPF.

15.15 The proposed loss of BMV would result in the loss of the moderate natural capital and associated economic and food security benefits. These are considered in the overall planning balance.

Access, highways and highway safety

15.16 The proposal includes a single means of access serving the residential development from Broadmead. The Highway Authority considers that the proposed access provides sufficient vehicular visibility, is a compliant width to accommodate refuse vehicles and is otherwise acceptable from a highways perspective.

15.17 A number of objections consider the temporary construction haul road through the SANG site should be made permanent and used as the main access to the development. Such an approach would not be acceptable as it would fail to integrate the site with the surrounding area and would undermine the function of the SANG.

15.18 The Transport Assessment considers the impact of the proposed development on a number of junctions and outlines a series of works to mitigate the highway impacts and ensure highway safety. The assessment is informed by the previous application on the site (WD/D/14/002343) which was refused for a number of reasons including highway safety impacts on the A352/Rectory Road junction. The proposal seeks to address this concern through a series of alterations and improvements to the public highway in the vicinity of the site comprising:

1. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road.
2. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities.
3. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving.
4. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road.
5. Access only signage to Bramble Drove, which is a private road.

15.19 The Highways Authority confirms the junction analysis of the Chalky Road/A352 junction has been undertaken and shows that the junction currently operates well within capacity. The analysis within the Transport Assessment shows that the additional traffic expected to be associated with the proposed development

and that created by the proposed restriction of exiting traffic from the Rectory Road/A352 junction can be comfortably accommodated. Visibility at the junction is in excess of standard, given the speed limit of the road. With the above in mind, the Highways Authority considers the junction is compliant with Department for Transport standards and has sufficient capacity to accommodate the increase in traffic associated with the proposal.

15.20 The Highway Authority concludes that, on balance, when judged against the NPPF, it has no objection to the proposed development subject to planning conditions. Subject to these conditions and securing the off-site highway works and Traffic Regulation Order, the proposal is acceptable from a highways perspective and would not have an unacceptable impact on highway safety or have a severe impact on the road network (NPPF, Para. 111).

Housing mix and affordable housing

15.21 Policy HOUS3 states that residential developments should include a mix in the size, type and affordability of dwellings proposed, taking into account the current range of house types and sizes and likely demand in view of the changing demographics of an area. Policy HOUS1 requires the provision of 35% affordable housing with a 70:30 split between social/affordable rented and intermediate tenures. The affordable housing type, size and mix is expected to address the identified and prioritised housing needs of an area and should be proportionate to the scale and mix of market housing.

15.22 The illustrative proposals include a mix of 2, 3 and 4-bed detached, semi-detached houses and bungalows. The mix is informed by community engagement carried out by the applicant which indicates 2-3 bedroom dwellings are desired locally.

15.23 The illustrative proposal shows 28 dwellings (35%) as affordable of which 19 dwellings (68%) would be provided as affordable rented and 9 dwellings (32%) would be provided as shared ownership. This indicative mix broadly complies with Policy HOUS1. The applicant has since increased the affordable housing offer to 45% and confirmed the additional 10% would be provided as shared ownership. Such additional affordable housing would be a significant benefit of the proposal.

15.24 The Council's Housing Enabling Team's comments note that the housing register demonstrates there is a significant level of recorded housing need for affordable family homes across the area although a variety of dwelling sizes are required across the range of sizes. They conclude the affordable housing provision is policy compliant and welcome any additional affordable housing that could be provided beyond 35%.

15.25 Notwithstanding the proposal for 45% affordable housing, the Planning Statement confirms the intention to provide all housing as affordable and the Affordable Housing Addendum confirms the intention to provide a 50:50 tenure split between affordable rented and shared ownership tenures. Whilst the applicant has provided a clear intention to deliver additional affordable homes, this is afforded very limited weight in the determination of this application given the provision is not committed to and the applicant advises the maximum that can be secured by way of a

planning obligation is 45%. The applicant advises this is due to funding restrictions whereby if additional affordable housing is secured via a Section 106 legal agreement further funding to provide 100% affordable housing would not be available. As noted above, there are concerns that such a large scale affordable housing development would be disproportionate to the size of the village and would not foster a mixed and balanced community.

15.26 Neighbour responses raise concern that the housing would provide second homes, holiday lets and/or investment properties rather than homes for first time buyers. There is no policy basis or material considerations to require the market housing element to be restricted to first time buyers only. Affordable housing would meet the definition of affordable housing within the NPPF as “housing for sale or rent, for those whose needs are not met by the market”. It would therefore provide opportunities for a wide range of occupiers and renters, including those on the Housing Register, first time buyers and families thereby helping to meet local housing need.

15.27 As this is an outline application the precise housing provision has not yet been agreed. A Section 106 agreement would ensure 45% of the eventual number would be for affordable housing at an appropriate mix comprising a minimum of 70% social / affordable rent for 35% with the remainder being shared ownership. Such enhanced affordable housing provision beyond the policy requirement could only be secured if Members considered the additional +10% provision necessary to make the development acceptable due to the benefits of the proposal (including enhanced affordable housing provision) outweighing the disbenefits. Provision of onsite affordable housing +10% above the policy compliant level of affordable housing (to 45%) is a significant benefit weighing in favour of the proposed development.

Impact on AONB setting

15.28 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for ‘major development’ (determined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

15.29 The site lies adjacent to the AONB which follows the western boundary of the site including residential properties along Martel Close together with land to the north. Whilst the proposal for residential development falls entirely outside of the AONB, the associated SANG falls partially within the AONB. The SANG is subject to a separate planning application (P/FUL/2021/05255) which would be linked with the residential proposals via a Section 106 agreement.

15.30 For the purposes of NPPF Para. 177, it is relevant to consider whether the combined proposal would represent major development for which exceptional circumstances would need to be demonstrated. Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the

AONB is not considered to be major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development.

15.31 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application which considers the impact of the proposals on the setting of the AONB. Dorset AONB Partnership consider the development of housing within the site is not likely to inherently impact upon the rural character of land within the designated area. The AONB Partnership explains this is due to the location of housing outside the AONB, interface with existing residential areas to the east, south and west and topographic screening of the site.

15.32 It is noted that the site is well-related to the urban area of Broadmayne and there would be limited visibility of the site from the surrounding AONB. This is evident in the short-range views from Broadmayne and longer-range view from the AONB which show the proposals would be seen in the context of Broadmayne. Due to the location and character of the site, the proposals would not harm the sense of tranquillity and remoteness of the AONB through adverse impacts within its setting.

15.33 Owing to the location of the site outside of the AONB, sloping topography away from the open countryside and AONB and presence of existing dwellings to the east, south and west, it is considered that, subject to appropriate reserved matters submissions, the proposal would have an acceptable effect on the AONB and would not harm its special qualities or natural beauty.

Impact on local landscape and village character

15.34 Sections 7 and 15 of the NPPF seek to employ high quality inclusive design which respects, and integrates with, its environment. The Framework seeks to ensure decisions contribute to and enhance the natural and local environment by protecting valued landscapes through recognising the intrinsic character and beauty of the countryside.

15.35 In particular, Para 127 of the NPPF seeks, amongst other objectives, to ensure decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.

15.36 Local Plan Policy ENV10 concerns the landscape and townscape setting and requires that new development should maintain and enhance local identity and distinctiveness and be informed by existing character. Policy ENV12 concerns the design and positioning of buildings and that new developments should be high quality and promote an inclusive design, comply with national technical standards and respect the character of the surrounding area. The position of the building on its site should relate positively to adjoining buildings, routes, open areas, streams and other features that contribute to the character of the area.

15.37 The majority of the site falls within the Chalk Valley and Downland Landscape Character Area (LCA). The south east corner of the site falls within the Heath/Farmland Mosaic LCA. The site is in arable agricultural use and makes a

positive contribution to local visual amenity. At approximately 200m width between Broadmead and the rear gardens of properties along Martel Close, the site defines the countryside-edge setting of the surrounding dwellings on three sides (as shown in Landscape and Visual Appraisal viewpoints 1 and 2). The surrounding area has an established low density, somewhat suburban, countryside-edge character of 1-2 storey residential properties. Due to the sloping topography of the site, there is limited visual connectedness with open countryside to the north.

15.38 The submitted Landscape and Visual Appraisal identifies that the site can be seen in occasional middle-distance views from the north and south. From viewpoint 3 from a bridleway to the south of Broadmayne (S9/10) within the AONB the development is found to have a major/moderate adverse effect in year 1 and a moderate effect in year 10 through the urbanisation of the site. The site is not readily visible from other medium to long range views in the surrounding area (viewpoints 4 – 10).

15.39 Whilst the Council's Senior Landscape Officer has no in-principle objection to development of the site, they consider the illustrative proposals do not demonstrate the scale of development can be appropriately accommodated on site. This is due to: the lack of strategic landscape mitigation to the north west, south east and north east boundaries; the layout not adequately addressing easements; the location of the allotments; and the housing density and street parking which would have a suburban character considered to be inappropriate in the area. A number of the matters raised by the Senior Landscape Officer are detailed matters which cannot be confirmed at this outline stage. However, in considering this application, the Council must assess the impacts of developing the site for up to 80 dwellings.

15.40 Whilst the illustrative proposals represent one way in which up to 80 dwellings could be provided on the site, the illustrative masterplan shows how the detailed design of the site could be undertaken. It shows how the northern edge of the site could, subject to detailed design, be designed to provide an appropriate interface with open countryside to the north through provision of public open space, landscaping and allotments. There is capacity to incorporate play space within the areas of public open space shown within the site. The dwellings around the perimeter of the site would provide a suburban character similar to that experienced along Rectory Road or Conway Drive, albeit at a higher residential density. Bungalows provided along Broadmead could help to better integrate the eastern edge of the development with the surrounding dwellings on the east side of Broadmead. In the absence of strategic landscaping the proposals would have an adverse visual effect on views from the south.

15.41 There is no doubt that the redevelopment of the site for residential would fundamentally alter the character and appearance of the site from an agricultural field to a suburban housing estate as demonstrated by viewpoints 1 and 2. This would inevitably result in the erosion of the existing countryside-edge character of this part of Broadmayne which is important to sense of place. The visual connection with the surrounding countryside would be diminished and only readily experienced at the northern end of Broadmead adjacent to the proposed SANG car park. The higher density of the site and provision of 2-storey dwellings across much of the site

would contrast with the existing character, height and density of the surrounding area.

15.42 The loss of the countryside-edge character of the site and surrounding area through redevelopment of the site with higher density development of 80 dwellings would not respect the character of the surrounding area and would not actively improve legibility or reinforce sense of place. The proposal would fail to mitigate the adverse visual effects identified in the applicant's Landscape and Visual Appraisal. The development would undermine the prevailing character of the area and have a harmful visual effect in conflict with Policies ENV1, ENV10 and ENV12 of the Local Plan.

Layout, design and open space

15.43 Policy ENV11 concerns the pattern of streets and spaces and notes housing should have provision for bins, recycling, drying, cycle parking, mobility scooters, private amenity/gardens and associated storage. Policy ENV15 states that development should optimise the potential of a site and make efficient use of land, subject to the limitations inherent in the site and impact on local character.

15.44 It must be noted that the submitted layout is illustrative only; its role is to indicate one way in which the proposed development could be developed having regard to site constraints. Matters relating to layout, scale, appearance and landscaping would be reserved as it is only the means of access which is currently sought. The illustrative proposal shows how the layout, scale and landscaping might be provided for 80 dwellings.

15.45 Alongside the 80 dwellings, the illustrative layout includes: three areas of public open space within the north, central and southern parts of the site: 27 allotments; retained trees and hedgerows along the western boundary; tree planting throughout the site. The general design approach shows the majority of dwellings would be two storey with the exception of the dwellings fronting Broadmead, which would be bungalows. Each dwelling would be provided with private amenity and parking would be provided either on-plot or within the central shared parking court. This would assist in addressing concerns that the proposals would lead to increased on street parking.

15.46 In response to comments from the Urban Design Officer requesting that a Locally Equipped Area for Play (LEAP) be incorporated into the proposals, the Applicant advises play space can be provided in accordance with the Fields in Trust guidance. Whilst this is not shown on the illustrative proposal, there appears to be suitable space to accommodate play space within either the central or southern open spaces. Suitable play provision and compliance with guidance could be secured via planning obligation and planning condition. Similarly, parking serving the allotments could be incorporated at the detailed design stage and could be secured via planning condition. However, in this instance, the allotments are not considered necessary to make the development acceptable in planning terms and would not be secured via planning obligation or planning condition.

15.47 The proposals result in a density of approximately 17.5 dwellings per hectare (dph). This is comparable to the density of the existing dwellings to the east of the

site (approximately 15dph) but materially higher than the density of dwellings to the west along Martel Close (approximately 10dph). Subject to detailed design, the proposals could provide appropriate on-site amenity while retaining the capacity for up to 80 dwellings. However, the resultant design would not be comparable with local character (as identified in the assessment sections above).

15.48 In summary, notwithstanding the identified adverse impacts on local character, the illustrative layout is considered sufficient to form a basis to indicate that the site can be developed satisfactorily for future residents of the development.

Heritage impacts

15.49 There are several listed buildings within Broadmayne, the majority of which are located within the village core along Main Street (A352). The closest listed building is the Grade II listed Sunnyside cottage, located at 2 Main Street approximately 190m north east of the site (Listing Entry: 1323944).

15.50 It is not considered that the proposals have the potential to affect the significance of any built designated heritage assets owing to the distance from the application site and presence of substantial intervening development.

15.51 A number of objections have raised concerns with the removal of the concrete hard standing on the east side of Rectory Road in order to create a new 2m footway. Rectory Road has historical importance regarding the D-Day landings where it was used for equipment maintenance and the refuelling and parking of heavy vehicles. It is considered to be a Non-Designated Heritage Asset for assessment purposes as result of this historical significance.

15.52 With no footway along much of Rectory Road, the applicant has sought to address the highway safety issue through off-site mitigation. The mitigation is supported by the Highways Authority. Nevertheless, the off-site highway works would result in the total loss of the Non-Designated Heritage Asset. In accordance with the NPPF (Para. 203) the effect on the significance of the Non Designated Heritage Asset should be taken into account in determining the application.

15.53 The harm to the Non-Designated Heritage Asset is considered to be outweighed by the benefits of the proposals noted in Section 15 of this report; namely the provision of a minimum of 45% affordable housing. As such, the proposal is acceptable in heritage terms and in accordance with the NPPF and Local Plan Policy ENV4.

Residential amenity

Existing Residents

15.54 The properties surrounding the site have benefitted from views out on to the undeveloped field since their construction and from the responses received clearly value the open amenity of the site.

15.55 The development of the site would inevitably impact on the outlook from surrounding properties. Due to the position of neighbours, predominantly with rear gardens facing onto the application site, it would be possible to design the

development to avoid significant adverse impacts on the residential amenity of existing residents through overlooking, loss of privacy and loss of sunlight/daylight. It would also be possible to ensure that any new dwellings would not result in an overbearing impact on existing dwellings or result in unacceptable overshadowing through careful control of the layout and design at the reserved matters stage.

15.56 It is accepted that the outlook for surrounding neighbours would change as a result of the proposals. The result of the proposal would be that surrounding neighbours would view the proposed residential properties from across surrounding roads (properties along Broadmead) or their rear gardens (properties along Martel Close, Chalky Road and Littlemead). This relationship would be an ordinary suburban relationship similar to other parts of Broadmayne.

15.57 Objectors also raise concerns the proposals could result in a loss of property value. This is not a material planning consideration and cannot be considered in the determination of this application.

15.58 Adverse impacts on residential amenity through the construction process (including noise, light spill and vehicle movements) would be temporary and could be satisfactorily controlled by a suitably worded planning condition requiring a Construction Environmental Management Plan.

Future Residents

15.59 At the proposed density, appropriate amenity for further residents is considered capable of being provided and adverse impacts through loss of privacy, overlooking, daylight/sunlight and overshadowing are capable of being resolved at the detailed design stage.

15.60 In respect of noise, there are limited sources of noise close to the application site. The closest potential source of noise is the A352, located approximately 200m from the site to the north east and separated by intervening residential development and the ridge on the SANG site. Due to the separation distance, suitable residential amenity from a noise perspective is achievable and no mitigation measures are required.

15.61 In summary, it is considered that the proposal is likely to be acceptable in residential amenity terms subject to appropriate design and layout.

Flood risk and drainage

15.62 The application site falls entirely within Flood Zone 1 (low risk of fluvial flooding) as indicated by the Environment Agency's (EA) indicative mapping of fluvial flood risk. However, parts of the southeast of the site adjacent to properties along Chalky Lane also have elevated risk of flooding from surface water (1 in 30yr, 1 in 100yr and 1 in 1,000 year risk level). Within this area of elevated surface water flood risk, the illustrative proposal shows that housing would be located outside of the area at risk of surface water flooding.

15.63 The application is supported by a comprehensive Flood Risk Assessment (FRA), which incorporates a preliminary/conceptual drainage strategy. The concept drainage strategy utilises SUDS to manage surface water run off from the site. It

includes a series of soakaways, permeable paving and tree pits. A large soakaway is proposed with the central public open space which drains into the flow path at the southern end of the site. As part of the drainage strategy, a new highway drainage soakaway would be provided from Broadmead. This would allow existing highway gullies to be disconnected from the public foul sewer network which would represent a betterment to off-site flood risk at Rectory Close.

15.64 The Council's Flood Risk Management Team (as Lead Local Flood Authority) has no in-principle objection to the proposed development or conceptual drainage strategy subject to a pre-commencement condition in respect of detailed design and maintenance. Subject to these conditions, the proposal would be acceptable from a surface water drainage and flood risk perspective in accordance with Policy ENV5 and the NPPF and would also provide off-site betterment as noted above.

15.65 Foul waste is proposed to be disposed of by the public foul sewer. Wessex Water has not raised an objection subject to ensuring development is located outside the necessary easements. Subject to detailed design, the development can be located outside of Wessex Waters' easements.

Ecology

Biodiversity

15.66 As an agricultural field, the site currently provides modest ecological value.

15.67 The Landscape and Ecological Management Plan (LEMP) considers the ecological impacts of the proposal and outlines mitigation measures to deliver biodiversity gains. The LEMP identifies a series of mitigation measures for reptiles, bats and badgers alongside a schedule of works for the first five years. Biodiversity measures include:

1. Adoption of sensitive lighting scheme;
2. Creation of approximately 1.3ha of tussocky grassland within the southern part of the site, close to properties along Chalky Road;
3. Creation of amenity grassland;
4. Tree and hedgerow planting;
5. Provision of bat boxes to at least 50% of houses;
6. Provision of bird boxes to at least 50% of houses;
7. Installation of two bee bricks to each house;
8. Installation of four hedgehog houses; and
9. Creation of wildlife pond.

15.68 Having regard to the submitted LEMP and the associated certificate of approval from NET the proposal would not have an adverse impact on biodiversity interests and would deliver biodiversity net gains compared to the existing arable use. Planning conditions would be capable of securing the mitigation measures as set out in the LEMP and for details of external lighting to be submitted and approved prior to installation (see below). Management of ecology in accordance with the LEMP would be secured via a Section 106 legal agreement.

Heathland mitigation

15.69 The proposed residential development site lies within 400m and 5km of Warmwell Heath, part of the internationally protected Dorset Heathlands, and

therefore mitigation is required as set out in the Dorset Heathlands Planning Framework 2020- 2025 SPD. The proposal for up to 80 dwellings, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

15.70 The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development a SANG on adjoining land to the north would be provided as a HIP. The SANG is proposed in detail as part of the related planning application P/FUL/2021/05255 and is subject to a separate officer report.

15.71 In summary, the SANG provision is approximately 9 hectares, and results from the requirements and guidance of the Dorset Heathlands 2015-2020 SPD. Appendix E of the Dorset Heathlands SPD contains guidelines for the quality of SANGs and includes a checklist of requirements, such as the provision of vehicle parking arrangements; pedestrian access; the design and length of walking routes; the provision of signage; advertising of the SANG to ensure members of the public are aware of it; inclusion of habitats; ensuring sites have a semi-natural character; connections to the public right of way network; and the provision of adequate space for the exercise of dogs.

15.72 Natural England is satisfied that the proposals are sufficient to meet the requirements of the SPD and to ensure the SANG is useable by those who will occupy the proposed development. The proposed SANG is within walking distance of the proposed development and would contain visitor parking spaces.

15.73 SAMM, which forms the second strand of the strategy, requires that contributions be secured via Section 106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

15.74 A Section 106 legal agreement would need to secure:

- the implementation, maintenance and management of the proposed SANG area
- the payment of a SANG Maintenance Sum (to safeguard the Council against deficiencies in the owner's management)
- a SAMM contribution of towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.

15.75 A Habitat Regulations Assessment of the proposal concluded that, with the above mitigation secured the development will not result in an adverse effect on the integrity of the designated sites so in accordance with Regulation 70 of the Habitats Regulations 2017 planning permission can be granted.

Poole Harbour

15.76 The proposed development site falls within the catchment area of Poole Harbour, an internationally protected site. Mitigation is therefore required.

15.77 Increased wastewater from new development, including new residential developments, has the potential to increase levels of phosphorus and nitrogen within Poole Harbour. The proposed development has the potential to result in adverse impacts on water quality via enrichment, given the addition of up to 80 new dwellings.

15.78 The applicant has submitted a Nutrient Neutrality Technical Note which assesses the residential and SANG applications in combination. It demonstrates the proposal would be nitrogen neutral. In respect of phosphorus, the assessment concludes the proposal would generate approximately 88kg of phosphorus per year which would contribute to an increase in phosphorous loading within the water environment and Poole Harbour in the absence of mitigation.

15.79 An offsite mitigation solution is proposed. This would result in the net reduction in nitrogen and phosphorus through the provision of packaged treatment waste water treatment facilities. Together with a planning condition limiting the use of water to 110litres per day, Dorset Council is satisfied that the proposal would not result in an adverse effect on the Poole Harbour. This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. Subject to securing the mitigation, the proposal would therefore accord with Policy ENV2, of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Trees

15.80 Landscaping is a reserved matter. Nevertheless, the LEMP confirms all trees, hedgerows and bramble scrub will be retained and protected by minimum 2m buffer areas during construction. The LEMP confirms approximately 50 trees would be planted.

15.81 A number of objections from neighbouring residents raise concerns with the accuracy of trees plotted on the Tree Survey and state a number of the trees fall within the residential gardens of properties along Martel Close rather than within the boundary of the site.

15.82 Given the outline nature of the application and commitment for all trees to be retained, impacts on trees are considered to be acceptable subject to planning conditions requiring an Arboricultural Method Statement to be prepared at the detailed design stage.

Archaeology

15.83 The site is not a Scheduled Ancient Monument (SAM) and does not have any archaeological designations. However, the site has high potential for archaeological remains as noted within the Applicant's Archaeological Evaluation Report and Archaeological and Heritage Assessment. South of the site there are large numbers of prehistoric remains with numerous bronze-age round and bank barrows along the inland ridgeway. Closer to the centre of the village there are the remains of a shrunken medieval village around the village core. There is no evidence of

intervening development on the application site although archaeological potential on the site is considered high.

15.84 The Council's Archaeologist has commented that due to the potential sensitivity, an examination of the archaeological potential of the site is necessary before development can proceed. This is required to include archaeological fieldwork together with post-excavation work. Subject to a planning condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation the proposal is acceptable from an archaeological perspective.

External Lighting

15.85 No details of external lighting are proposed at this outline stage. Nevertheless, street lighting is expected and the Council's Street Lighting Team identifies that a number of alterations to the illustrative proposals would be required to accommodate the necessary street lighting for highway adoption. A planning condition requiring details of external lighting would be sufficient to ensure the suitable provision of external lighting at the Reserved Matters stage and minimisation of light pollution and impacts on ecology.

Minerals safeguarding

15.86 Part of the north west of the site is designated as a Mineral Safeguarding Area (MSA) and identified as having potential for sand and gravel. Within MSAs, Policy SG1 of the Minerals Plan seeks to avoid sterilisation as far as possible and encourages prior extraction where practicable.

15.87 The Minerals Planning Authority recommends that the feasibility of extraction is investigated via a method statement. Subject to the imposition of the recommended condition, the proposed development would be acceptable from a minerals safeguarding perspective.

Community Infrastructure Levy

15.88 The adopted charging schedule applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate. The development proposal is CIL liable. Should planning permission be granted on appeal, the development would be CIL liable. Associated CIL payments would contribute to associated community infrastructure, such as: healthcare; education; and play space which would address the community infrastructure related concerns raised by objectors. The proposal accords with Local Plan Policy COM1.

Environmental Impact Assessment

15.89 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an EIA is not required in this instance.

16.0 Conclusion

16.1 The site comprises a 4.7ha agricultural field in the village of Broadmayne. It lies adjacent to the existing developed areas of the village, surrounded on three sides by dwellings.

16.2 The applicant has advised of the *intention* to provide all dwellings (up to 80) as affordable with a 50:50 split between affordable rented and intermediate. Whilst this is commendable, the application is assessed on the basis of 45% affordable housing given the intention to provide 100% affordable cannot be committed to or secured via planning obligation. The intention is therefore afforded very limited weight in the planning balance. Nevertheless, this report considers the principle of both the proposal as a mixed tenure development and potential as a solely affordable (rural exception site) and concludes that the principle of either option would not be acceptable.

16.3 There is a balance to be struck in considering a proposal which would deliver new housing in a location which the Local Plan does not envisage as the most sustainable location for housing. The provision of housing outside of the DDB would be contrary to Local Plan Policy SUS2 and there would be local adverse effects caused by residential development of the site. The proposal would fundamentally alter the character and appearance of the site and would erode the countryside-edge character of this part of Broadmayne, an important component of the village's sense of place, and sterilise best and most versatile agricultural land. The higher density of the site and provision of 2-storey dwellings across much of the site would contrast with the existing character, height and density of the surrounding area and would not be in harmony with local character. The proposals would also fail to mitigate limited visual impacts from the surrounding public right of way network to the south of Broadmayne.

16.4 Notwithstanding this policy conflict, the proposal would deliver a number of notable benefits, including:

1. Provision of much needed affordable housing +10% above the policy requirement;
2. Provision of public open space within and adjacent to the site (the SANG) including children's play space;
3. Associated socio-economic benefits generated by new residents and through the construction of the development, including spending within the local economy;
4. Off-site improvements to surface water drainage by removing existing highway gullies from sewer network; and
5. Off-site highway safety improvements to introduce new footways;

16.5 The loss of the concrete hard standing on the east side of Rectory Road (a Non Designated Heritage Asset) to provide a footway would be outweighed by the benefits of the proposal noted above (NPPF Para. 203).

16.6 For the avoidance of doubt, the enhanced affordable housing provision beyond the policy requirement could only be secured if Members considered the additional

+10% provision necessary to make the development acceptable due to the benefits of the proposal (outlined above) outweighing the disbenefits.

16.7 Overall, the sum of the benefits is not considered sufficient to overcome the unacceptable principle of development, harm to local character and loss of best and most versatile agricultural land. In the absence of a completed S106 legal agreement there are also additional reasons for refusal relating to affordable housing provision, SANG and SAMMS provision and the resulting impact on Dorset Heathlands, significant impacts on Poole Harbour, lack of provision of a locally equipped area for play and off-site highway impacts.

17.0 Recommendation

- 1 The proposal would result in the unnecessary development of best and most versatile agricultural land for residential development outside the defined development boundary. Furthermore, it would result in an unsustainable pattern of development which would be disproportionate in scale to the village of Broadmayne and harmful to the countryside and local character through adverse visual effects and impacts on the countryside-edge character of this part of Broadmayne as a result of the quantum, density and scale of the development. The proposal is contrary to Policies SUS2, ENV1 (part iii), ENV8 (part ii), ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
- 2 In the absence of a completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
- 3 In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 4 In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 5 In the absence of a completed Section 106 legal agreement to secure a Locally Equipped Area for Play (LEAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
- 6 In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7

of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

Informatives

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.

-The applicant was offered the opportunity to submit amended plans to overcome concerns identified by the case officer but chose not to do so.

-The applicant and council have worked together to minimise the reasons for refusal.

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. The plans considered as part of this application comprise:

- Location Plan P0001
- Proposed Broadmead Site Access General Arrangement 23054-04-6 Rev B
- Proposed Broadmead Site Access Rectory Road Junction Alterations and Footway Works 23054-04-7 Rev B

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Application Number:	P/FUL/2021/05255
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead, Broadmayne
Proposal:	Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 Given the number and scope of comments from consultees and members of the public, the Head of Planning has requested this application be considered by Planning Committee.

2.0 Summary of recommendation:

REFUSE for the following reasons:

1. The proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development (P/OUT/2021/05309) for which the proposal would mitigate adverse effects on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

3.0 Reason for the recommendation:

3.1 The proposed SANG is necessary to mitigate the adverse impacts of the associated residential development (P/OUT/2021/05309) on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar.

3.2 However, whilst the proposed SANG would provide sufficient mitigation for the associated development, the associated development is not recommended for approval. Accordingly, the SANG is not acceptable in principle given the unnecessary loss of Best and Most Versatile agricultural land.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development outside of the DDB is acceptable. The principle of loss of Best and Most Versatile agricultural land is unacceptable contrary to Policy ENV8.

Impact on the setting of the AONB	The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.
Impacts on landscape and local character	The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.
Ecology	The proposals would deliver biodiversity net gains and would mitigate adverse impacts related to the associated residential application to the south of the site through heathland and nutrient mitigation.
Trees	Adverse impacts on existing trees can be avoided.
Impact on amenity	Significant adverse effects on residential amenity would be avoided.
Access and Parking	Parking is appropriate, highway impacts would not be severe and the proposed access is acceptable.
Archaeology	Impacts on archaeology can be appropriately managed through a planning condition securing the implementation of a programme of archaeological work.
Minerals safeguarding	Acceptable subject to conditions.
EIA Regulations	An Environmental Impact Assessment is not required.

5.0 Description of Site

- 5.1 The site comprises a 8.9ha rectangular shaped agricultural field to the north of the village of Broadmayne.
- 5.2 The site lies partly adjacent to the existing developed areas of the village with the Defined Development Boundary adjacent to the south eastern boundary along Bramble Drove. The eastern boundary adjoins the A352 and a vehicle access is located in the north east corner of the site. The field immediately to the south is the application site for the associated residential development. All other boundaries adjoin surrounding farmland and are enclosed by hedgerows which form field boundaries.
- 5.3 The site is in arable agricultural use with a pronounced change in levels across the site. Levels fall away to the north and south of a line of mature beech trees which runs east to west across the site. The applicant's Agricultural Land Classifications Report (November 2021) identifies the entirety of the site as comprises Best and Most Versatile Agricultural Land (BMV) of Grade 2 (very good) and Grade 3a (good).
- 5.4 A public bridleway (S9/15) leads west from Bramble Drove into the wider Public Rights of Way network. It runs east to west through the site approximately 30m south of the line of beech trees.

- 5.5 Approximately 40% of the site falls within the Dorset AONB. The AONB boundary runs north to south through the site and includes the properties of Martel Close (to the south).

6.0 Description of Development

- 6.1 The application seeks full planning permission to change the use of agricultural land to a Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road. The proposals include an 11 space car park in the south east corner of the site off Broadmead. The SANG would include species rich grass, mown paths, scrub and tree planting, a pond, benches and an information board. A 1.2m fence would follow the southern boundary of the beech trees and the SANG area to the north would be enclosed by a new 1.2m fence. The intention is that the SANG would provide mitigation in respect of adverse impacts on Dorset Heathlands for new residents of the associated proposed residential development to the south of the application site.
- 6.1 The temporary construction haul road would route from the A352 through the site to the southern boundary. The applicant proposes that the temporary haul road be removed upon occupation of the 70th dwelling, at which point the full extent of the SANG would become available.

7.0 Relevant Planning History

- 7.1 There is no relevant planning history for the application site.
- 7.2 The live application for residential development of land to the south for up to 80 dwellings (P/OUT/2023/05309) is associated this SANG application.

8.0 List of Constraints

Land Outside Defined Development Boundary

Dorset Heath Designation Buffer 5km

Landscape Character Areas: Heath Farmland Mosaic (Crossways Gravel Plateau) and Open Chalk Downland (South Dorset Downs)

Partly within the Dorset Area of Outstanding Natural Beauty (AONB)

Minerals and Waste Safeguarding Area

Groundwater Source Protection Areas

Poole Harbour Nutrient Catchment Area; Poole Harbour

Areas Susceptible to Groundwater Flooding; Clearwater (+75%)

SSSI impact risk zone and 5k buffers (Various)

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines

Rights of Way: Public bridleway (S9/15)

9 Consultations

9.1 All consultee responses can be viewed in full on the website. A summary is provided below.

Consultees

Natural England

9.2 Natural England's consultation response confirms no objection in principle subject to the mitigation measures in respect of the SANG and SAMM being secured in perpetuity. The response notes the phased approach to bring forward the SANG, the first involving the temporary haul road and has no objection to the approach. Natural England confirm that the area of land available and the location and proposed quality of the enhancements to planting and biodiversity proposed are sufficient to allow the authority to be certain that the land will provide the necessary mitigation for the associated residential development in relation to recreational impacts on nearby designated heathland sites. The fencing and hard infrastructure are noted to be at an appropriate level for the intended function of the land and the Phase 2 planting scheme and use of high value fruiting trees are welcomed. Natural England request further details are required to comply with The Conservation of Habitats and Species Regulations 2017.

9.3 Following review of Dorset Council's Habitat Regulations Assessment, Natural England advised they concur with the assessment conclusions, provided that all mitigation measures including the ongoing SANG management arrangements and associated costs and the agreed nutrient mitigation measures are appropriately secured in any permission given.

Historic England

9.4 Historic England's consultation response confirms Historic England does not wish to offer any comments on the application. Historic England recommend the views of Dorset Council's conservation and archaeological advisors are sought.

Southern Gas Networks (SGN) – No comments received.

Dorset Area of Outstanding Natural Beauty Partnership

9.5 Dorset AONB Partnership note guidance within the NPPF and draw attention to what is defined as a 'major' application in the context of NPPF Para. 177 is a matter for the planning authority to evaluate. The response requests the Local Planning Authority to consider whether the proposal could constitute

major development within the AONB given the link between the residential element (outside the AONB) and SANG (within the AONB). This assessment is dependent on whether there is a major effect on the character and appearance of the designated areas.

- 9.6 The response notes the statutory purpose of the AONB designation does not require the promotion of recreation as an objective in its own right. However, demand for recreation should be met in the AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. In the case of the SANG, it is considered that subject to a sensitive design, the feature would not be unduly harmful to the character and appearance of the AONB. Furthermore, there may be opportunities to achieve biodiversity enhancements through the management of the site. The AONB Partnership's interest is to ensure that the character of the SANG is compatible with the 'natural' character of the area, which is best achieved through the use of native tree species, minimising surfaced paths and limiting urbanising features, including furniture and lighting. Given that the concept for the SANG appears to be to introduce clusters of native trees and shrubs within a species rich grassland, with mown paths, a limited number of wooden benches and an information board, the AONB Partnership does not consider that the approach would significantly conflict with the landscape and scenic qualities that underpin the area's designation.
- 9.7 The alignment of the temporary haul road appears to have the potential to affect an outlying group of three beech trees (T27g), which the tree survey notes to be in reasonable condition. The group forms a disconnected section of a wider avenue of beech trees to the east that are recognised as a valued landscape feature. Due to the proximity of the haul route, it is necessary to clarify the method that will be used to safeguard the roots of the trees and any overhanging branches.

Dorset Police - Crime Prevention Design Engineers – No comments received.

Planning Policy

- 9.8 The Planning Policy Team identify the relevant policies for the site and comment on the principle of development and the 'major development test' for development within AONB.
- 9.9 Policy SUS2 restricts development outside DDBs to a limited range of uses. Consider the SANG complies with Policy SUS2 in that it represents recreation or leisure-related development outside of the development boundary.

- 9.10 Given the related SANG site falls within AONB, the response recommends consideration is given to whether the combined residential and SANG proposals constitute 'major development' under Para. 177 of the NPPF.

Landscape

- 9.11 The Landscape Officer supports the principle of the location of the SANG.
- 9.12 Note the planting design of the area should reflect the openness of the existing rural character of the wider chalk landscape setting. Consider the scattered placement of trees shown on the soft landscaping proposals does not adequately reflect the open character and that the design requires more careful placement of tree groupings which are focused more towards the boundaries particularly to the east and south east to maintain future openness. Recommend some changes to tree species and note the circular path should connect to and include improvements to the existing bridleway.

Urban Design

- 9.13 The Urban Design Officer supports the proposed location of the SANG and notes the approach could successfully facilitate the circular nature trail subject to comments on connectivity. Notes the nature trail has strong support within the village as documented within the Broadmayne Parish Plan.

Natural Environment Team (NET)

- 9.14 NET note the proposed SANG should adequately mitigate against the local heathlands when assessed against the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document. NET make a series of recommendations for the detailed design and management of the SANG and haul road.
- 9.15 The response recommends consultation with Dorset AONB Partnership and Natural England. It also notes the proximity to European Wildlife Sites, SSSI and within 5km of designated heathland.

Highways

- 9.16 No objection to the principle of using the existing access onto the A352 for construction or to the temporary formation of a construction haul road. Not the access has policy compliant visibility splays for the speed of the road.
- 9.17 Request planning conditions related to: construction vehicle access; access and haul road details; and visibility splays.

Lead Local Flood Authority

- 9.18 No objection. Note the conditions recommended in relation to the associated outline planning application do not need to be imposed on the SANG. Surface water considerations associated with the SANG are adequately explained within the supporting documents.

Minerals and Waste Policy

- 9.19 There is potential for sand and gravel under part of the site falling within the Mineral Safeguarding Area as designated by Policy SG1 of the Minerals Strategy 2014. It is expected that it may be possible for some mineral to be removed from the site and re-used in some capacity as part of the SANG proposals or associated housing site should permission be granted. Planning condition seeking re-use of sand and gravels recommended.

Trees – No comments received.

Economic Development and Tourism – No comments received.

Archaeology

- 9.20 Following liaison with the Applicant's archaeological consultant, and noting the potential for archaeological remains on the site, the council's archaeologist raises no objection subject to conditions.

Public Rights of Way – Senior Ranger

- 9.21 No objection. Note the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route. Recommend a speed limit for the haul road.

Public Rights of Way – Strategic Access Development

- 9.22 The Strategic Outdoor Access Development Officer provided a response in respect of PRow and countryside access matters. The Officer notes PRow S9/15 through the SANG site would be affected by the development and its character would change from crossing an open field to running adjacent to the residential development. The response requests further details and clarifications and notes that increased footfall and cycling on Bridleway 19/15 and the wider PRow network should be considered to ensure it functions effectively as a bridleway and better integrates with the development. Concerns raised with construction of the haul road across the PRow and request planning conditions to mitigate impacts.

Broadmayne Parish Council

9.23 Broadmayne Parish Council object to the proposal and raise the following points related to the SANG:

1. The need for the SANG and haul road is wholly dependent on the granting of permission for the residential development. Request that the residential application is determined prior to the SANG application;
2. Concerns with highway impacts from additional vehicle movements associated with SANG visitors;
3. Note the haul road is proposed as a direct result of concerns about construction traffic expressed by the public during the applicant's consultation exercise. Raise safety concerns in relation to the access of the haul road from the A352 access and the crossing over bridleway S9/15. Raise highway concerns associated with construction following closure of the temporary haul road;
4. Request detailed planting regime and management compatible with the soil and landscape type potentially including meadow grassland;
5. Request creation of a further bridleway is considered parallel to the A352 to link the SANG to Bridleway S9/12 at Sunnymead in order to address existing safety concerns associated with walking or riding on the A352.

9.24 Broadmayne Parish Council note their objection to the SANG would not stand if the residential proposals are approved.

Winterborne and Broadmayne Ward Councillors – Roland Tarr

9.25 Request that the applications be considered by Planning Committee. Note support to Broadmayne Parish Council's comments and states the Local Plan should be adhered to given Broadmayne is a small village adjoining the Dorset AONB. The village Infrastructure for active travel across the village and to places of education and work such as Dorchester is currently unsatisfactory and dangerous and a certain amount of public and/or private investment, goodwill and discussion with other stakeholders in the area would be required to rectify this problem.

West Knighton Parish Council – No comments received.

Whitcombe Parish Council – No comments received.

Representations Received

9.26 At the time of writing 49 representations have been received. Of these 43 comprise objections and 6 make comments. It should be noted that in a number of instances multiple representations have been submitted by the same residents. These representations have been taken into account fully and carefully in assessing the proposal. In summary, the following key themes of the representations are as follows:

Topic	Comments
SANG	
Principle	- SANG is not required. - Loss of agricultural land.
Local Character	- Harm to local character.
Highways and parking	- SANG will increase road traffic and footfall in Broadmead. - Highway safety concerns with proposed haul road, including crossing public rights of way. - Location of proposed access is inappropriate. - Parking should be located by A352
Ecology	- Loss of habitat.
Trees	- Loss of trees due to construction of haul road.
Climate Change	- Associated carbon emissions of visitors using cars.

10.0 Relevant Policies

Development Plan

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. The following policies are considered to be relevant to this proposal:

West Dorset and Weymouth & Portland Local Plan (2015) (LP) Policies

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV8 - Agricultural land and farming resilience
- ENV10 - The landscape and townscape setting
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network

COM9 - Parking standards in new development

Bournemouth, Dorset and Poole Minerals Strategy (2014)

SG1 - Mineral Safeguarding Area

Other Material Considerations

Emerging Dorset Council Local Plan

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.

National Planning Policy Framework (NPPF)

Relevant NPPF sections include:

- Section 4. 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...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 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and any significant impacts from the development on the transport

network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- Section 12 'Achieving well designed places.

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).

- 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). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 SPD (2006)

Nitrogen Reduction in Poole Harbour SPD (2017)

West Dorset Planning Obligations SPD (2010)

West Dorset Design & Sustainable Development Planning Guidelines (2009)

West Dorset Landscape Character Assessment (2009)

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:

1. moving or minimising disadvantages suffered by people due to their protected characteristics
2. Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
3. Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

12.3 Access arrangements can be made to ensure people with disabilities or mobility impairments or pushing buggies can be accommodated. There will be improved footpath links. Due to the contours and countryside location of the site partially within the Dorset AONB on site hard standing areas are not possible as these would erode the openness and the ecological value of the site.

12.4 Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Quantum of open space	SANG: 8.9ha
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains
Non-Material Considerations	
N/A	N/A

14.0 Climate Implications

14.1 The proposed development will bring benefits from a climate perspective by providing a suitable recreation area within close proximity to Broadmayne thereby minimising impacts upon protected heathlands and reducing the need to use motorised vehicles for outdoor recreational activity.

15.0 Planning Assessment

Principle of development

Development outside DDB

15.1 Policy SUS2 establishes that new recreational development is acceptable in principle having particular regard to the need for the protection of the countryside and environmental constraints.

15.2 The provision of the SANG would be required to mitigate the adverse effects of new residents within the associated residential application to the south of the site. This is required given the increase in dwellings within 5km of protected heathlands.

15.3 The guiding principle of The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) is that there should be no net increase in urban pressures on internationally important heathland as a result of additional development. The SPD facilitates the delivery of mitigation measures for the heathlands in ways consistent with national and local planning policy. For large greenfield sites and urban extensions, the expectation is that SANGs will be provided as part of the avoidance and mitigation strategy.

15.4 The supporting text to Policy ENV2 explains that in the case of large scale development, a bespoke mitigation package agreed with Natural England including the delivery of a SANG is required for developments within 400m and 5km of protected heathland. Mitigation measures are expected to be provided in perpetuity and operational before the occupation of new development.

15.5 The SANG would be delivered in two phases. The first phase of the SANG (including the temporary haul road) would be delivered prior to occupation of any dwellings within the associated residential development to the south. Prior to occupation of the 70th dwelling, the temporary haul road would be removed and the remainder of the SANG would be created.

15.6 The SANG is appropriately located to serve the associated residential development to the south and Natural England has confirmed that it is possible for the proposed SANG to provide mitigation for the associated dwellings. Notwithstanding the acceptability or otherwise of the associated residential development to the south, the principle of the development in order to mitigate the associated residential development is acceptable.

Loss of Agricultural Land

15.7 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).

15.8 A number of objections raise concerns with the loss of agricultural land and highlight concerns with food security. The site is currently in arable agricultural use and is assessed as comprising Grade 2 (very good) and Grade 3a (good) agricultural land. The entirety of the 8.9ha site therefore comprises best and most versatile agricultural land (BMV). Given the SANG would be required to be secured in

perpetuity, the proposals would result in the loss of 8.9ha of agricultural land and the associated economic and food security benefits associated with food production.

15.9 In relation to the associated application for residential development, the submitted Agricultural Land Classification Report makes the case that there are no obvious areas of poorer quality agricultural land on the periphery of Broadmayne and therefore any expansion of Broadmayne would result in the loss of some BMV. This argument is accepted. However, given the council is able to demonstrate a 5YHLS and large scale expansion of Broadmayne does not form part of the strategy, there is considered to be sufficient housing land available to negate the need to develop the adjacent site for housing and the application site for a SANG. The loss of the land therefore conflicts with Policy ENV8 of the Local Plan and the clear preference of the NPPF.

Impact on the setting of the AONB

15.10 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for 'major development' (defined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

15.11 Approximately 40% of the site falls within the Dorset AONB. The associated residential application falls entirely outside of the AONB. However, given the applications would be linked via a Section 106 Agreement it is necessary to consider whether the combined proposals would represent major development for the purposes of NPPF Para. 177.

15.12 Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the AONB is not considered to be major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development.

15.13 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application which considers the impact of the proposals on the setting of the AONB. Dorset AONB Partnership consider that subject to a sensitive design, the SANG would not be unduly harmful to the character and appearance of the AONB.

15.14 The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.

Impacts on landscape and local character

15.15 The proposals have been amended over the course of determination to respond to comments from the Landscape Officer and Natural Environment Team (NET).

15.16 Specifically, the soft landscaping has been revised to reflect the openness and existing rural character of the landscape setting. The tree planting has been revised to provide smaller tree groupings which are positioned closer to the boundaries of the site and to the north of the existing bridleway.

15.17 The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.

Ecology

Biodiversity and heathland mitigation

15.18 As an agricultural field, the site currently provides modest ecological value. The ecological value of the site would be improved through: the provision of species rich grassland; scrub and tree planting; and the creation of a pond. Together, the soft landscaping works would deliver biodiversity net gains.

15.19 As noted above, the SANG is required to mitigate adverse impacts on heathland. The Dorset Heathlands 2015-2020 SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the SANG would form a HIP in order to mitigate the associated residential development to the south.

15.20 The SANG provision is approximately 9 hectares, and results from the requirements and guidance of the Dorset Heathlands 2015-2020 SPD. Appendix E of the Dorset Heathlands SPD contains guidelines for the quality of SANGs and includes a checklist of requirements, such as the provision of vehicle parking arrangements; pedestrian access; the design and length of walking routes; the provision of signage; advertising of the SANG to ensure members of the public are aware of it; inclusion of habitats; ensuring sites have a semi-natural character; connections to the public right of way network; and the provision of adequate space for the exercise of dogs.

15.21 Natural England is satisfied that the proposals are sufficient to meet the requirements of the SPD and to ensure the SANG is useable by those who will occupy the proposed development. The proposed SANG is within walking distance of the associated development and would also contain visitor parking spaces.

15.22 SAMM, which forms the second strand of the strategy, requires that contributions be secured via S106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

15.23 A S106 legal agreement would secure:

- the implementation, maintenance and management of the proposed SANG area
- the payment of a SANG Maintenance Sum (to safeguard the Council against deficiencies in the owner's management)
- a SAMM contribution of towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.

15.24 A Habitat Regulations Assessment of the proposal concluded that, with the above mitigation secured the development will not result in an adverse effect on the integrity of the designated sites so in accordance with Regulation 70 of the Habitats Regulations 2017 planning permission can be granted.

Poole Harbour

15.25 The associated residential development site falls within the catchment area of Poole Harbour, an internationally protected site.

15.26 The associated residential development to the south has the potential to result in adverse impacts on water quality via enrichment, given the addition of up to 80 new dwellings.

15.27 The submitted Nutrient Neutrality Technical Note assesses the residential and SANG applications in combination and concludes that the development would be nutrient neutral through the provision off-site mitigation and the removal of land from agricultural use (including the SANG site). Dorset Council is satisfied that the associated residential proposal would not result in an adverse effect on the Poole Harbour. This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. Subject to securing the mitigation, the proposal would therefore accord with Policy ENV2, of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Trees

15.28 There is potential for adverse impacts on trees through the construction works associated with creation of the SANG and provision and use of the temporary haul road. A planning condition requiring an Arboricultural Method Statement is necessary to ensure adverse impacts on trees are avoided.

Impact on amenity

15.29 Residential properties are located in close proximity to the south east of the site and adjacent to the proposed car park off Broadmead. Given the nature of the proposed use, the proposed development would not have a significant adverse impact on residential amenity.

15.30 The proposed haul road would reduce adverse construction impacts associated with the related residential development by routing construction vehicles

through the SANG site rather than via Broadmead. This would assist in minimising adverse construction impacts during the majority of the construction period until access from Broadmead is required (following occupation of the 70th dwelling).

15.31 Overall, there would be no significant adverse impacts on residential amenity and the proposals comply with Policy ENV16.

Access and Parking

15.32 The proposal is primarily intended to serve the local community. An existing public Right of Way (bridleway S9/15) runs through the site. The Senior Ranger raises no objection subject to the existing public right of way remaining open and available to the public, with no materials or vehicles stored on the route. This matter could be controlled via a suitably worded planning condition.

15.33 Whilst the SANG is anticipated to be used primarily by the new residents of the associated residential development and existing residents within Broadmayne, a small parking area is proposed to enable increased access and useability of the site by visitors. The provision would not result insignificant traffic movements. The Highways Authority raises no objection to the proposals and notes that the proposed haul road access is suitable from a highway safety perspective subject to conditions.

Archaeology

15.34 The site is not a Scheduled Ancient Monument (SAM) and does not have any archaeological designations. However, the site has high potential for archaeological remains as noted within the Applicant's Archaeological Evaluation Report and Archaeological and Heritage Assessment.

15.35 The Council's Archaeologist has commented that due to the potential sensitivity, an examination of the archaeological potential of the site is necessary before development can proceed. This is required to include archaeological fieldwork together with post-excavation work. Subject to a planning condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation the proposal is acceptable from an archaeological perspective.

Minerals safeguarding

15.36 Part of the site is designated as a Mineral Safeguarding Area (MSA) and identified as having potential for sand and gravel. Within MSAs, Policy SG1 of the Minerals Plan seeks to avoid sterilisation as far as possible and encourages prior extraction where practicable.

15.37 The Minerals Planning Authority recommends that the feasibility of extraction is investigated via a method statement. Subject to the imposition of the recommended condition, the proposed development would be acceptable from a minerals safeguarding perspective.

EIA Regulations

15.38 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an EIA is not required in this instance.

16.0 Conclusion

16.1 The proposed SANG is necessary to mitigate the adverse impacts of the associated residential development on Dorset Heathlands and Poole Harbour.

16.2 However, whilst the proposed SANG would provide sufficient mitigation for the associated development, the associated development is not recommended for approval. Accordingly, the SANG is not acceptable in principle given the unnecessary loss of Best and Most Versatile agricultural land.

16.3 It is recommended that planning permission be refused for the reasons set out below.

17.0 Recommendation

REFUSE for the following reason:

1. The proposal would result in the unnecessary development of best and most versatile agricultural land and is not required in the absence of associated residential development (P/OUT/2021/05309) for which the proposal would mitigate adverse effects on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

Informatives

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.

-The applicant was offered the opportunity to submit amended plans to overcome concerns identified by the case officer but chose not to do so.

-The applicant and council have worked together to minimise the reasons for refusal.

2. Plans considered as part of this application.

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Application Number:	P/FUL/2022/07710
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land And Buildings Known As Newlands Farm Coldharbour Chickerell
Proposal:	Part full and part retrospective application for the change of use of land and buildings from agricultural use to storage (B8) and the siting of up to 43 storage containers
Applicant name:	Mr Legg
Case Officer:	Bob Burden
Ward Member(s):	Cllr Dunseith, Cllr Worth

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

2.0 Summary of recommendation: Grant subject to conditions

3.0 Reason for the recommendation:

- Para 11d of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Use of site acceptable in principle.
Effect on landscape and visual amenity	The use would have an acceptable effect on the Land of Local Landscape Importance and on the setting of the AONB.
Impact on residential amenity	Considered acceptable with days/hours of use condition.
Highway Safety	The site has an acceptable vehicular access and adequate on-site vehicle/customer parking.

5.0 Description of Site

The site is located on the south side of the Coldharbour road with an existing vehicular access. It comprises an extensive crushed hardcore (chalky) surfaced yard area together with a large dual-pitched roof building of mainly corrugated metal walling under a grey cement sheet roof. Parts of the sides are open. There are a number of storage containers present on the site, mainly to the rear (south) of the main building with some to the west. An assortment of lorries, vans and pick-up vehicles are parked to the east side of the entrance.

There are areas of miscellaneous storage including downpipes, timber and roof tiles. Within the building are various items including a Range Rover, pallets, scaffold planks and recycling bins. There is a small timber shed (used as an office) within the larger building.

There are about 8 open skips of different sizes in the north-west part of the site as of January 2023.

The site frontage to Coldharbour mainly comprises a c 2m high bank with soil and apparent builder's waste. There are dwellings and other buildings on the opposite side of the road. The site is relatively level with a slight slope to the north. To the east and west of the site is open agricultural land. To the south the site flanks a corrugated metal sheet building c5.5m high, with a 7.38 ha solar farm site adjacent to the south and west of the site (Application reference WD/D/14/002675).

6.0 Description of Development

The application seeks permission to use the land/buildings for storage purposes (Class B8) together with siting of up to 43 storage containers (shipping-type).

7.0 Relevant Planning History

None relevant.

8.0 List of Constraints

Land of Local Landscape Importance; Land north and east of Chickerell - Distance: 0

Outside of any defined development boundary

Landscape Character Area; Ridge and Vale; South Dorset Ridge and Vale - Distance: 0

Neighbourhood Plan - Made; Name: Chickerell NP; Status 'Made' 22/06/2021; - Distance: 0

National Grid Overhead Line AXMINSTER - CHICKERELL - MANNINGTON Operating 400; - Distance: 106.7

National Grid Tower 10031129.0 (height 44.14); - Distance: 267

National Grid Tower 10040000.0 (height 54.64); - Distance: 119.04

National Grid Tower 10031133.0 (height 46.12); - Distance: 465.67

National Grid Tower 10040817.0 (height 21.02); - Distance: 429.93

High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar); - Distance: 537.86

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 2022.3

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1995.47

Minerals and Waste Safeguarding Area - Distance: 0

DESI - Minerals and Waste - Building Stone - Distance: 0

Setting of 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)

Historic Contaminated Land - Description: Quarrying of sand & clay, operation of sand & gravel pits

9.0 Consultations

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

Chickerell Town Council - Recommend refusal:

-Potentially significant noise disturbance to the area and neighbouring properties with a detrimental effect on local landscape.

-A significant increase in traffic and an effect on Local Landscape Importance.

Ward Members – No comments received.

Highways Officer – No objection, subject to the following condition(s):

Manoeuvring, parking and loading areas

Before the development is occupied or utilised the areas shown on Drawing Number 3114/02 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

Minerals and Waste Officer - Although the proposed development is within the Mineral Safeguarding Area as designated by Policy SG1 of the Mineral Strategy 2014, it is within an existing curtilage and also within an urban area and as such Dorset Council as minerals/waste planning authority can confirm that in this case, on the site identified for this proposal, minerals and waste safeguarding requirements are waived and no objection will be raised to this proposal on mineral or waste safeguarding grounds.

Environmental Health Officer - This is a part retrospective and part full application for B8 storage (including that associated with a skip hire business) near to residential

dwellings. Such facilities have the potential to create noise which can affect sensitive receptors. The application as seen provides no characterisation of possible noise effects on nearby residential properties, and I can see no reference to operating hours. Additionally, it is not clear whether controlled waste will be stored at this site. In the absence of such clarification, there is the possibility of dust/odour etc. In the absence of such information about noise and possible dust/odour, I must at this stage recommend refusal of this application.

Whilst such matters do need to be addressed, and the location of such a facility is perhaps less than ideal, it is not my wish to unnecessarily stand in the way of this application.

Provision of the following written information may assist in clarifying matters for the planning authority:

1. Information on anticipated number of vehicle movements per day.
2. Information about any controlled waste, brought from any other location, which will be stored on site.
3. Information about management of dust from the site.

Case Officer Note: In response to the above, the applicant provided the following information:

- - *6 car/van and 3 skip lorry movements in the AM*
 - *4 car/van and 1 skip lorry movement in the PM*
 - *Gates were locked at 4.55pm*
- 1. *Movement/storage of controlled waste does not form part of the application. The application is for general use storage containers.*
- 2. *As above, I can't see dust being an issue?*

The Environmental Health Officer then commented on the above: "That's fine, no further comment".

It is also recommended that the Environment Agency be consulted if any waste is to be brought to the site.

Environment Agency- No objection- Based on the response provided to our objection dated the 4th May 2023 it is noted that only the storage of empty skips is intended as part of this proposal. The holding of empty skip containers falls outside the remit Waste Facility Permit under the Environmental Permitting (England and Wales) Regulations 2016. On this basis we withdraw our objection as stated in our response 21 March 2023 (Ref: WX/2023/137031/01-L01).

Advice to applicant: The applicant should be aware that they are required to apply to the Environment Agency for an Environmental Permit if their business uses, recycles, treats, stores or disposes of waste. Any business or occupant of a premises who operates without the appropriate authorisation under the Environmental Permitting (England and Wales) Regulations 2016 may be subjected to enforcement action.

Senior Landscape Officer – The development appears to be a retrospective application for the existing storage use without planning permission between the two

existing large shed/agricultural buildings on the site and an application for the expansion of this use with the addition of 20 containers in two rows to the west of these buildings.

The site occupies an elevated position (54m AOD approx.) relative to the surrounding landscape because of its location on the crest of one of the west/east orientated ridges within the Ridge and Vale Landscape Character Type; the Dorset AONB lies approximately 1km to the west and 3km to the north; and the site is within an area of Local Landscape Importance within the Local and Neighbourhood Plans (WDWPLP Policy ENV3 and CNP Policy CNP10).

However as can be seen from figures 1 to 7 below while the existing sheds/agricultural buildings are visible from close (figures 1 and 5 to 7), middle distant (Figures 2 and 3) and far distant (figure 4) viewpoints its current non-agricultural use is only really apparent within a framed view from the site entrance off the Coldharbour Road, though the proposed site is not visible from this location.

I therefore consider it unlikely that the current use and its proposed expansion would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty or its uninterrupted panoramic views any more than the current permitted agricultural use (WDWPLP Policy ENV1); or that it would cause any more harm to the green infrastructure network than the present permitted agricultural use (WDWPLP Policy ENV3); or that it would adversely affect the role of the Area of Local Landscape Importance as the rural setting of Chickerell and Radipole villages and the wider rural backdrop to northwest Weymouth; its function as a green wedge between Chickerell, Southill and Radipole; and its function as part of the north-south wildlife corridor to and from Radipole Lake SSSI to its southeast (CNP Policy CNP10)

Furthermore, if any future planning permission conditioned the submission and approval of a substantial soft landscape planting scheme of trees and hedging on the eastern, northern, western and southern boundaries of the site it should be possible to moderate any adverse landscape and visual impacts of the development (ENV1) and promote and enhance biodiversity (ENV3 and CNP10).

I would have no landscape or visual objection to the proposed change of use subject to conditions being applied to any future planning approval for the submission and approval of a landscape scheme and its maintenance for a period of 5 years post implementation.

Representations received

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

Weymouth Civic Society- object; over-industrialisation of what should be an agricultural use of the site. We would expect that the additional storage and

distribution involved would be increasingly liable to cause a nuisance in the neighbourhood of residential properties, with noise and disturbance from vehicle movements to and from the site. The use is incompatible with the general character of the area and contrary to the adopted Local Plan and the Chickerell Neighbourhood Plan, in which the site is designated as Land of Local Landscape Importance.

- Very noisy at various times of day.
- Verges eroded by HGV's using the site/access widened.
- Road unsuitable for large numbers of HGV's using it repeatedly on weekdays.
- Unsuitable use for a residential area.
- Should be retained for agricultural use.
- Apparent use as scrapyards with skips and bin lorries in mornings; query if this use will continue if changed to storage.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

West Dorset, Weymouth and Portland Local Plan 2015:

- INT1 Presumption in favour of sustainable development
- SUS2 Distribution of development
- SUS3 Adaptation and re-use of buildings outside defined development boundaries
- ECON1 Provision of employment
- ENV1 Landscape, Seascape and Sites of Geological Interest
- ENV3 Green Infrastructure Network
- ENV 5 Flood Risk
- ENV10 The Landscape and Townscape Setting
- ENV12 The Design and Positioning of Buildings
- ENV16 Amenity
- COM7 Creating a safe and efficient transport network
- COM9 Parking standards in new development

Chickerell Neighbourhood Plan –

Policy CNP10- Locally valued landscape north and east of Chickerell Village

National Planning Policy Framework 2021-

- 2 Achieving sustainable development
- 3 Plan-making
- 4 Decision-making
- 6 building a strong, competitive economy
- 8 Promoting healthy and safe communities

- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

Other material considerations

Design and Sustainable Development Guidelines 2009
West Dorset Landscape Character Assessment 2009

12.0 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.

13.0 Public Sector Equalities Duty

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

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

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

14.0 Financial benefits

The use is likely to provide employment for 3 persons: 1 full-time and 1 part time (skip hire) and 1 full time (containers).

15.0 Environmental Implications

The use would involve vehicles (if non-electric) arriving and leaving the site producing emissions. However, this must be balanced against the benefits of providing an alternative suitable use for the site with an element of employment.

16.0 Planning Assessment

Principle of development:

Policy SUS2 (distribution of development), amongst other uses, allows for new employment-related development outside defined development boundaries subject to other material planning considerations. Policy ECON1 (provision of employment) indicates that employment development will generally be supported through the re-use of an existing building or “in a rural location where this is essential for that type of business”.

The applicant has clarified the following:

The site is not used as a transfer site. It is for the storage of containers to be taken to the place of hire. The occupier owns and manages a waste transfer site in the area (Portland), the Newlands Farm site is for storing the skips for hire. The tenant's environment licence is for inert waste (building site waste, residential clearances etc). Occasionally a full skip may be stored on site (where the pickup is after the close of the waste transfer site). This will be removed the next working day. All full skips will be covered by netting (as could be seen on site).

The applicant states: As set out above the site is not for storing controlled waste. It is to store skips which will then be taken to site. When full, they will taken to a separate waste transfer site.

The Environment Agency initially objected, requiring clarification regarding the precise use. Following the above clarification they raise no objection, making the following comment:

Based on the response provided dated the 4th May 2023 (Ref ED707) it is noted that only the storage of empty skips is intended as part of this proposal. The holding of empty skip containers falls outside the remit Waste Facility Permit under the Environmental Permitting (England and Wales) Regulations 2016. On this basis we withdraw our objection as stated in our response 21 March 2023.

Planning policy is broadly supportive of storage use, although this is also subject to other relevant material planning considerations which will be explored below.

Effect on landscape and visual amenity-

The site is relatively elevated on an east-west ridge within the Ridge and Vale Landscape Character type. The Dorset Area of Outstanding Natural Beauty lies about 1km to the west of the site. The site itself is within Land of Local Landscape Importance (ENV3 Green Infrastructure Network) and affected by Neighbourhood Plan policy CNP10 -“Locally valued landscape north and east of Chickerell village”.

In built development terms, the site is dominated by the large pitched roof building and to some extent by various vehicles on the site.

The existing building is large and relatively high such that it is visible from various (more distant) viewpoints. It would be visible whether used for agricultural purposes or some other purpose. There are no public rights of way in close proximity to the site. However, it is clearly visible from the Coldharbour frontage.

The Senior Landscape Officer has been consulted and, whilst he acknowledges the visibility of the site in longer views (particularly the building) he takes the view that the (partially retrospective) use is only really apparent from the site entrance off the Coldharbour Road. The Case Officer agrees with this assessment. Historically, as an agricultural site its likely there would be various tractors, agricultural plant and machinery used and “parked” outside the main building. In this context, consideration of the current application should be mindful of this. As a former agricultural use there would be no control over the use, days/hours of operation, areas of storage/parking nor visual mitigation.

The proposed storage use would involve internal storage in the large barn, external siting of up to 43 storage (shipping) containers in the adjacent yard and a skip storage area between the frontage earth bund (with planting) and the shipping container storage behind. The container positions are set-back from the road, either behind or alongside the barn.

The Landscape Officer supports the application, but subject to a detailed landscaping scheme. The Case Officer agrees that the scheme needs visual mitigation to ensure the use and structures are satisfactorily assimilated into the local landscape. A suitable landscape scheme has now been received, and subject to an appropriate management/maintenance schedule the scheme would have an acceptable effect on the setting of the AONB (which lies about 1km to the west) and on the Land of Local Landscape Importance (which the site falls within).

Effect on Residential Amenity-

Whilst the site is located in the countryside there are a number of residential properties along the north side of Coldharbour near to the site. Traffic accessing/egressing the site will pass some of these dwellings. The heavier skip vehicles are likely to result in some noise to residents, however it must be borne in mind that as an agricultural site the movement of larger vehicles would occur in an uncontrolled way.

The Environmental Health Officer has been consulted and sought clarification on days/hours of operation, and measures to mitigate dust and potential odour. The applicant clarified the days/hours of use and the Environmental Health Officer then felt there was no further comment required. The “fall-back” position of an active agricultural complex should also be noted here.

The general storage use of the site would operate 7.30am -6pm Mon-Fri and 8am-6pm at weekends. The skip hire business would operate 8am-5pm Mon-Friday only. Hence, the general storage use would be limited to fairly conventional hours of operation. The skip hire business is however more restricted finishing at 5pm and not

involving any weekend use. That is beneficial as the skip lorries are likely to be those which could be associated with more noise.

Bearing in mind that the "fall-back" position would be an unregulated "24/7" agricultural operation from the site, the proposals could have some benefit in terms of reduced noise/disturbance to residents in the locality. It is considered the scheme is acceptable in residential amenity terms subject to a condition specifying the days/hours for the two elements of storage use.

Highway safety-

The site has an existing vehicular access onto Coldharbour. The yard area associated with the building has ample scope for vehicle parking.

The applicant has provided the following information on traffic movements:

The applicant anticipates the following average vehicular movements:

Weekday AM IN

- 2x Car (skip hire staff) – (usually) 7.30-8am

Weekday AM OUT

- 2x Skip hire lorry

Weekday PM IN

- 2x Skip hire lorry

Weekday PM OUT

- 2x Car (skip hire staff)

Skip hire staff do not normally work weekends. The majority of skip lorry movements make a left turn out of the site access. The operator has a licence for two skip lorries but mainly operates only one out of the site. The skip lorries are generally parked in the building when not in use.

It is anticipated that the container users will visit once a week (on average) giving an estimated 6 visitors per day (assuming each container has a unique user and at maximum capacity). This is likely to be spread over the day. Visitors are anticipated to visit in cars or commercial vans.

The submitted plan shows 5 parking spaces. It is anticipated that the skip hire will use one or two (informal parking is within their unit as well) with three spaces for visitors. Users of the containers will likely only stay for short periods and not need parking as they would need their vehicle near the storage container (for loading/unloading).

The applicant has also provided a plan to clarify the area for the skip (and container) storage, together with 5 parking spaces for persons using the storage facilities and the 2 skip lorries parking in the barn. The existing vehicular access off Coldharbour would be retained. The Highway Authority have been consulted regarding the above information and advise that they have no objection subject to a planning condition

clarifying the parking, manoeuvring, loading/unloading of vehicles in accordance with the submitted plan 3114/02 E.

Case Officer Comments on Town Council's Concerns-

The Town Council recommend refusal and consider this will cause "*potentially significant noise disturbance to the area and neighbouring properties with a detrimental effect on local landscape*".

The applicant has clarified the days/hours of operation as: the general storage use of the site would operate 7.30am -6pm Mon-Fri and 8am-6pm at weekends. The skip hire business would operate 8am-5pm Mon-Friday only. As mentioned above, these are not unreasonable days/ hours of use, and do exclude the skip hire element operating at the weekend. This can be conditioned accordingly.

The Town Council also mention: *a significant increase in traffic and an effect on Local Landscape Importance*. It should be acknowledged that the site has an existing "traffic credit" by reason of the agricultural use of the land and buildings. The Highway Authority have reviewed the application and the uses and are satisfied that the traffic generation would be acceptable in relation to the highways network. Regarding the effect on Land of Local Landscape Importance, as a change of use application there would not be any new buildings added to the site. An acceptable landscaping scheme has been submitted and this would be a clear benefit as it would help visually "soften" any views of the containers and skips, as well as enhancing the lack of planting present to the site's current boundaries. In this way it would help to visually improve this part of the Land of Local Landscape Importance by the planting of native species hedgerows, together with oak and hornbeam trees.

17.0 Conclusion

It is considered that the storage use of the site would be acceptable in visual terms subject to landscaping being carried out and to the other conditions as set out below. The scheme would be acceptable in residential amenity terms and in terms of traffic generation. This change of use allows planning control over issues such as operating days/ hours, site layout and landscaping-controls which could not otherwise be imposed if the site remained in agricultural use. It is considered that the scheme is in accordance with the policies and guidance as set out earlier in the report.

18.0 Recommendation

Grant subject to conditions:

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

Location plan 3114/01

Site and location plans 3114/02 F

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

2. The use of the building and land hereby approved shall be only for purposes restricted to uses within Class B8 Storage & Distribution of the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A maximum of 43 storage containers shall be sited on the land.

Reason: To ensure the authorised use is clearly defined for the avoidance of doubt.

3. The land/buildings shall not be used for activity/vehicle movements for general storage purposes outside the hours of 07.30 to 18.00 hours on Mondays to Fridays, and outside the hours of 08.00 to 18.00 hours on Saturdays and Sundays. The land/buildings shall not be used for activity/vehicle movements connected to the skip hire use outside the hours of 08.00 to 17.00 on Mondays to Fridays. Neither uses shall be operational on Public Holidays.

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

4. Within 2 months of the date of this permission the areas shown on plan 3114/02 F for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specifies.

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

5. The soft landscaping works detailed on approved drawing 3114/02 F must be carried out in full during the first planting season (commencing November 2023) and completed by December 31/12/2023. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6. Prior to November 2023 a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority and shall include maintenance schedules for the landscape areas. The subsequent management of the development's landscaping shall accord with the approved plan.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of communal, public, nature conservation or historical significance

Informatives:

NPPF

EA informative

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Application Number:	P/FUL/2023/01475
Webpage:	Planning application: P/FUL/2023/01475 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Atlantic Academy Portland, Lerret Road, Portland, Dorset, DT5 1FN
Proposal:	Provision of additional car parking spaces, vehicular circulation space, footpath alteration, together with associated hard and soft landscaping works to include EV charging, air source heat pump and additional boundary fencing and gates.
Applicant name:	The Department for Education
Case Officer:	Robert Parr
Ward Member(s):	Cllr Cocking, Cllr Hughes and Cllr Kimber

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

2.0 Summary of recommendation: Grant planning permission subject to conditions

3.0 Reason for the recommendation:

- Improvement to a Community Facility.
- No harm to character and appearance or amenity.
- No highway concerns identified.
- Flood risk is acceptable.
- No adverse impact on Chesil Beach and the Fleet European Protected Site.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Within Defined Development Boundary and as such principle of development is accepted.
Wildlife and habitat	No adverse impact identified.
Flood Risk	Acceptable
Design	Acceptable
Highways	No adverse impact identified.
Amenity	No adverse impact identified.

5.0 Description of Site

The site is within the grounds of Osprey Quay Campus, Atlantic Academy, located at the northwest end of Portland. The existing building on site, which is currently vacant, was last in use as a mainstream school. The site is within the Defined Development Boundary, is not a Listed Building, is not in a Conservation Area and is not within the Dorset Area of Outstanding Natural Beauty. The majority of the site is in an area recorded as having a low risk of flooding, although smaller sections of the site are within areas recorded as having a high risk of flooding.

6.0 Description of Development

The proposed development includes the provision of additional car parking spaces, vehicular circulation space, footpath alteration, together with associated hard and soft landscaping works to include 2 x EV charging, 3 x air source heat pumps and additional boundary fencing and gates.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
P/CLP/2022/06165	Erection of additional 2no. classrooms within courtyard of existing school; Erection of storage building; Replacement of external windows and doors	Granted	19/01/2023
WP/18/00347/CLP	Change of use from a state school to a language school.	Granted	27/07/2018
11/00099/DCC3	External alterations and associated works	Objection	04/03/2011
10/00429/DCC3_1	New 315 place primary school and 26 place nursery for Chesil Cove Federation, including supporting landscape Masterplan and external curriculum areas.	Granted	16/09/2010
10/00429/DCC3	New 315 place primary school and 26 place nursery for Chesil Cove Federation, including supporting landscape masterplan and external curriculum areas	No Objection	08/09/2010

8.0 List of Constraints

Dorset Council Land

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076)
Distance: 1003

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012)
Distance: 1806m

Area of Archaeological Potential; Portland

Defined Development Boundary; Fortuneswell

Neighbourhood Plan - Made; Name: Portland NP; Status 'Made' 22/06/2021

Legal Agreements S106

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 2.22

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Flood Zone 3

Flood Zone 2

Radon

ONR portland_12km_zone

9.0 Consultations/Notifications

Portland Town Council

Portland Town Council supports this application.

Highway Authority

To encourage the use of sustainable transport modes the applicant is requested to incorporate adequate cycle storage facilities. The applicant is reminded to have due regard of Inclusive Mobility for the proposal.

The Highway Authority has NO OBJECTION, subject to the following condition(s):

- Turning/manoeuvring and parking construction as submitted.
- Electric vehicle charging scheme to be submitted.
- Informatives: Contact Dorset Highways before commencement and electric vehicle charging points must comply with building regulations.

Flood Risk Engineer

- The proposed development is compatible with the flood risk to the site.
- Approval from Wessex Water, accepting the potential small increase in surface water discharge, will be required.

Ward Councillors – No reply

Landscape - No reply

Education Officer – No reply

Environment Agency – No reply

Economic Development & Tourism – No reply

Archaeology – No reply

Dorset Wildlife Trust – No reply

Public Health Dorset – No reply

Natural England – No reply

Asset & Property – No reply

Representations received – None

10.0 Development Plan

Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

INT1	-	Presumption in favour of sustainable development
SUS2	-	Distribution of development
ENV1	-	Landscape, seascape and sites of geological interest
ENV2	-	Wildlife and habitats
ENV5	-	Flood risk
ENV10	-	The landscape and townscape setting
ENV12	-	The design and positioning of buildings
ENV13	-	Achieving high levels of environmental performance
ENV16	-	Amenity
COM2	-	New or improved local community buildings and structures
COM6	-	The provision of education and training facilities
COM7	-	Creating a safe and efficient transport network

Portland Neighbourhood Plan (2017-2031)

Policy No. Port/EN1 Prevention of Flooding and Erosion

Policy No. Port/EN6 Defined Development Boundaries

Policy No. Port/EN7 Design and Character

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.

Other 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 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

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

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

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'

Other Material Considerations

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

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

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

14.0 Environmental Implications

As the application site is within 5km of the Chesil Beach & the Fleet European protected site, the potential impacts on the protected site have been considered. Having considered the proposals it has been concluded that there will be no adverse effect on the integrity of the designated site.

15.0 Planning Assessment

15.1 Principle of Development

The application site is located within the Defined Development Boundary where development that meets the needs of the local area will normally be permitted. The proposed development relates to a Special Educational Needs (SEN) school and as such the principle of development is accepted under Local Plan Policy SUS2 and Neighbourhood Plan Policy Port/EN6.

15.2 Flood Risk

Part of the application site to its west is within Flood Zones 2&3, but the majority of the site is within Flood Zone 1. In both the northeast and northwest corners of the site there are pockets of land with a surface water flood risk of 1 in 30 and 1 in 100 years. However, the only development proposed in the areas recorded as having a high risk of flooding is the provision of new fencing and four car parking spaces. It is noted that the car park surfacing could be carried out as permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Part 7 Class N and the proposed fencing would replace existing. Furthermore, car parking is considered to be a ‘Less Vulnerable’ use as set out in Annex 3 of the NPPF 2021 flood risk vulnerability classification and the area is already used as a car park.

The Flood Risk Engineer has considered the application and has no objection subject to Wessex Water accepting the potential small increase in surface water discharge.

Wessex Water has stated that no action is required with regard to the proposed minor alterations/increase in impermeable area on this site.

Therefore, it is considered that taken as a whole the proposed development is acceptable in terms of flood risk when assessed against Local Plan Policy ENV5 and Neighbourhood Plan Policy Port/EN1.

15.3 Design

The proposal includes a number of different elements which collectively are intended to make the site suitable to be used as a SEN school and improve its energy performance. The proposed replacement fencing, and gates are a design typically used around school sites and in this instance are considered to be acceptable due to their scale and height and are in keeping with the character of the area.

The proposed alterations and additional surfacing are considered to be modest in scale given the size of the site and it is proposed to use materials that match existing. As such the surfacing elements of the proposals are considered to be acceptable.

The proposed use of grass and the additional 17 new trees are considered in keeping with the site and an enhancement to the current landscape.

The addition of EV Charging and Air Source Heat Pumps are considered modest given the scale of the site and are measures that can provide a valuable contribution to cutting greenhouse gas emissions. As such the proposals are considered to be in accordance with Local Plan Policy ENV13.

Therefore, when taken as a whole the proposals are considered to be acceptable in design terms and in accordance with Local Plan Policies ENV1, ENV10, ENV12, ENV13 and Neighbourhood Plan Policy Port/EN7.

15.4 Highways

The Highway Authority has set out that it has no objection to the proposals subject to conditions relating to turning/manoeuvring and electric vehicle charging. It is considered that the turning/manoeuvring condition is necessary and reasonable to ensure that highway safety is not adversely impacted upon. However, the applicant has provided the location of the proposed EV Charging points, details of the EV Charging units proposed and confirmed that a total of 2 x EV Charging points would be provided. As such it is considered a condition requiring the EV charging to be installed in accordance with the details provided is reasonable in this instance. The Highway Authority has requested the applicant incorporates adequate cycle storage facilities. The applicant has stated that cycle parking on site will remain as it is and there will be no change and it is not considered there is a relevant policy requirement requiring additional cycle storage in in this instance.

It is therefore considered that the proposed development is acceptable in highway terms and is in accordance with Local Plan Policy COM7.

15.5 Amenity

The application by virtue of the proposed design and scale is not considered to represent development that would cause a significant adverse impact on amenity. As such the proposals are considered acceptable when assessed against Local Plan Policy ENV16.

16.0 Conclusion

The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the Portland Neighbourhood Plan 2017-2031, the policies of the NPPF (2021) and other material considerations. It has been concluded that the proposed development accords with the development plan, would be an improvement to community facilities and would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

17.0 Recommendation

Grant subject to conditions:

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

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

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

Location Plan

General Arrangement Plan – Dwg No. DSE-UBU-XX-XX-DR-L-0100 Rev: P05

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

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

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

4. The fencing and gates shall be finished in the colour black and the materials to be used shall be the product Zaun Duo 8 Perimeter Fence System as set out

in the approved plans and in the supporting Zaun Limited product information sheet Version 20220817 submitted on the 10/03/2023 with this application.

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

5. The three air source heat pumps as shown on Dwg No. DSE-UBU-XX-XX-DR-L-0100 Rev: P05 and hereby approved, shall be AMICUS LT Air Source Heat Pumps model code: LAHP-412LTS, unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

6. Prior to the occupation or use of the development hereby approved, two electric vehicle charging points shall be installed as shown on Dwg No. DSE-UBU-XX-XX-DR-L-0100 Rev: P05 and these shall be Rolec Service Ltd Basic Charge Units, unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

Informatives

Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

Informative: Contact Dorset Highways

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Informative: Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

Application Number:	P/FUL/2023/00766
Webpage:	Planning application: P/FUL/2023/00766 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	The Town Mill Mill Lane Lyme Regis DT7 3PU
Proposal:	Alterations include:- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Replace archway to car park.
Applicant name:	Mr R McLaughlin – The Town Mill Trust
Case Officer:	Robert Parr
Ward Member(s):	Cllr Bawden

1.0 In accordance with the Council’s scheme of delegation this application is brought to committee for determination as Dorset Council owns land within the application site.

2.0 Summary of recommendation: Grant permission subject to conditions.

3.0 Reason for the recommendation:

- Improvement to a Community Facility.
- No harm to character and appearance or amenity.
- No harm to Heritage Assets and proposals considered to enhance their significance.
- No highway concerns identified.
- Flood risk is acceptable.
- Impact of ground instability zone 2 is considered acceptable.
- No adverse impact on European Protected Site.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Within Defined Development Boundary and as such principle of development is accepted.
Wildlife and habitat/Environment	No adverse impact identified.
Heritage	No harm to Heritage Assets identified.
Flood Risk	Acceptable.
Impact on ground stability	Acceptable.
Design	Acceptable.
Highways	No adverse impact identified.

Amenity	No adverse impact identified.
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5.0 Description of Site

The Town Mill site is located to the immediate north of the centre of Lyme Regis and adjoins the River Lim. The site is considered to be a visitor attraction in Lyme Regis with a diverse range of businesses and activities focussed on the restored working flour Mill. The site is within the Defined Development Boundary, includes a Listed Building, is within the setting of other Listed Buildings, is within the Lyme Regis Conservation Area and is within the Dorset Area of Outstanding Natural Beauty. The site is in a high flood risk area being within Flood Zones 2 & 3 and is in an area recorded as having a 1:30 and 1:100-year risk of surface water flooding. Public Right of Way ref: W2/11 runs from east to west through the site and leads to The Lynch, which contains the leat that serves the restored working Mill. The site is also within Slope Instability Zone 2.

6.0 Description of Development

The proposed development is to carry out alterations to The Town Mill site that include, replacing the double wooden gates into the Millers Garden with new metal gates, replacing the pedestrian gate into the Millers Garden from The Lynch path and installing access stairs from the pedestrian gate into the Millers Garden. The alterations also include replacement railings at various locations, replacing the main entrance to the Shop with a glass door and installing an archway entrance feature to the Broad Street Car Park.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
P/PAP/2022/00613	Developing spaces further at Town Mill. Replace and extend railings. Proposed new entrance & steps into Miller's Garden. Replace large municipal wooden gates with metal gates. Replace current archway. Replace and enhance lighting. Temporary canvas canopy over entrance to Malthouse Gallery.	Withdrawn	14/09/2022
P/ADV/2023/01041	Replace existing entrance sign with new entrance sign over footpath.	Under consideration	
P/LBC/2023/00767	Alterations include- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Install serving hatch. Replace archway to car park.	Under consideration	

P/LBC/2021/05051	Internal alterations includes additional WC and infilling of a ceiling void to provide storage at first floor level. Install one stud wall. Cover some existing windows and doors with timber boarding.	Granted	20/04/2022
1/D/13/000198	Upgrading existing and providing additional signage	Granted	03/05/2013
1/D/13/000199	Fascia signs and hanging banners	Granted	03/05/2013
1/D/09/001277	Change of use & alterations to form community areas with offices and micro-brewery	Granted	15/10/2009
1/D/09/000434	Change of use (including alterations) to form community areas (with two offices) and workshop	Granted	12/06/2009
1/W/06/000604	Install micro hydroelectric generation plant	Granted	22/05/2006
1/W/05/000237	Change of use of part of Mill Building (Display Area) to Bakery	Granted	23/03/2005
1/W/04/001579	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001580	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001589	Carry out internal and external alterations	Granted	14/10/2004
1/W/92/000436	Change of use of stables and store to tea room/craft workshops/ educational purposes with minor retail use	Granted	23/12/1992
1/W/92/000435	Demolition of link building, and make external and internal alterations	Granted	23/12/1992
1/W/88/000767	Restore Water Mill with craft workshops in conjunction with Theatre / Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000766	Restore water mill with craft workshops in conjunction with Theatre/ Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000443	Convert existing workshop/store to 2 dwellings and construct car parking spaces	Refused	25/08/1988
1/W/87/000716	Change of use from storage depot to theatre/ art centre	Granted	15/12/1987

8.0 List of Constraints

Grade: II Listed Building: TOWN MILLS, MILL HOUSE List Entry: 1230633

Grade: II Listed Building: OLD LYNCH List Entry: 1229968

Grade: II Listed Building: CHURCH VIEW List Entry: 1278986

Lyme Regis Conservation Area
Lyme Regis Defined Development Boundary
Area of Outstanding Natural Beauty (AONB); Dorset
Town Centre Areas; Lyme Regis
Lyme Regis and Charmouth Slope Instability Zones; Zone 2
Right of Way: Footpath W2/11
Risk of Surface Water Flooding Extent 1 in 30
Risk of Surface Water Flooding Extent 1 in 100
Dorset Council Land (Freehold)
EA - Flood Defences
Main River Consultation Zone
Flood Zone 3
Flood Zone 2
Radon: Class: Less than 1%

9.0 Consultations/Notifications

Lyme Regis Town Council - Lyme Regis Town Council supports the application.

Ward Councillors – No reply.

Highway Authority - No objection.

Conservation – Support subject to conditions.

Rights of Way - No reply.

Coastal Risk Management Team – No objection.

Assets & Property - No reply.

The Environment Agency - No objection.

Historic England - No reply.

Dorset Wildlife Trust - No reply.

Ramblers Association - No reply.

Scottish & Southern Energy - No reply.

Representations received – None.

10.0 Development Plan

Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

INT1 - Presumption in favour of sustainable development

SUS2 - Distribution of development

ENV1	-	Landscape, seascape and sites of geological interest
ENV2	-	Wildlife and habitats
ENV4	-	Heritage assets
ENV5	-	Flood risk
ENV7	-	Coastal erosion and land instability
ENV10	-	The landscape and townscape setting
ENV12	-	The design and positioning of buildings
ENV16	-	Amenity
ECON4	-	Retail and town centre development
ECON5	-	Tourism attractions and facilities
COM2	-	New or improved local community buildings and structures
COM7	-	Creating a safe and efficient transport network

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.

Other 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 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people.

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

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 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

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

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

Section 72 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 Dorset Council Local Plan:

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

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

WDDC Design & Sustainable Development Planning Guidelines (2009)
Landscape Character Assessment February 2009 (West Dorset)

Lyme Regis Conservation Area Appraisal adopted October 2010

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

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

14.0 Environmental Implications

The Environment Agency highlighted in their consultation response that The Lyme Bay and Torbay Special Area of Conservation (SAC) is located downstream of the application site and recommended we consult Natural England. As the competent authority, we have a duty to carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a European site.

Step 1 of a HRA is screening the proposals and in this instance, it is considered that the site is not within or directly linked to the SAC and there is approximately 100m of separation. Furthermore, the characteristics of the proposals are minor in nature and are considered unlikely to generate materials or activities that would create an impact beyond the application site. Therefore, it is considered that the proposed development would not significantly harm the SAC and as such the next stages of the HRA are not triggered. In view of this screening assessment on this occasion it was not considered necessary to consult Natural England.

15.0 Planning Assessment

15.1 Principle of development

The application site is located within the Defined Development Boundary where development that meets the needs of the local area will normally be permitted. The proposed development relates to a Community Facility/Tourist Attraction and as such the principle of development is accepted under Local Plan Policy SUS2.

15.2 Design

Through the process of assessing the application the applicant has submitted amended drawings to address concerns raised in regard to heritage impact and design. It is considered that the design of the various elements included in the proposals are modest in scale and proportion and are in keeping with the site and its setting. The proposed materials are considered to be sympathetic to the surroundings and relate well to the existing buildings/landscape. The proposed new railings should improve the safety of the site to the public's benefit and are considered an enhancement to what is existing. The proposed gates and entrance archway have been designed to relate to the historic use of the site, are bespoke and as such would provide a richness of design currently lacking in the existing gates/entrance. However, the bespoke designs for these elements are still at an illustrative level of detail and as such it is considered appropriate and necessary that the final detailed designs of these elements are controlled by condition to ensure a satisfactory visual appearance of the development.

The proposals are considered to be an enhancement to the Lyme Regis Town Centre, The Town Mill tourist attraction and community facility. Therefore, subject to conditions

the proposals are considered to be acceptable in design terms and in accordance with Local Plan Policies ENV1, ENV10, ENV12, ECON4, ECON5 and COM2.

15.3 Impact on heritage assets

The site is located within the heart of the historic core of the Conservation Area (CA). The Listed Building known as the Town Mills is one of a group of historic buildings located adjacent to the River Lim and consisting of restaurants, galleries, microbrewery, other artisan workshops and shops. Of particular relevance to this application are the Malthouse and Bakehouse buildings, which although not specifically listed are considered to be curtilage listed by virtue of their close proximity and historic association with the Town Mills.

The Town Mills is a Grade II Listed Building constructed of rubble stone and slate. The earliest parts of the mill are understood to date from the 16th Century, with substantial fabric from the 17th, 18th, and 19th centuries. The building still retains a quantity of historic fabric, and the building contributes positively to the historic setting and to the CA overall. In summary the mill complex is considered to form an enclave of historical and evidential value that in addition to its early date, and continued use as a working flour mill is of high significance.

Also within the setting of the application site are the Listed Buildings known as Church View and Old Lynch. Church View is Grade II three-storey house C17 and early C19, originally one dwelling but now forms no.6 & 6A and has individual and group historic significance with other nearby buildings. The Old Lynch is a Grade II traditional two-storey cottage circa C19 and as such has individual historic significance in addition to its contribution to the mill complex historical enclave.

Potential harm to heritage assets

Replacing the double wooden gates into the Millers Garden with new metal gates

The gates do not appear to be historic fabric, although they are hung on historic pintles, which will be used to hang the new gates. The proposal to incorporate public art in the form of decorative metalwork picking up on the wheatsheaf theme of the mill is considered a positive enhancement and no harm is identified.

Replacing the pedestrian gate into the Millers Garden from The Lynch path and installing access stairs from the pedestrian gate into the Millers Garden

The existing and currently closed metal gate does not appear to be historic fabric and the proposed replacement gate would have a similarly designed wheatsheaf theme to the proposed double gates above. The proposed metal steps would provide improved access from The Lynch down into the Millers Garden and then to the mill itself, which is likely to increase footfall in the area and better reveal the heritage asset to the public. The possible increased footfall is not considered to cause harm and the gates and steps are considered to be sufficiently in keeping with the heritage assets and setting. Therefore, no harm to heritage assets is identified.

Replacement railings at various locations

The existing barriers/railings are of a mixture of designs and do not appear to be historic fabric. The proposed mix of hoop topped railings on The Lynch and vertical bar railings with timber handrail adjacent to the Malthouse are considered to be sufficiently modest in scale/appearance and in keeping with the setting to not significantly detract

from the heritage assets and as such are considered to cause no harm to the heritage assets.

Replacing existing timber door to the shop with a glass door

The door presently installed dates from the late 20th Century and is not of historic significance. It is clear that the opening to the building here has been through a number of changes through history and was at one stage a much larger opening. The proposed new door is not considered to harm the significance of the listed building.

Installing an archway entrance feature to the Broad Street Car Park

The existing modern signage at the entrance to The Town Mill complex from Broad Street Car Park is not considered to be of any heritage significance and can be described as municipal in character. The proposed artist designed archway/entrance sign would provide a bespoke feature in the streetscene that is considered to be an enhancement to the heritage setting of the Conservation Area. Furthermore, by encouraging increased public access to this part of the site by virtue of an eye catching and welcoming entrance feature, the proposal is considered to contribute towards better revealing the significance of the historical enclave.

Conclusion on impact on heritage assets

Therefore, subject to conditions to control the detail and protect historic fabric in regard to fixings, replacement door and gates, the proposals are considered to be acceptable in heritage impact terms and in accordance with Local Plan Policy ENV4.

15.4 Flood risk

The application site is within Flood Zones 2 & 3 and has a surface water flood risk of 1 in 30 and 1 in 100 years. As such the applicant has provided a Flood Risk Assessment (FRA) in accordance with the requirements of the NPPF 2021. Having reviewed the FRA it is considered that there is nothing to indicate that the proposals would exacerbate any flooding issues by virtue of the relatively minor scale of alterations to an existing site and that no intensification of uses or activities is proposed. Therefore, it is considered that taken as a whole the proposed development is acceptable in terms of flood risk when assessed against Local Plan Policy ENV5.

15.5 Impact on ground stability

The application site is in land instability zone 2 where problems may arise due to the reactivation of movements on old landslide slopes, for example due to inappropriate construction activity.

The applicant has provided a ground instability assessment in support of their application, and this sets out that the development does not include construction of any built form, there are no excavations or new concrete foundations required and that most of the alterations are replacing one product with another of a different style.

The Dorset Council Project Engineer has assessed the proposed development and has set out that the proposed alterations are mostly aesthetics with limited impact on existing structures and, consequently, are unlikely to exacerbate any instability risks present in the area.

Having assessed the proposed scheme, including the consultation responses received, it is considered that by virtue of the minor scale of the proposed development, a ground stability assessment is not required, and the development is acceptable when assessed against Local Plan Policy ENV7.

15.6 Impact on highway safety/public access

The application does not propose any alterations or development that would alter the public highway or generate a significant increase in movement or volume of traffic. The Highway Authority has set out that it has no objection to the proposals and therefore it is considered that the proposed development is acceptable in highway terms and is in accordance with Local Plan Policy COM7.

15.7 Amenity

The application by virtue of the proposed design and scale is not considered to represent development that would cause a significant adverse impact on amenity. As such the proposals are considered acceptable when assessed against Local Plan Policy ENV16.

16.0 Conclusion

The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the policies of the NPPF (2021) and other material considerations. It has been concluded that the development would accord with the development plan, be an improvement to community facilities and would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

17.0 Recommendation

Grant subject to conditions:

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

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

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

Location plan	–	Dwg No. C2254.01A
A- Replacement gates	-	Dwg No. C2254.03
B- New gate and stairs	-	Dwg No. C2254.04B
C- Replacement railings	-	Dwg No. C2254.05C

E- Replacement door	-	Dwg No. C2254.06C
F- Archway details	-	Dwg No. C2254.07C
Proposed site plan	-	Dwg No. C2254.08C

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

3. Prior to installation on site of the new Archway from Broad Street Car Park, detailed drawings and specifications showing the design and construction of the new Archway (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Details and drawings shall include colour and materials which shall match those set in Dwg No. C2254.07C unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

4. Prior to installation on site of the gates to the Millers Garden and the gate to the Millers Garden from The Lynch, detailed drawings and specifications, showing the design, materials, colour and construction of the gates (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

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

5. Prior to installation of the external door, detailed drawings and specifications showing the design and construction of the external door (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

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

6. All metal railings hereby approved shall have fixings secured into mortar joints and not stonework.

Reason: To protect and safeguard the fabric of the heritage asset.

Informatives

Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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Application Number:	P/LBC/2023/00767
Webpage:	Planning application: P/LBC/2023/00767 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	The Town Mill Mill Lane Lyme Regis DT7 3PU
Proposal:	Alterations include- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Install serving hatch. Replace archway to car park.
Applicant name:	Mr R McLaughlin – The Town Mill Trust
Case Officer:	Robert Parr
Ward Member(s):	Cllr Bawden

1.0 In accordance with the Council’s scheme of delegation this application is brought to committee for determination as Dorset Council owns land within the application site.

2.0 Summary of recommendation: Grant consent subject to conditions.

3.0 Reason for the recommendation:

- Less than substantial harm to Heritage Assets outweighed by public benefits.

4.0 Key planning issues

Issue	Conclusion
Heritage	Less than substantial harm outweighed by public benefits.

5.0 Description of Site

The Town Mill site is located to the immediate north of the centre of Lyme Regis and adjoins the River Lim. The site is considered to be a visitor attraction in Lyme Regis with a diverse range of businesses and activities focussed on the restored working flour Mill. The site is within the Defined Development Boundary, includes a Listed Building, is within the setting of other Listed Buildings, is within the Lyme Regis Conservation Area and is within the Dorset Area of Outstanding Natural Beauty. The site is in high flood risk area being within Flood Zones 2 & 3 and is in an area recorded as having a 1:30 and 1:100-year risk of surface water flooding. Public Right of Way ref: W2/11 runs from east to west through the site and leads to The Lynch, which contains the leat that serves the restored working Mill. The site is also within Slope Instability Zone 2.

6.0 Description of Development

The proposed development is to carry out alterations to The Town Mill site that include, replacing the double wooden gates into the Millers Garden with new metal gates, replacing the pedestrian gate into the Millers Garden from The Lynch path and installing access stairs from the pedestrian gate into the Millers Garden. The alterations also include replacement railings at various locations, replacing the main entrance to the Shop with a glass door and installing an archway entrance feature to the Broad Street Car Park. In addition to the proposals already mentioned the application proposes to install a serving hatch within the Bakehouse building.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
P/PAP/2022/00613	Developing spaces further at Town Mill. Replace and extend railings. Proposed new entrance & steps into Miller's Garden. Replace large municipal wooden gates with metal gates. Replace current archway. Replace and enhance lighting. Temporary canvas canopy over entrance to Malthouse Gallery.	Withdrawn	14/09/2022
P/ADV/2023/01041	Replace existing entrance sign with new entrance sign over footpath.	Under consideration	
P/FUL/2023/00766	Alterations include:- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Replace archway to car park.	Under consideration	
P/LBC/2021/05051	Internal alterations includes additional WC and infilling of a ceiling void to provide storage at first floor level. Install one stud wall. Cover some existing windows and doors with timber boarding.	Granted	20/04/2022
1/D/13/000198	Upgrading existing and providing additional signage	Granted	03/05/2013
1/D/13/000199	Fascia signs and hanging banners	Granted	03/05/2013
1/D/09/001277	Change of use & alterations to form community areas with offices and micro-brewery	Granted	15/10/2009
1/D/09/000434	Change of use (including alterations) to form community areas (with two offices) and workshop	Granted	12/06/2009
1/W/06/000604	Install micro hydroelectric generation plant	Granted	22/05/2006

1/W/05/000237	Change of use of part of Mill Building (Display Area) to Bakery	Granted	23/03/2005
1/W/04/001579	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001580	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001589	Carry out internal and external alterations	Granted	14/10/2004
1/W/92/000436	Change of use of stables and store to tea room/craft workshops/ educational purposes with minor retail use	Granted	23/12/1992
1/W/92/000435	Demolition of link building, and make external and internal alterations	Granted	23/12/1992
1/W/88/000767	Restore Water Mill with craft workshops in conjunction with Theatre / Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000766	Restore water mill with craft workshops in conjunction with Theatre/ Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000443	Convert existing workshop/store to 2 dwellings and construct car parking spaces	Refused	25/08/1988
1/W/87/000716	Change of use from storage depot to theatre/ art centre	Granted	15/12/1987

8.0 List of Constraints

Grade: II Listed Building: TOWN MILLS, MILL HOUSE List Entry: 1230633

Grade: II Listed Building: OLD LYNCH List Entry: 1229968

Grade: II Listed Building: CHURCH VIEW List Entry: 1278986

Lyme Regis Conservation Area

9.0 Consultations/Notifications

Lyme Regis Town Council - Lyme Regis Town Council supports the application.

Ward Councillors – No reply.

Conservation – Support subject to conditions.

Historic England - No comment.

Representations received – None.

10.0 Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

ENV4 - Heritage assets

National Planning Policy Framework (NPPF)

In determining the proposals due consideration has been given to Section 16 Paragraphs 192,199,194,195,197, of the NPPF.

Statutory Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 states that in determining applications for listed building consent, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Other Material Considerations

Supplementary Planning Document/Guidance

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

WDDC Design & Sustainable Development Planning Guidelines (2009)
Landscape Character Assessment February 2009 (West Dorset)

Lyme Regis Conservation Area Appraisal adopted October 2010

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

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

14.0 Environmental Implications

The Environment Agency highlighted in their consultation response that The Lyme Bay and Torbay Special Area of Conservation (SAC) is located downstream of the application site and recommended we consult Natural England. As the competent authority, we have a duty to carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a European site.

Step 1 of a HRA is screening the proposals and in this instance, it is considered that the site is not within or directly linked to the SAC and there is approximately 100m of separation. Furthermore, the characteristics of the proposals are minor in nature and are considered unlikely to generate materials or activities that would create an impact beyond the application site. Therefore, it is considered that the proposed development would not significantly harm the SAC and as such the next stages of the HRA are not triggered. In view of this screening assessment on this occasion it was not considered necessary to consult Natural England.

15.0 Assessment

15.1 Impact on heritage assets

The site is located within the heart of the historic core, designated as a Conservation Area (CA). The Listed Building known as the Town Mills is one of a group of historic buildings located adjacent to the River Lim and consisting of restaurants, galleries, microbrewery, other artisan workshops and shops. Of particular relevance to this application are the Malthouse and Bakehouse buildings, which although not specifically listed are considered to be curtilage listed by virtue of their close proximity and historic association with the Town Mills.

The Town Mills is a Grade II Listed Building constructed of rubble stone and slate. The earliest parts of the mill are understood to date from the 16th Century, with substantial fabric from the 17th, 18th, and 19th centuries. The building still retains a quantity of historic fabric, and the building contributes positively to the historic setting and to the Conservation Area in full. In summary the mill complex is considered to form an enclave of historical and evidential value that in addition to its early date, and continued use as a working flour mill is of high significance.

Also within the setting of the application site are the Listed Buildings known as Church View and Old Lynch. Church View is Grade II three-storey house C17 and early C19, originally one dwelling but now forms no.6 & 6A and has individual and group historic significance with other nearby buildings. The Old Lynch is a Grade II traditional two-storey cottage circa C19 and as such has individual historic significance in addition to its contribution to the mill complex historical enclave.

Potential harm to heritage assets

Replacing the double wooden gates into the Millers Garden with new metal gates

The gates do not appear to be historic fabric, although they are hung on historic pintles, which will be used to hang the new gates. The proposal to incorporate public art in the form of decorative metalwork picking up on the wheatsheaf theme of the mill is considered a positive enhancement and no harm is identified.

Replacing the pedestrian gate into the Millers Garden from The Lynch path and installing access stairs from the pedestrian gate into the Millers Garden

The existing and currently closed metal gate does not appear to be historic fabric and the proposed replacement gate would have a similarly designed wheatsheaf theme to the proposed double gates above. The proposed metal steps would provide improved access from The Lynch down into the Millers Garden and then to the mill itself, which is likely to increase footfall in the area and better reveal the heritage asset to the public. The increased footfall is not considered to cause harm and the gates and steps are considered to be sufficiently in keeping with the heritage assets and setting. Therefore, no harm to heritage assets is identified.

Replacement railings at various locations

The existing barriers/railings are of a mixture of designs and do not appear to be historic fabric. The proposed mix of hoop topped railings on The Lynch and vertical bar railings with timber handrail adjacent to the Malthouse are considered to be sufficiently modest in scale/appearance and in keeping with the setting to not significantly detract from the heritage assets and as such are considered acceptable in heritage terms.

Replacing existing timber door to the shop with a glass door

The door presently installed dates from the late 20th Century and is not of historic significance. It is clear that the opening to the building here has been through a number of changes through history and was at one stage a much larger opening. The proposed new door is not considered to harm the significance of the listed building.

Installing an archway entrance feature to the Broad Street Car Park

The existing modern signage at the entrance to The Town Mill complex from Broad Street Car Park is not considered to be of any heritage significance and can be described as municipal in character. The proposed artist designed archway/entrance sign would provide a bespoke feature in the streetscene that is considered to be an enhancement to the heritage setting in the CA. Furthermore, by encouraging increased public access to this part of the site by virtue of an eye catching and welcoming entrance feature, the proposal is considered to contribute towards better revealing the significance of the historical enclave.

Installing a serving hatch into the Bakehouse

The wall where the proposed serving hatch would be installed would originally have been an external wall, however it is now internal due to the modern kitchen extension to its west. The proposal would therefore involve the loss of some historic fabric of an original solid stone exterior wall.

The applicant's design and heritage statement provides historic map evidence to demonstrate that this part of the complex was constructed in the mid-19th Century as a bakehouse, a complementary function to the flour mill and the malthouse that make up the other main buildings of the mill complex. It is possible but unlikely that the relevant section of wall pre-dates this as a wall in this orientation is shown on earlier maps, however it is considered likely that this earlier yard wall was demolished to make way for the new bakehouse building rather than incorporated within it. Therefore, it is probable that the historic fabric proposed for removal dates from the mid-19th Century. It is therefore an area of lower sensitivity than the 17th and 18th Century parts of the mill complex, but it does have historic significance.

It is considered that the great majority of listed buildings need a viable use consistent with their conservation if they are to survive into the future. The Town Mill Trust has a track record of securing viable uses for the buildings that make up the mill complex and achieving this with high conservation standards. Securing a viable use is a public benefit, which can be weighed in the planning balance.

Having assessed the proposals it is considered that the loss of the historic fabric to create the serving hatch would result in less than substantial harm to the heritage asset. However, when this is weighed against the public benefits of securing the buildings optimum viable use, it is considered that in this instance sufficient public benefits outweigh the loss of the historic fabric in this part of the building.

Conclusion on impact on heritage assets

Therefore, subject to conditions to control the detail and protect historic fabric in regard to fixings, installing the serving hatch, replacement door and gates, the proposals are considered to be acceptable in heritage impact terms and in accordance with Local Plan Policy ENV4.

16.0 Conclusion

Subject to conditions, the majority of the development is considered to preserve the character and appearance of the heritage assets identified in this report and although it is considered the installation of a serving hatch would result in less than substantial harm to the heritage asset, this is outweighed by the public benefits of the scheme as set out in the report. This conclusion has been reached having regard to: (1) section 72(1) and (2) section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving the building or its setting and preserving or enhancing the character or appearance of a conservation area; (3) Local plan policies ENV4, of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 16 of the NPPF (2021).

17.0 Recommendation

Grant subject to conditions:

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

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

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

Location plan	–	Dwg No. C2254.01A
A- Replacement gates	-	Dwg No. C2254.03
B- New gate and stairs	-	Dwg No. C2254.04B
C- Replacement railings	-	Dwg No. C2254.05C
E- Replacement door	-	Dwg No. C2254.06C
F- Archway details	-	Dwg No. C2254.07C
Proposed site plan	-	Dwg No. C2254.08C
6 – Serving hatch	-	Dwg No. C2254.09

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

3. Prior to installation on site of the new Archway from Broad Street Car Park, detailed drawings and specifications showing the design and construction of the new Archway (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Details and drawings shall include colour and materials which shall match those set in Dwg No. C2254.07C unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the agreed details.

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

4. Prior to installation on site of the gates to the Millers Garden and the gate to the Millers Garden from The Lynch, detailed drawings and specifications, showing the design, materials, colour and construction of the gates (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the works shall be carried out in accordance with the agreed details.

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

5. Prior to installation of the external door, detailed drawings and specifications showing the design and construction of the external door (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in

writing. Thereafter, the works shall be carried out in accordance with the agreed details.

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

6. All metal railings hereby approved shall have fixings secured into mortar joints and not stonework.

Reason: To protect and safeguard the fabric of the heritage asset.

7. All demolition (or alteration by way of partial demolition) work pursuant to this consent shall be carried out by hand and/or by tools held in the hand. No power-driven tools shall be used.

Reason: To protect and safeguard the fabric of the heritage asset.

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Application Number:	P/ADV/2023/01041
Webpage:	Planning application: P/ADV/2023/01041 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	The Town Mill Mill Lane Lyme Regis DT7 3PU
Proposal:	Replace existing entrance sign with new entrance sign over footpath.
Applicant name:	Mr R McLaughlin – The Town Mill Trust
Case Officer:	Robert Parr
Ward Member(s):	Cllr Bawden

1.0 In accordance with the Council’s scheme of delegation this application is brought to committee for determination as Dorset Council owns land within the application site.

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation:

- No harm to character and appearance of area.
- The proposal avoids harm to public safety.
- No significant adverse impact on amenity identified.
- No harm to Heritage Assets and proposals considered to enhance their significance.
- No highway concerns identified.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Within Defined Development Boundary and as such principle of development is accepted.
Scale, design, impact on character and appearance	Acceptable.
Impact on amenity	No adverse impact identified.
Heritage	No harm to Heritage Assets identified.
Highways, Access and Parking	No adverse impact identified.

5.0 Description of Site

The Town Mill site is located to the immediate north of the centre of Lyme Regis and adjoins the River Lim. The site is considered to be a visitor attraction in Lyme Regis with a diverse range of businesses and activities focussed on the restored working flour Mill. The site is within the Defined Development Boundary, includes a Listed

Building, is within the setting of other Listed Buildings, is within the Lyme Regis Conservation Area and is within the Dorset Area of Outstanding Natural Beauty. The site is in a high flood risk area being within Flood Zones 2 & 3 and is in an area recorded as having a 1:30 and 1:100-year risk of surface water flooding. Public Right of Way ref: W2/11 runs from east to west through the site and leads to The Lynch, which contains the leat that serves the restored working Mill. The site is also within Slope Instability Zone 2. The proposed Archway signage would be located at the top of the steps leading north west out of the Broad Street Car Park.

6.0 Description of Development

The proposal is to install an artist designed and bespoke archway entrance feature at the northern end of the Broad Street Car Park. The archway would be made from mild steel painted silver grey and aims to replicate the appearance of wheat to reflect the historic use of The Town Mill as a restored working flour mill. Above the archway would be a title sign made from Aluminium Composite Material and be painted with a grey background and black lettering.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
P/PAP/2022/00613	Developing spaces further at Town Mill. Replace and extend railings. Proposed new entrance & steps into Miller's Garden. Replace large municipal wooden gates with metal gates. Replace current archway. Replace and enhance lighting. Temporary canvas canopy over entrance to Malthouse Gallery.	Withdrawn	14/09/2022
P/FUL/2023/00766	Alterations include:- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Replace archway to car park.	Under consideration	
P/LBC/2023/00767	Alterations include- Replace wooden gates with metal gates. Replace closed gate and install access stairs. Replace railings with hooped railings. Replace and enlarge main entrance with glass door. Install serving hatch. Replace archway to car park.	Under consideration	
P/LBC/2021/05051	Internal alterations includes additional WC and infilling of a ceiling void to provide storage at first floor level. Install one stud wall. Cover some existing windows and doors with timber boarding.	Granted	20/04/2022

1/D/13/000198	Upgrading existing and providing additional signage	Granted	03/05/2013
1/D/13/000199	Fascia signs and hanging banners	Granted	03/05/2013
1/D/09/001277	Change of use & alterations to form community areas with offices and micro-brewery	Granted	15/10/2009
1/D/09/000434	Change of use (including alterations) to form community areas (with two offices) and workshop	Granted	12/06/2009
1/W/06/000604	Install micro hydroelectric generation plant	Granted	22/05/2006
1/W/05/000237	Change of use of part of Mill Building (Display Area) to Bakery	Granted	23/03/2005
1/W/04/001579	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001580	Erect footbridge, stairways and pedestrian footway. Relocate Mill Yard gates with new timber screen panels	Granted	13/10/2004
1/W/04/001589	Carry out internal and external alterations	Granted	14/10/2004
1/W/92/000436	Change of use of stables and store to tea room/craft workshops/ educational purposes with minor retail use	Granted	23/12/1992
1/W/92/000435	Demolition of link building, and make external and internal alterations	Granted	23/12/1992
1/W/88/000767	Restore Water Mill with craft workshops in conjunction with Theatre / Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000766	Restore water mill with craft workshops in conjunction with Theatre/ Arts Centre in Malthouse	Granted	05/01/1989
1/W/88/000443	Convert existing workshop/store to 2 dwellings and construct car parking spaces	Refused	25/08/1988
1/W/87/000716	Change of use from storage depot to theatre/ art centre	Granted	15/12/1987

8.0 List of Constraints

Grade: II Listed Building: TOWN MILLS, MILL HOUSE List Entry: 1230633

Grade: II Listed Building: OLD LYNCH List Entry: 1229968

Grade: II Listed Building: CHURCH VIEW List Entry: 1278986

Lyme Regis Conservation Area

Lyme Regis Defined Development Boundary

Area of Outstanding Natural Beauty (AONB); Dorset

Town Centre Areas; Lyme Regis
Lyme Regis and Charmouth Slope Instability Zones; Zone 2
Right of Way: Footpath W2/11
Risk of Surface Water Flooding Extent 1 in 30
Risk of Surface Water Flooding Extent 1 in 100
Dorset Council Land (Freehold)
EA - Flood Defences
Main River Consultation Zone
Flood Zone 3
Flood Zone 2
Radon: Class: Less than 1%

9.0 Consultations/Notifications

Lyme Regis Town Council - Lyme Regis Town Council supports the application.

Ward Councillors – No reply.

Highway Authority - No objection.

Assets & Property - No reply.

Rights of Way - No reply.

Ramblers Association - No reply.

Representations received – None.

10.0 Development Plan

Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

ENV1	-	Landscape, seascape and sites of geological interest
ENV4	-	Heritage assets
ENV10	-	The landscape and townscape setting
ENV12	-	The design and positioning of buildings
ENV14	-	Shop fronts and advertisements
ENV16	-	Amenity
COM7	-	Creating a safe and efficient transport network

Material Considerations

National Planning Policy Framework (2021)

In determining the proposals due consideration has been given to Section 16 Paragraphs 192,199,194,195,197, of the NPPF.

Statutory Duties

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

Section 72 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 Dorset Council Local Plan:

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

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

WDDC Design & Sustainable Development Planning Guidelines (2009)
Landscape Character Assessment February 2009 (West Dorset)

Lyme Regis Conservation Area Appraisal adopted October 2010

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

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

14.0 Environmental Implications

No environmental implications.

15.0 Planning Assessment

15.1 Principle of development

The application site is located within the Defined Development Boundary where development that meets the needs of the local area will normally be permitted. The proposed development relates to a Community Facility/Tourist Attraction and as such the principle of development is accepted under Local Plan Policy SUS2. The application is for advertisement consent and therefore the only considerations in determination the application are amenity and public safety.

15.2 Impact on amenity and safety

The location, size and design of the archway signage proposed is of an attractive bespoke design that would respect the character of the area and replace existing municipal looking signage in approximately the same location. The archway sign would not be illuminated and there is a good amount of separation between the archway and neighbouring properties. As such the proposed signage is considered to be in keeping with the character of the area and an improvement on existing advertising found in this location.

By virtue of being an archway the public will be required to walk under the sign for access/egress to the car park/mill complex and the projecting representation of wheat in the design would be at an accessible height. As such there are potential entrapment

and impact with object risks associated with the archway, which given its location at the top of a stairway present a potential hazard to the public. Therefore, as the design for the archway is still at an illustrative level of detail it is considered appropriate and necessary that the final detailed design is controlled by condition to ensure public safety is satisfactorily addressed.

The proposed signage would have no impact on highway safety for vehicles in the vicinity.

15.3 Impact on heritage assets

The site is located within the heart of the historic core, designated as a Conservation Area (CA). The Listed Building known as the Town Mills is one of a group of historic buildings located adjacent to the River Lim and consisting of restaurants, galleries, microbrewery, other artisan workshops and shops. Of particular relevance to this application are the Malthouse and Bakehouse buildings, which although not specifically listed are considered to be curtilage listed by virtue of their close proximity and historic association with the Town Mills.

The Town Mills is a Grade II Listed Building constructed of rubble stone and slate. The earliest parts of the mill are understood to date from the 16th Century, with substantial fabric from the 17th, 18th, and 19th centuries. The building still retains a quantity of historic fabric, and the building contributes positively to the historic setting and to the CA overall. In summary the mill complex is considered to form an enclave of historical and evidential value that in addition to its early date, and continued use as a working flour mill is of high significance.

Also within the setting of the application site are the Listed Buildings known as Church View and Old Lynch. Church View is Grade II three-storey house C17 and early C19, originally one dwelling but now forms no.6 & 6A and has individual and group historic significance with other nearby buildings. The Old Lynch is a Grade II traditional two-storey cottage circa C19 and as such has individual historic significance in addition to its contribution to the mill complex historical enclave.

Potential harm to heritage assets

Installing an archway entrance feature to the Broad Street Car Park

The existing modern signage at the entrance to The Town Mill complex from Broad Street Car Park is not considered to be of any heritage significance and can be described as municipal in character. The proposed artist designed archway/entrance sign would provide a bespoke feature in the streetscene that is considered to be an enhancement to the heritage setting in the CA. Furthermore, by encouraging increased public access to this part of the site by virtue of an eye catching and welcoming entrance feature, the proposal is considered to contribute towards better revealing the significance of the historical enclave.

Conclusion on impact on heritage assets

Therefore, subject to conditions to control the detail the proposals are considered to be acceptable in heritage impact terms and in accordance with Local Plan Policy ENV4.

16.0 Conclusions

The proposal is not considered to have an adverse impact on amenity or, subject to conditions, public safety.

The proposal is considered to preserve the character and appearance of the Lyme Regis Conservation area, the setting of Listed Buildings and it is considered that the development would not result in any harm to the heritage assets. Overall, the proposal is considered acceptable, subject to conditions. This conclusion has been reached having regard to: (1) section 72(1) and (2) section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving the building or its setting and preserving or enhancing the character or appearance of a conservation area; (3) Local plan policies ENV4, ENV16, ENV14 and COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 16 of the NPPF (2021).

17.0 Recommendation

Grant subject to conditions:

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

Location plan	–	Dwg No. C2254.01A
F- Archway details	-	Dwg No. C2254.07C

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

2. Notwithstanding the details of the design on drwg no. C2254.07C prior to installation on site of the new Archway from Broad Street Car Park, detailed drawings and specifications showing the design and construction of the new Archway (at a scale no less than 1:10) shall be submitted to the Local Planning Authority and agreed in writing. Details and drawings shall include colour and materials which shall match those detailed on Dwg No. C2254.07C unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: In the interests of public safety.

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. No advertisement shall be sited or displayed so as to; a) danger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c) hinder the operation of any device used

for the purposes of security or surveillance or for measuring the speed of any vehicle.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. The advertisement sign(s) hereby permitted shall not be displayed until the existing advertisement sign(s) as shown on drawing number C2254.07C has/have been removed from the site.

Reason: In the interests of amenity and public safety

Informatives

Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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Application Number:	P/LBC/2023/01913
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=395727
Site address:	Greenhill Chalet Building, Weymouth
Proposal:	Change of colour of the painted metalwork from the existing blue to the original grey
Applicant name:	Greenhill Community Trust CIC
Case Officer:	Nicola Yeates
Ward Member(s):	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:

- The proposal would preserve and enhance the Listed buildings, their setting and the Conservation Area.

4.0 Key planning issues

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area	Positive Impact.

5.0 Description of Site

Greenhill beach chalet buildings form part of Greenhill Gardens which also features gardens, tennis courts and a bowling green.

The chalets front onto the Esplanade and the seafront and are located within the north-eastern section of the Weymouth Town Centre Conservation Area. The chalet buildings were Grade II Listed in 2008 due to their special architectural and historic interest (List Entry Number: 1392578).

The northern terrace of the chalet buildings is single storey with the bowling green above. The southern terrace is two storey with a café, seating area and tennis courts above. There is access to the facilities from Esplanade and from B3155 Greenhill road.

The Listing description states the buildings were constructed in 1923 of concrete with iron columns and railings, and part-glazed timber panelling. The Weymouth Town Centre Conservation Area Character Appraisal (2012) describes the ironwork to the chalet blocks as having a rhythm of round columns, with simple capital and decorated

spandrels with wheel ornamentation. The upper decks have original angled posts with more modern metal balustrading.

6.0 Description of Development

The proposal seeks a change to the colour of the painted metalwork from the existing blue to the original historic dark grey.

7.0 Relevant Planning History

None.

8.0 List of Constraints

Grade II Listed building BEECH CHALETS, GREENHILL GARDENS. HE Reference: 1392578 (*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. **Weymouth Town Council:** Objection - The Council wishes to object to the proposals on the grounds that retaining the current colour scheme aligns with the conservation zone as a whole.
2. **Melcombe Regis Ward Member:** No comment received.

Representations received

Total - Objections	Total - No Objections	Comments
0	9	<p>The metalwork is in a poor state of repair and should be painted with the most suitable paint.</p> <p>Black / dark grey is the original historic colour.</p>

10.0 Duties

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

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 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

12.0 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.

13.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The proposed change to the paint colour will not impact on people with protected characteristics.

14.0 Planning Assessment

Impact on Heritage Asset, Setting and Conservation Area

Greenhill Gardens are described within the Weymouth Town Centre Conservation Appraisal (2012) to be an effective link between Esplanade and Greenhill and are of prime importance in defining the “superior” character of the area. As noted within the Listing description, the chalet buildings are considered a rare example of elaborately designed beach facilities, representative of an influential period in the development of Weymouth’s seafront.

The heritage asset relevant to this proposal is the Grade II Listed beach chalet buildings, their setting and the Weymouth Town Centre Conservation Area. The proposal seeks to address the current poor state of repair of the existing ironwork and preserve with specialist paint. To enable the use of appropriate paint the colour would need to alter from blue to dark grey, this is due to the minimal number of colours to which the specialist paint is produced. The supporting documentation from GCT (C.I.C) gives a link to the data sheet for this specialist paint and examples of other coastal structures to which it has been applied.

The principle of the proposed works, painting the ironwork, would preserve and enhance this Listed building and therefore would not result in any harm to the significance of the Listed building. The proposed painting of the ironwork with specialist paint is supported.

The metalwork is currently painted blue, similar to various street furniture and features around the area, these all corresponded with the conservation zone colour theme created in 2012 for the Olympics. However, as demonstrated within the accompanying Design, Access and Heritage Statement, this was not the original colour of the

ironwork. In 1923, during construction, there is historic written evidence that the ironwork was painted Foliac grey and this is further confirmed by an historic postcard estimated to be dated c.1930s. This appears to have been the continuous colour of the ironwork right until 2012.

Page 82 of the Weymouth Town Centre Conservation Appraisal (2012) displays a photograph of the chalets with black painted metalwork and blue doors. The proposal would see the retention of blue doors enabling the building to retain connection with the conservation zone colours however Listed buildings are not required to tie in with street furniture and display boards. These chalet buildings were Listed for their architectural and historic interest with a key feature being the elaborate ironwork. The proposed works would not only preserve and enhance this ironwork but also reinstate the original historic colour.

It is considered that the proposal would preserve and enhance the heritage asset. The proposal would not be detrimental to the special architectural and historic interest and therefore would not result in harm to the significance of the Listed building. The proposed works would also improve the setting of this building and the surrounding areas and improve 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.

15.0 Conclusion

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 proposal would preserve and enhance the Grade II Listed chalet buildings, 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 Plan – TQRQM23088112102856 DATED 29 Mar 2023

Existing Elevations – GCB 001

Existing Elevations – GCB 002

Proposed Elevations – GCB 003

Proposed Elevations – GCB 004

Design, Access and Heritage Statement (submitted 30/03/2023)

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

3. Prior to the commencement of the work(s) hereby approved details of the Micaceous Iron Oxide (MIO) coating and semi-gloss MIO finish shall be submitted to the Local Planning Authority and a test area prepared on site for inspection by the Local Planning Authority. Thereafter the development shall not proceed until the details and test area have been agreed in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory visual appearance and finish of the proposed works in the interests of the historic asset.

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