



# Western and Southern Area Planning Committee

**Date:** Thursday, 7 September 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, Bill Pipe, Kate Wheller, Sarah Williams and John Worth

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

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

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## Agenda

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

**3. MINUTES** 5 - 28

To confirm the minutes of the meeting held on 20 July 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 5 September 2023.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission.

- |    |  |         |
|----|--|---------|
| a) | Application P/FUL/2022/07710 Newlands Farm, Coldharbour, Chickerell<br>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. | 29 - 42 |
| b) | Application P/OUT/2021/05309 Land Adjacent Broadmead, Broadmayne<br>Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only).               | 43 - 60 |

An Appendix – Committee report from July 2023 has been attached to this item for information only.

**Appendix 1 - Committee Report July 2023**

- |    |  |              |
|----|--|--------------|
| c) | Application P/FUL/2021/0525 Land Adjacent Broadmead, Broadmayne<br>Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road. | 105 -<br>124 |
|----|--|--------------|

An Appendix – Committee report from July 2023 has been attached to this item for information only.

**Appendix 2 - Committee Report July 2023**

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|----|--|--------------|
| d) | Application P/OUT/2022/00852 Land at Newton's Road, Weymouth, DT4 8UR<br>Outline Application for mixed use development comprising up to 141 dwellings (Use Class C3) and 60 bed care home (Use Class C2), with up to 340 sqm associated leisure floorspace | 145 -<br>204 |
|----|--|--------------|

comprising gym, swimming pool / spa (Sui Generis); up to 1,186 sqm office /light industrial floorspace (Use Class E(g)); up to 328 sqm restaurant floorspace (Class E(b)); with associated car parking, public open space, public realm, cliff stabilisation & sea defence works, with vehicular and pedestrian access from Newtons Road & associated infrastructure - some matters reserved (appearance & landscaping)

- |    |  |              |
|----|--|--------------|
| e) | Application P/FUL/2022/06311 West Bay Holiday Park, Forty Foot Way, West Bay, DT6 4HB<br>New converted shipping container catering unit.   | 205 -<br>218 |
| f) | Application P/FUL/2023/00384 Highlands End Holiday Park<br>Highlands End Eype DT6 6AR<br>Installation 300 ground mounted photovoltaic (Solar Panels) to provide carbon free electricity for Park.  | 219 -<br>238 |
| g) | Application P/FUL/2022/06870 Meadow Barn Care Farm, Land west of Seaview Farm, Ash Lane, Salwayash, Dorset, DT6 5JA<br>Siting of a temporary rural worker's dwelling, erect extension to existing barn and change of use of land and buildings to a mixed use of agriculture and community education facility. | 239 -<br>258 |

## 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.

**There is no scheduled exempt business for this meeting.**

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## WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 20 JULY 2023

**Present:** Cllrs David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Dave Bolwell, Kelvin Clayton, Susan Cocking, Nick Ireland, Paul Kimber, Louie O'Leary, Mary Penfold (Left the meeting at 13:41), Sarah Williams, Kate Wheller and John Worth

**Also present:** Cllrs Graham Carr-Jones and David Walsh

**Also present remotely:** Cllr Belinda Bawden

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Apprentice Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), Matthew Pochin-Hawkes (Lead Project Officer), Steve Savage (Transport Development Liaison Manager) and Katrina Trevett (Development Management Team Leader) and Nicola Yeates (Conservation and Design Officer)

#### 24. **Apologies**

No apologies for absence were received at the meeting.

#### 25. **Declarations of Interest**

Cllr O'Leary declared an interest in item 5a, due to having participated in the committee in 2019 when a previous application for the same building was considered, however was not predetermined on the new application. Cllr O'Leary also declared an interest in item 5i, due to having had discussions around the Greenhill Chalet Buildings before, but was not predetermined on the application.

Cllr Shortell declared an interest in item 5a, also due to being present on the committee that determined the 2019 application, however was not predetermined on the application.

Cllr Penfold declared that regarding item 5a, she was a member of the Harbour's Advisory Committee, however this application had not been discussed by that committee. Cllr Penfold also disclosed that she had been contacted by Abri regarding item 5b, but no discussion had taken place.

Cllr Worth declared an interest in item 5d, stating that he sat as Chair of Chickerell Town Council Planning Committee, but did not take part in any debate or vote on that committee.

Cllr Wheller declared an interest in items 5a and 5i, due to having been involved in discussions about the North Quay building and Greenhill Chalet buildings in the past, however was not predetermined on either application.

Cllr Kimber declared, regarding item 5a that he had used the building as a councillor, however, was not predetermined on the application.

26. **Minutes**

The minutes of the meeting held on 15 June 2023 were confirmed and signed.

27. **Registration for public speaking and statements**

Public representations were received at this point for item 5i from Ms Brown, on behalf of the applicant and Mr Spooner, as a trustee of the Residents of Greenhill Gardens Group. They supported the application and noted the importance of restoring the building to its original condition and improving the longevity of the building.

28. **Planning Applications**

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

**P/FUL/2023/01846 Former Council Offices, North Quay, Weymouth, DT4 8TA**

- a) The Senior Planning Officer presented the application for the demolition of the former council building and creation of additional parking spaces. The committee were made aware of a late representation that had been received, the details of which had been included in an update sheet. The committee were informed of a previous application for the building that had been considered in 2019, since which the building had been unoccupied, resulting in water damage to the building and that the committee were not bound by the decision made in 2019, as this was a new application.

Members were shown a map with the site outlined and the nearby listed buildings, as well as a layout plan showing the footprint of the existing building and the location of the 45 car parking spaces that would be created as part of the application. The Senior Planning Officer explained that, to compensate for the loss of 6 trees, 10 new trees would be planted on the site. Photographs of the building from various angles and the area surrounding the site were shown to members, in addition to photographs of the existing car park.

The Senior Planning Officer summarised the key planning considerations for the application. This included the heritage aspects, archaeological interest, residential amenity, ecological considerations, flood risk, land contamination and highways. All of which, were considered to be acceptable and any concerns had been addressed through condition.

Public representations were received from Mr Johnson, Mr Perry, Mr West and Cllrs Ferrari and Heaton, who spoke in opposition to the application. The speakers noted the environmental impact of the application and challenged the carbon analysis figures provided in the application.

Ms Spiller, the representative of the applicant also spoke in support of the application, emphasising the need for the rejuvenation of the area and the damage the building had suffered from being unoccupied for several years.

In response to questions from members the Senior Planning Officer stated the following:

- Funding for the development was not a material planning consideration and although funding had been secured for this project, no weight had been attached to that.
- The retaining walls are not a part of the application, but a demolition plan was included in the report, which considered how the surrounding area would be affected by demolition.
- Conditioning electric vehicle charging points would be not be appropriate due to the small scale of the development and the limited time scale of the permission.
- After three years the applicant would either have to reapply for permission or apply for a new application to redevelop the site.
- A condition could be included to ensure that the retaining walls were safeguarded.

Several members expressed concern over the application, due to the lack of plans around redevelopment of the site and felt that the site could be better used for purposes other than car parking. Other members felt that the building had remained unoccupied for too long and was an eyesore within Weymouth, therefore supported the recommendation to grant permission. Members agreed that a condition protecting the retaining walls adjacent to the application site should be included in the proposal.

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

Decision: That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to grant subject to the recommended conditions and to a further additional condition to provide measures to protect the sites boundary walls during the demolition/construction process (the latter condition wording to be first agreed with the Committee Chairman).

**P/OUT/2021/05309 Land Adjacent Broadmead, Broadmayne**

- b) The Lead Project Officer presented the application for the outline permission for up to 80 dwellings. Members were shown the location of the application site within Broadmayne and it was noted that the site fell outside of the Defined Development Boundary. The site was made up of 30% Grade 2 and 70% Grade 3a agricultural land, which was classified as very good and good.

The Lead Project Officer showed photographs of the site and the surrounding area and explained that the south of the site was affected by surface water flooding. The application included a 45% contribution to affordable housing, which had been increased from 35% and 80 dwellings, which had been reduced from 90. It was also noted that the applicant had the intention of providing an affordable housing contribution of 100%, however this had not been secured.

Members were informed of the planning benefits of the application, which included 80 new dwellings, 45% of which would be affordable, the SANG and biodiversity benefits. There had been 144 public objections to the application and common objections included, the impact on the AONB, the impact on the character of the area and the scale and density of the development.

The Lead Project Officer noted that because Dorset Council could demonstrate a five-year housing land supply, full weight ought to be given to the Local Plan and due to the application site falling outside of the Defined Development Boundary and the loss of agricultural land the application was in conflict with policy SUS2 in the Local Policy Plan.

Public representations were received from Mr. Mason, Mr. Eason, Mr. Cady, Mr. Stubbing and Cllr Diamond in opposition to the application. Their concerns included, the large scale of the development, which would increase the population of Broadmayne by around 10% and the lack of services to support this population increase. The development falling outside of the Defined Development Boundary and the significant local opposition were also raised.

Mr. Stone a representative of the applicant, Mr. Jones and Cllr Carr-Jones spoke in support of the application. They noted that there was a need for affordable housing within Dorset and this scheme would deliver a range of different types of housing.

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

- The applicant is only able to commit to providing a 45% contribution to affordable housing but have the intention of providing 100% subject to funding.
- Allocation of the affordable housing would follow the standard procedure.

Several members felt that the application was in contradiction to local policies and should be refused on those grounds.



Proposed by Cllr Worth and seconded by Cllr Cocking.

Proposal to refuse permission for the application failed.

Other members felt that this application provided a positive contribution to much needed housing in the area and the 45% contribution would benefit the local housing market.

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

Decision: That the application be deferred to a subsequent meeting for members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

### **P/FUL/2021/05255 Land Adjacent Broadmead, Broadmayne**

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

Decision: That the application be deferred to allow the report to be revised following the approval of the outline application.

The meeting was adjourned at 13:41.

Cllr Penfold and Cllr Wheller left the Council Chamber at 13:41.

### **P/FUL/2022/07710 Newlands Farm, Coldharbour, Chickerell**

d) The Senior Planning Officer presented the application for the change of use of land from agricultural use to storage (B8) and the siting of 43 shipping containers, some of which were already situated on the site.

Members were shown the location and an aerial view of the site, which comprised of a large yard area with storage containers on site. The proposed layout of the development was shown, with a storage barn and five visitor parking spaces, along with shipping containers located at the southern end of the site. Photographs of the existing site were also shown, as well as photographs of the access to the site and the proposed parking area.

The Senior Planning Officer summarised the main planning issues including, the principle of development, the effect on landscape and amenity, the effect on residential amenity and highways safety, all of which were considered acceptable.

There was public representation received from Mr. Tregay, who spoke on behalf of the applicant and noted that this was not a waste transfer site but simply a storage site and there were no objections from Dorset Council's Highways team or other consultees.

Several members expressed concern over various highways issues with the application and due to the lack of a Highway's Officer attending the meeting these questions were not able to be addressed.

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

Decision: That the application be deferred until a later meeting, where a Highway's Officer could be present.

**P/FUL/2023/01475 Atlantic Academy Portland, Lerret Road, Portland, Dorset, DT5 1FN**

- e) Cllr Wheller returned to the Council Chamber at 14:37.

The Development Management Team Leader presented the application for works to the Atlantic Academy Portland and explained that it had come to the committee for determination because the site was located on Dorset Council land.

Members were shown the application site within Portland and the site plan, which showed the oval building of the previous primary school and various areas of hard standing around the building. The arrangement of the proposed development was also shown, with the new parking area and electric vehicle charging stations.

In response to questions from members the Development Management Team Leader explained that the application should help alleviate parking concerns for the school.

Proposed by Cllr Cocking and seconded by Cllr Kimber.

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

**P/FUL/2023/00766 The Town Mill, Mill Lane, Lyme Regis, DT7 3PU**

- f) Applications, P/FUL/2023/00766, P/LBC/2023/00767 and P/ADV/2023/01041 were presented as a single presentation as they all related to works on the Town Mill in Lyme Regis.

The Development Management Team Leader presented these applications, which sought to improve the infrastructure of the site and provide a singular appearance across the site and it was explained that the Town Mill was a Grade II listed building.

Members were shown a map of Lyme Regis with the application site outlined, in addition to photographs of the existing site, showing the various different units.

The Development Management Team Leader provided a site plan and listed the various different improvements that were included within the application, including new fencing, a new gate and external stairs to be added to the garden, replacement railings, a new archway and a serving hatch to be installed. A concern was raised by Dorset Council's Conservation Team about the serving hatch, due to a loss of historic materials, however this was considered to be outweighed by the benefits it would provide.

Public representation was received from Cllr Bawden and read on her behalf by the Chairman. She expressed support for the application and noted that it would deliver benefits to Lyme Regis by improving the site.

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

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

**P/LBC/2023/00767 The Town Mill, Mill Lane, Lyme Regis, DT7 3PU**

g) Proposed by Cllr O'Leary and seconded by Cllr Bolwell.

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

**P/ADV/2023/01041 The Town Mill, Mill Lane, Lyme Regis, DT7 3PU**

h) Proposed by Cllr O'Leary and seconded by Cllr Bolwell.

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

**P/LBC/2023/01913 Greenhill Chalet Buildings, Weymouth**

i) The Conservation and Design Officer presented the application to change the colour of the painted metal work from the existing blue to grey. It was explained that this application had come to the committee for determination because the site was located on Dorset Council land and there had been objections from Weymouth Town Council.

Members were shown photographs of the existing iron railings and it was explained that the current paint was insufficient to protect the railings from the weather and prevent rust. The railings had been painted blue in 2012, for the Olympics and were going to be returned to the original grey colour, while the doors of the building would remain blue. There was not considered to be any impact on the heritage assets and the proposal would enhance and protect the building.

In response to questions from members the Conservation and Design Officer explained that there was no previous planning history for the site as Listed Building Consent was not sought when the railings were painted

in 2012.

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

Decision: That the application was granted subject to the conditions set out in the appendix to these minutes.

29. **Urgent items**

There were no urgent items.

30. **Exempt Business**

There was no exempt business.

**Decision Sheet**

**Duration of meeting:** 10.02 am - 3.16 pm

**Chairman**

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## Western & Southern Area Planning Committee 20 July 2023 2023 Decision List

**Application Reference:** P/FUL/2023/01846

**Application Site:** 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.

**Recommendation:** Grant subject to conditions.

**Decision:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the following conditions and a condition to protect the boundary walls during the demolition of the building, the wording of which shall first have been agreed with the chairman of the committee.

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 31<sup>st</sup> 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 Reference:** P/OUT/2021/05309

**Application Site:** 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).

**Recommendation:** Refuse

**Decision:** The committee were minded to delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a legal agreement and planning conditions and deferred the item to a later committee meeting to consider a report regarding suitably worded planning conditions.

**Application Reference:** P/FUL/2021/05255

**Application Site:** 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

**Recommendation:** Refuse



**Decision:** Deferred for consideration at a later meeting in order that the matter can be considered further by officers given member's resolution on the outline planning application.

**Application Reference:** P/FUL/2022/07710

**Application Site:** 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

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following 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 in accordance with the positions and footprints shown on drawing no. 3114/02F and there shall be no stacking of storage containers on top of each other (double stacking).

Reason: To ensure the authorised use is clearly defined for the avoidance of doubt.

3. No vehicles shall access nor leave the site and no activity shall take place in connection with the storage (class B8) use 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. No vehicles shall access nor leave the site and no activity shall take place in connection with 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 specified.

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.

7. The storage of skips shall only occur in the area hatched green on drawing no. 3114/02F.

Reason: In the interests of visual amenity.

**Informatives:**

NPPF  
EA informative

**Application Reference:** P/FUL/2023/01475

**Application Site:** 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.

**Recommendation:** Grant planning permission subject to conditions

**Decision:** That the application be granted subject to the following conditions.

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

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

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

Location Plan

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](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, 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 Reference:** P/FUL/2023/00766

**Application Site:** 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.

**Recommendation:** Grant subject to conditions

**Decision:** That the application be granted subject to the following conditions.

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

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

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

|                         |   |                   |
|-------------------------|---|-------------------|
| Location plan           | – | 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.

**Application Reference:** P/LBC/2023/00767

**Application Site:** 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.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following 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 |
| D- Replacement gates    | - | Dwg No. C2254.03  |
| E- New gate and stairs  | - | Dwg No. C2254.04B |
| F- 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.



**Application Reference:** P/ADV/2023/01041

**Application Site:** The Town Mill, Mill Lane, Lyme Regis, DT7 3PU

**Proposal:** Replace existing entrance sign with new entrance sign over footpath.

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following 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.

**Application Reference:** P/LBC/2023/01913

**Application Site:** Greenhill Chalet Building, Weymouth

**Proposal:** Change of colour of the painted metalwork from the existing blue to the original grey

**Recommendation:** Grant subject to conditions.

**Decision:** That the application be granted subject to the following conditions.

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

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

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

Location Plan – 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.



|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | P/FUL/2022/07710   |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>  |
| <b>Site address:</b>       | Land And Buildings Known As Newlands Farm Coldharbour<br>Chickerell  |
| <b>Proposal:</b>           | 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 |
| <b>Applicant name:</b>     | Mr Legg  |
| <b>Case Officer:</b>       | Bob Burden   |
| <b>Ward Member(s):</b>     | Cllr Dunseith, Cllr Worth  |

**1.0** *This application was deferred by the Committee at the July 2023 Meeting in order to request the Highways Officer attend to brief Members on highway matters.*

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**

| <b>Issue</b>                           | <b>Conclusion</b>   |
|--|---|
| 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.

Vehicle access construction:

Before the development is utilised the first 10.00 metres of the vehicle access, measured from the rear edge of the highway and 4.0 metres kerbing each side of the access (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

Visibility splays as shown:

Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 3114/02 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

**INFORMATIVE NOTE: Dorset Highways**

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

**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 form 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 planning conditions clarifying the parking, manoeuvring, loading/unloading of vehicles, provision of visibility splays and additional access hard-surfacing in accordance with the submitted plan 3114/02 G.

#### **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 G

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 in accordance with the positions and footprints shown on drawing no. 3114/02F and there shall be no stacking of storage containers on top of each other (double stacking).

Reason: To ensure the authorised use is clearly defined for the avoidance of doubt.

3. No vehicles shall access nor leave the site and no activity shall take place in connection with the storage (class B8) use 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. No vehicles shall access nor leave the site and no activity shall take place in connection with 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 3 months of the date of this permission the areas shown on plan 3114/02 G 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.

5. Within 3 months of the date of this permission the first 10.00 metres of the vehicle access, measured from the rear edge of the highway and 4.0 metres kerbing each side of the access (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority.

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

6. Within 3 months of the date of this permission the visibility splay areas as shown on Drawing Number 3114/02 G must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

7. The soft landscaping works detailed on approved drawing 3114/02 G 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.

8. 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.

9. The storage of skips shall only occur in the area hatched green on drawing no. 3114/02 G.

Reason: In the interests of visual amenity.

**Informatives:**

NPPF

Highways informative

EA informative

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

**1.0** This application has been brought to committee in accordance with member's minded to resolution at the 20 July 2023 Western and Southern Area Planning Committee, to consider planning conditions and S106 legal agreement requirements.

**2.0 Summary of 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 S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to be intermediate affordable housing.
2. Local Area for Play (LAP) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
  - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
  - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
  - iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;

- iv. 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; and
  - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution.
  5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with the submitted Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.

And the conditions detailed at Section 9 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 at Section 9 of this Report if the S106 Legal Agreement is not completed by 7 March 2024 (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:

### 3.0 Reason for the recommendation:

Further to the resolution of the 20 July Western and Southern Area Planning Committee, the planning obligations and conditions detailed within this report are considered necessary to make the development acceptable in planning terms.

### 4.0 Key planning issues / Section 106 Heads of Terms

| Section 106 Heads of Terms          | Conclusion  |
|-------------------------------------|---|
| Affordable housing                  | Provision of 45% affordable housing accords with resolution of 20 July Committee and exceeds the 35% policy requirement of Policy HOUS1. Provision to be secured via a Section 106 Agreement. |
| Play space                          | On site provision of a Local Area for Play is necessary to make the development acceptable in planning terms.   |
| Access, highways and highway safety | No unacceptable impacts on highway safety and the residual impacts on the road network would not be severe subject to planning conditions and securing off-site works.                        |
| SANG                                | Provision of a SANG is required to mitigate adverse impacts on Dorset Heathlands.   |
| Nutrient Neutrality                 | Off-site mitigation required to be secured via the S106 legal agreement.  |

### 5.0 Background

5.1 At the 20 July 2023 Western and Southern Area Planning Committee Member's considered the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent committee meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

5.2 This report outlines the Section 106 Heads of Terms and planning conditions considered necessary to make the development acceptable in planning terms having regard to the resolution of the 20 July 2023 Western and Southern Area Planning Committee.

5.3 Please refer to the Officer Report to the 20 July 2023 Western and Southern Planning Committee (Appendix 1) for: a description of the site; overview of the proposed development; summary of planning history; list of constraints; summary of consultations; schedule of relevant planning policies and material considerations; consideration of human rights, Public Sector Equalities Duty and climate implications; and assessment of the proposed development (including commentary on planning conditions).

5.4 In accordance with the Council's Protocol for Councillors and Officers dealing with Planning Matters, correspondence from the Applicant issued to some Members ahead of the 20 July committee has been shared with Officers and added to the Council's online Planning Register. The correspondence comprised two documents providing a Committee Briefing Document and an affordable housing note. The documents note the applicant's intention to provide a 100% affordable housing development as reiterated in their verbal update to committee and considered in the Officer Report.

## 6.0 Financial benefits

| What   | Amount / value   |
|--|--|
| <b>Material Considerations</b>   |  |
| 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<br>- Public open space within residential parcel: 12,985sq.m (including play space)<br>- 100sq.m Local Area for Play (LAP) 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.  |
| <b>Non-Material Considerations</b>   |  |
| 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. |

## 7.0 Planning Assessment

7.1 This assessment is structured around the proposed Section 106 Heads of Terms. The proposed Heads of Terms relate to:

1. Affordable housing provision
2. Play space provision
3. Off-site highway improvements
4. Provision of a Suitable Alternative Natural Greenspace (SANG)
5. Nutrient neutrality

7.2 Each is considered in turn.

### Affordable Housing Provision:

7.3 As reported in the 20 July Committee Report (Para. 15.25) the proposal is for 45% affordable housing which is the maximum that can be secured by way of a planning obligation. 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.

7.4 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% of the provision, with the remainder being shared ownership.

7.5 As reported in the 20 July Committee Report (Para. 15.25) enhanced affordable housing provision beyond the policy requirement of 35% can be secured given 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.

7.6 The recommended affordable housing related planning obligation would secure:

*“36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to be intermediate affordable housing.”*

7.7 The detailed Section 106 Agreement would require all affordable housing units to be occupied by Local Needs Persons defined as persons in housing need who are registered on the Council’s Housing Register. Preference would be given to persons who have a local connection to the area.

### Play space provision:

7.8 The 20 July Committee Report reported (Para. 15.46) that the Urban Design Officer requested a Locally Equipped Area for Play (LEAP) be incorporated into the proposals and identified provision of a 400sq.m LEAP as a benefit (Section 13). The report also noted the applicant advises play space can be provided in accordance with the Fields in Trust Guidance for Outdoor Sport and Play (November 2020). 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.

7.9 The proposed provision of play space has been considered further, since the July committee meeting. Field in Trust Guidance recommends Local Areas for Play (LAPs) are provided within 100m walk of developments of up to 200 dwellings and Locally Equipped Areas for Play (LEAPs) are provided within 400m of development of up to 200 dwellings.

7.10 Within Broadmayne a children's play area is located to the south of Chalky Road. It provides a variety of equipment for children aged 2-12 years and includes toddler and junior swings, a tunnel, roundabout and a larger piece of multi-play equipment featuring a climbing board, rope bridge and a slide.

7.11 Given the proximity of the play area within 400m of the application site, on site provision of a LEAP is not considered necessary to make the development acceptable in planning terms. This is due to children having suitable access to nearby play facilities. Notably access to the existing facilities would be improved through the off-site highway improvements which would provide footways on route to the play area. Nevertheless, any Community Infrastructure Levy (CIL) contributions could support enhanced provision of existing facilities.

7.12 A LAP would be required to make the development acceptable in accordance with Fields in Trust Guidance. Such provision is proposed to be secured via the Section 106 and would be expected to provide a minimum activity zone of 100sq.m and accord with the minimum separation distances with nearby dwellings.

7.13 The recommended play space related planning obligation would secure:

*“Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.”*

7.14 The detailed wording of the Section 106 would provide flexibility for the play space to be managed by the applicant, a third party or adopted by Dorset Council.

Off-site highway improvements:

7.15 The 20 July Committee Report reported noted the Highways Authority had no objection to the proposed development subject to planning conditions and securing the off-site highway works and Traffic Regulation Order.

7.16 Accordingly, the following are proposed to be secured via planning obligation:

*“Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:*

- i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;*
- ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;*
- iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;*
- iv. 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; and*
- v. Access only signage to Bramble Drove, which is a private road.”*

7.17 The detailed wording of the Section 106 would include timescales for delivery before any dwellings are occupied.

Provision of a Suitable Alternative Natural Greenspace (SANG):

7.18 As set out within the 20 July Committee Report, the provision of a SANG is necessary to mitigate the impacts of development on Dorset Heathland as required by the Dorset Heathlands Planning Framework 2020- 2025 SPD.

7.19 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. Within West Dorset, SAMM would be secured through CIL.

7.20 The provision of a SANG is considered to provide appropriate mitigation in accordance with the Dorset Heathlands Planning Framework 2020- 2025 SPD. The SANG related planning obligation would secure:

*“Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution.”*

7.21 The detailed wording of the Section 106 would secure the implementation, maintenance and management of the proposed SANG area and a payment of a SANG Step In Contribution (to safeguard the Council against deficiencies in the owner’s management). Wording would be worked up in collaboration with the council’s Natural Environment Team.

Nutrient neutrality:



7.22 The 20 July Planning Committee Report identified (Para. 15.79) that an offsite mitigation solution is proposed to deliver nutrient neutrality. This is necessary to ensure compliance 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).

7.23 The offsite mitigation is required to be delivered prior to occupation of the development. The proposed planning obligation to be secured via separate Section 106 Agreements would secure:

*“Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.”*

7.24 Given the obligation would relate to two off-site sites, it is proposed that separate Section 106 Agreements be agreed. Parties to each agreement would comprise the landowners, developer and Dorset Council.

7.25 On 29 August 2023 the Government announced it would amend the Levelling Up and Regeneration Bill to allow for the delivery of homes held up by nutrient neutrality requirements. To allow flexibility to respond to changing requirements, the Section 106 Agreements would include clauses for revised mitigation should current requirements to achieve nutrient neutrality be amended.

## **8.0 Conclusion**

8.1 At the 20 July 2023 Western and Southern Area Planning Committee Members considered the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

8.2 The Section 106 Heads of Terms identified above are considered to meet the Regulation 122(2) tests of the Community Infrastructure Regulations (2010), being: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

8.3 Planning conditions discussed in the 20 July Committee Report (Appendix 1) are also proposed.

## **9.0 Recommendation**

9.1 Further to the resolution of the 20 July Western and Southern Area Planning Committee, the planning obligations and conditions detailed within this report are considered necessary to make the development acceptable in planning terms.

**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 S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to intermediate affordable housing.
2. Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
  - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
  - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
  - iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;
  - iv. 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; and
  - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan
5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.

And subject to the planning conditions below:

**Approved Plans**

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

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

**Approval of Reserved Matters**

2. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

**Timescales – Reserved Matters**

3. Application(s) for approval of all reserved matters 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.

**Timescales – Commencement of Development**

4. 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).

**Access, Highway Layout, Turning and Parking Areas**

5. Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

**Visibility Splays**

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

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

### **Construction Traffic Management Plan**

7. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the 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) vehicle cleaning facilities
  - h) 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
  - i) a scheme of appropriate signing of vehicle route to the site
  - j) a route plan for all contractors and suppliers to be advised on
  - k) temporary traffic management measures where necessary

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

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

### **Construction Environmental Management Plan**

8. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP must include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs
- The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

### **Landscape and Ecological Management Plan**

9. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Landscape and Ecological Management Plan (LEMP) dated 8 February 2022 and certified by the Dorset Council Natural Environment Team on 16 March 2022 must be strictly adhered to during the carrying out of the development.

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

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

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

### **Samples of Materials**

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

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

### **Surface Water Management Scheme**

11. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and

hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details and timetable.

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

### **Surface Water Maintenance and Management**

12. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. These shall 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. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

### **Land Contamination**

13. 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 any necessary remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) where necessary, a detailed phasing scheme for the development and remedial works (including a time scale). 5) where necessary, 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.

14. Prior to the first occupation of the development a verification report to confirm that the development is fit for purpose following any 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.

15. 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 within the approved timescale. 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.

#### **Archaeology**

16. No works shall take place until the applicant has carried out a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To safeguard and/or record the archaeological interest on and around the site.

#### **Arboricultural Method Statement**

17. Prior to the commencement of any development hereby approved a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

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

#### **Minerals Safeguarding**

18. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during site preparation/construction works shall be submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:

- a. A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
- b. An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
- c. A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

### **Lighting Strategy**

19. Prior to commencement of work on the site, a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity (and the character of the area)

### **Cycle Parking**

20. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved facilities shall be installed and maintained, kept free from obstruction and available for the purpose specified.

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

### **Water Usage**

21. Details of measures to limit the water use of the dwelling(s) in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be



implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in Poole Harbour catchment in the interests of protected habitats.

**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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. Informative: This permission is subject to a agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to affordable housing, play space, off-site highway improvement works, SANG provision and off-site nutrient neutrality mitigation.

3. Informative: The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

4. 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](http://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering)

5. 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.

6. 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.

**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 7 March 2024 (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 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).
- 2 In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) 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.
- 3 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.
- 4 In the absence of a completed Section 106 legal agreement to secure a Local Area for Play (LAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 5 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).



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|----------------------------|---|
| <b>Application Number:</b> | P/OUT/2021/05309  |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>   |
| <b>Site address:</b>       | Land Adjacent Broadmead Broadmayne  |
| <b>Proposal:</b>           | Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only) |
| <b>Applicant name:</b>     | Southern Strategic Land LLP   |
| <b>Case Officer:</b>       | Matthew Pochin-Hawkes   |
| <b>Ward Member(s):</b>     | 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       |
|----------------------|--------|--------------------------|--------------|-------------|
| <b>No. Dwellings</b> | 44     | 20                       | 16           | <b>80</b>   |
| <b>% Dwellings</b>   | 55%    | 24.5%                    | 20.5%        | <b>100%</b> |

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**

| <b>Application No.</b> | <b>Proposal</b>  | <b>Decision</b>     | <b>Date</b>   |
|------------------------|--|---------------------|---------------|
| 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, SAMM 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:

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

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

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



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

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

## 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  |
|--|---|
| <b>Material Considerations</b>   |   |
| 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<br>- 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 |
| <b>Non-Material Considerations</b>                      |  |
| 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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|----------------------------|--|
| <b>Application Number:</b> | P/FUL/2021/05255   |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>  |
| <b>Site address:</b>       | Land Adjacent Broadmead, Broadmayne  |
| <b>Proposal:</b>           | Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road |
| <b>Applicant name:</b>     | Southern Strategic Land LLP  |
| <b>Case Officer:</b>       | Matthew Pochin-Hawkes  |
| <b>Ward Member(s):</b>     | 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:**

**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) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

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 7 March 2024 (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 the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) 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. 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.

## 4.0 Key planning issues

| Issue                                    | Conclusion  |
|--|---|
| Principle of development                 | The principle of development outside of the DDB is acceptable. Some policy conflict with the use of best and most versatile agricultural land.  |
| 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 Statement 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 comprising 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.

6.2. 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 70<sup>th</sup> 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. At the 20 July 2023 Western and Southern Area Planning Committee Members considered that the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent committee meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

7.3 Given the resolution on the associated residential application, the SANG application (this application) was deferred for consideration at the 7 September Western and Southern Area Planning Committee to allow the Officer Report (Appendix 2) to be reviewed.

7.4 In accordance with the Council's Protocol for Councillors and Officers dealing with Planning Matters, correspondence from the Applicant issued to some Members ahead of the 20 July committee has been shared with Officers and added to the council's online Planning Register. The correspondence comprised two documents providing a Committee Briefing Document and an affordable housing note. The Briefing Document noted the provision of a SANG and the community benefits it would provide.

## **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)

## **9.0 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. Note 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:

| <b>Topic</b>         | <b>Comments</b>   |
|----------------------|---|
| <b>SANG</b>          |   |
| Principle            | - SANG is not required.<br>- Loss of agricultural land.   |
| Local Character      | - Harm to local character.  |
| Highways and parking | - SANG will increase road traffic and footfall in Broadmead.<br>- Highway safety concerns with proposed haul road, including crossing public rights of way.<br>- Location of proposed access is inappropriate.<br>- 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; and
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 Paths within the SANG would comprise 3-4m wide mown paths. This may cause challenging surfacing conditions for wheelchair users, people with mobility issues and people pushing buggies. However, due to the contours and countryside location of the site partially within the Dorset AONB on site hard standing areas are not desirable as these would erode the openness and the ecological value of the site.

## 13.0 Financial benefits

| What  | Amount / value  |
|---|---|
| <b>Material Considerations</b>                          |   |
| 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. |
| <b>Non-Material Considerations</b>                      |   |
| 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 heartland. Mitigation measures are expected to be provided in perpetuity and operational before the occupation of new development.

15.5 The SANG is intended to 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 70<sup>th</sup> 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. 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. Accordingly, the loss of agricultural land therefore conflicts with Policy ENV8 of the Local Plan and the clear preference of the NPPF. However, members indicated at the July 2023 meeting of the Southern and Western Area Planning Committee that in considering the associated outline planning application for residential development they were minded to support the proposed development and as such the provision of the SANG would be necessary to mitigate the adverse impacts of the residential development.

#### 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.

15.19 The proposed drawings identify the provision of 86 trees and over 2,300 shrubs across the site. Whilst much of the planting is required for provision of the SANG, the works would deliver a biodiversity net gain.

15.20 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.

15.21 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.

15.22 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.

15.23 SAMM, which forms the second strand of the strategy, requires that contributions be secured 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. Within West Dorset SAMM is paid for through CIL.

15.24 A S106 legal agreement would secure the implementation, maintenance and management of the proposed SANG area and the payment of a SANG Step In Contribution (to safeguard the Council against deficiencies in the owner's management)

15.25 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*

15.26 The associated residential development site falls within the catchment area of Poole Harbour, an internationally protected site.

15.27 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.

15.28 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 of 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

15.29 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

15.30 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.

15.31 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 70<sup>th</sup> dwelling). Nevertheless, with appropriate planning conditions in place to secure good construction management (including a Construction Traffic Management Plan and Construction Environmental Management Plan) the alternative routing of construction vehicles via Broadmead is not considered to result in significant adverse effects on residential amenity. Therefore the requirement for the haul road to be utilised is not necessary to make the development acceptable in planning terms and cannot be mandated.

15.32 Overall, there would be no significant adverse impacts on residential amenity and the proposals comply with Policy ENV16.

### Access and Parking

15.33 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.

15.34 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 in 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. The Highways Authority does not require construction traffic to utilise the haul road.

#### Archaeology

15.35 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.

15.36 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

15.37 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.

15.38 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

15.39 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 Environmental Statement is not required in this instance.

### **16.0 Conclusion**

16.1 Whilst there would be some conflict with Policy ENV8 objective of steering development towards areas of poorer quality agricultural land, the SANG is necessary to mitigate the adverse impacts of the associated residential development on Dorset Heathlands and is a suitable location immediately adjacent to the residential development. It is considered that the benefit of mitigating the adverse impact of the residential development and therefore the provision of housing and in particular 45% affordable housing in a moderately sustainable location outweighs the loss of the agricultural land. Weight can also be attached to the biodiversity net gain that can be secured.

16.2 Accordingly, the application is recommended for approval subject to the Section 106 heads of terms and planning conditions noted below.

### **17.0 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) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

Planning conditions:

#### **Time Limit**

1. The development to which this permission relates must be begun not later than the expiration of five 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).

#### **Approved Plans**

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

- Location Plan (ref: 21031-P001 Rev A)
- Indicative Site Layout Proposal (ref: 21031-003 Rev D)
- Phase 1 SANG: Soft Landscape Proposals (ref: edp7097\_d016e)
- Phase 2 SANG: Soft Landscape Proposals (ref: edp7097\_d013f)
- Proposed Broadmead Site Access General Arrangement (ref: 23054-04-6 Rev B)

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

#### **Arboricultural Method Statement**

3. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- i) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- ii) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- iii) a schedule of tree work conforming to BS3998;
- iv) details of the area for storage of materials, concrete mixing and any bonfires;
- v) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- vi) details of any no-dig specification for all works within the root protection area for retained trees;
- vii) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

### **Access details**

4. A scheme showing precise details of the access from the A352 must be submitted to and approved in writing by the Local Planning Authority prior to use of the access commencing for construction purposes. Thereafter the access shall be constructed in accordance with the approved details.

Reason: To ensure that a suitable vehicular access is provided.

### **Haul road details**

5. A scheme showing precise details of the haul road identified on Phase 1 SANG: Soft Landscape Proposals drawing (ref: edp7097\_d016e) and programme for use must be submitted to and approved in writing by the Local Planning Authority prior to construction of the haul road and use of the haul road commencing for construction purposes associated with the linked residential development to the south (ref: P/OUT/2021/05309). Thereafter the haul road shall be constructed in accordance with the approved details and maintained for the duration of the specified programme. Thereafter the haul road shall be removed.

Reason: To ensure that a suitable vehicular access is provided.

### **Vehicle Access Construction**

6. Before the development is first utilised the first 20 metres of the vehicle access from Broadmead, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

### **Visibility Splays**

7. Before the development hereby approved is first utilised the relevant visibility splay areas as shown on drawing 23054-04-6 Rev B must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

### **Minerals**

8. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during any site reparation/construction works shall be

submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:

- i) A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
- ii) An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
- iii) A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

### **Archaeological Method Statement**

9. No works shall take place until an Archaeological Method Statement identifying how the D-shaped enclosure (No. 1) and possible barrow (No. 2) identified at drawing KTD-DJS-Fig11 and KTD-DJS-Fig14 of the Archaeology and Heritage Assessment dated November 2021 (ref: edp7097\_r002d) would be protected during the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall proceed in strict accordance with the approved Archaeological Method Statement.

Reason: To safeguard potential archaeological interests on the site.

### **Informatives**

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309).

2. 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 applicants/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.

3. 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. Development, 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.

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

5. Informative: Contact Dorset Highways

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

**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 7 March 2024 (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 the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) 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. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | P/FUL/2021/05255   |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>  |
| <b>Site address:</b>       | Land Adjacent Broadmead, Broadmayne  |
| <b>Proposal:</b>           | Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road |
| <b>Applicant name:</b>     | Southern Strategic Land LLP  |
| <b>Case Officer:</b>       | Matthew Pochin-Hawkes  |
| <b>Ward Member(s):</b>     | 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 70<sup>th</sup> 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:

| <b>Topic</b>         | <b>Comments</b>   |
|----------------------|---|
| <b>SANG</b>          |   |
| Principle            | - SANG is not required.<br>- Loss of agricultural land.   |
| Local Character      | - Harm to local character.  |
| Highways and parking | - SANG will increase road traffic and footfall in Broadmead.<br>- Highway safety concerns with proposed haul road, including crossing public rights of way.<br>- Location of proposed access is inappropriate.<br>- 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   |
|---|--|
| <b>Material Considerations</b>                          |  |
| 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 |
| <b>Non-Material Considerations</b>                      |  |
| 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 heartland. 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 70<sup>th</sup> 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 70<sup>th</sup> 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/OUT/2022/00852  |
| Webpage:            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>   |
| Site address:       | Land At Newtons Road Weymouth DT4 8UR   |
| Proposal:           | Outline Application for mixed use development comprising up to 141 dwellings (Use Class C3) and 60 bed care home (Use Class C2), with up to 340 sqm associated leisure floorspace comprising gym, swimming pool / spa (Sui Generis); up to 1,186 sqm office /light industrial floorspace (Use Class E(g)); up to 328 sqm restaurant floorspace (Class E(b)); with associated car parking, public open space, public realm, cliff stabilisation & sea defence works, with vehicular and pedestrian access from Newtons Road & associated infrastructure - some matters reserved (appearance & landscaping) |
| Applicant name:     | Juno MMXX   |
| Case Officer:       | Matthew Pochin-Hawkes   |
| Ward Member(s):     | Cllr Heatley, Cllr Sutton and Cllr Wheeler  |

**1.0** Reason application is going to committee: 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:**

**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 to secure the following:

1. £45,000 Affordable Housing Off Site Contribution;
2. Waterfront pedestrian and cycle route;
3. Public WCs and changing facilities, including provision, public access and management; and
4. Travel Plans and Travel Plan Coordinator for 5 years including induction packs.

And the 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 at Section 17 of this Report if the S106 Legal Agreement is not completed by 7 March 2024 (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.

**3.0 Reason for the recommendation:**

- Redevelopment of a highly sustainable allocated brownfield site within Weymouth for an appropriate mix of residential and commercial uses.

- Delivery of public benefits, including: public access along the waterfront with new views of surrounding landscape and seascape; job creation; and public changing facilities supporting recreational activities.
- The lack of on-site affordable housing has been rigorously assessed and found to be acceptable due to the viability of the development, which is affected by significant site-specific abnormal costs.
- Harm to heritage assets and Dorset and East Devon UNESCO World Heritage Site are avoided.
- Adverse landscape and visual impacts are outweighed by the benefits of the proposal.
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

| Issue                       | Conclusion   |
|-----------------------------|--|
| Principle of development    | The site is allocated for employment or mixed use development in the Local Plan. Mixed use development is acceptable in principle subject to community benefits, including employment.   |
| Employment                  | The proposals would result in a broad range of employment opportunities across different sectors, including flexible office/light industrial space, hospitality and care. There would be no significant loss of jobs when compared to previous use of the site prior to demolition.  |
| Housing                     | 141 dwellings would make a significant contribution towards housing delivery through apartments and houses focused on 2-bedroom dwellings.   |
| Affordable housing          | Has been rigorously and independently assessed. Provision of on site affordable housing demonstrated not to be viable. Financial contribution of £48,000 to be secured via Section 106 legal agreement in lieu of affordable housing on site.  |
| Care home                   | Provision complies with Policy HOUS5 and would be consistent with former Care Village development.   |
| Design                      | Scale and layout has been informed by the character of the site. Illustrative Masterplan demonstrates site can be developed satisfactorily for future residents, users and visitors.   |
| Landscape and visual impact | Detrimental landscape and visual impacts would not be avoided. The level of harm is not considered to be significantly adverse although proposals would detract from local landscape character and visual amenity through the introduction of buildings of scale into a site where former industrial buildings have been demolished. |

|  |   |
|--|---|
| Dorset and East Devon UNESCO World Heritage Site (WHS) | Subject to conditions, the proposals would protect the WHS and avoid adverse impacts on the management and enjoyment of the WHS. The introduction of public access would allow better appreciation of the WHS and help to reveal its outstanding universal value. |
| Heritage   | No heritage harm to designated heritage assets through development within their setting.  |
| Highways, access and highway safety                    | Highway impacts would not be severe. Access would be appropriate and there are no highway safety concerns. Construction traffic to be controlled through a Construction Traffic Management Plan condition.  |
| Residential amenity                                    | Significant adverse impacts can be avoided and appropriate amenity can be secured via planning condition.   |
| Ecology and biodiversity                               | The proposals would deliver significant biodiversity net gains and impacts on Chesil and the Fleet would be mitigated via CIL. Acceptable subject to conditions.  |
| Flood risk and drainage                                | Has been thoroughly assessment. No objections from the EA or Flood Risk Management Team subject to planning conditions.   |
| Air quality  | Acceptable subject to conditions.   |
| Land stability   | Acceptable subject to conditions.   |
| Ground conditions                                      | Acceptable subject to conditions.   |

## 5.0 Description of Site

5.1 The site is approximately 4.78 hectares in size. It is located south east of Weymouth Town Centre on the former QinetiQ's employment site at Bingleaves Cove. The site is allocated (Policy WEY9 'Bingleaves Cove') for either employment development or a comprehensive mixed use development in the adopted West Dorset, Weymouth and Portland Local Plan (2015).

5.2 The site comprises land leading to Bingleaves Groyne (Grade II listed) including part of Newtons Road, the adjacent cliffs and sea defences.

5.3 The site previously included a number of buildings associated with the former QinetiQ's operation at the site (previously Defence, Evaluation & Research Agency – DERA). With the exception of a small single storey brick building at the entrance to the site all buildings associated with the former employment use have been demolished. The site is currently vacant.

5.4 The site is generally flat at a level between 3.0m AOD and 4.0m AOD. The western cliffs rise steeply to approximately 25m AOD at its highest point adjacent to Newtons Road.

5.5 The site is protected by substantial rock armour sea defences along its north eastern and south eastern frontages extending from the adjoining breakwater. The breakwater comprises Portland stone blocks piled onto the seabed, concrete revetments and rubble infill. Access to the Grade II listed breakwater is gained through the site.

5.6 The northern part of the site provides the sole vehicle and pedestrian access to the site. The access is currently gated and public access is prohibited. The western side of Newtons Road is fenced.

5.7 The southern part of the site comprises a small area of beach. It has not been easily accessible since the collapse of a stairway leading down from the adjacent cliffs. The entire landward western boundary, approximately 400m long, comprises a steep inaccessible cliff face with self-seeded trees, below the Bingleaves public open space; a popular open space for informal recreation and walking. The South West Coast Path runs through the Bingleaves public open space and follows Elizabeth Way through Nothe Gardens to Nothe Fort (Grade II\* listed) at the entrance to Weymouth Harbour.

5.8 The closest residential properties to the site are located to the west and south of Bingleaves public open space above the cliffs. Residential properties typically comprise a mix of 2-3 storey terraced, semi-detached and detached houses. Bungalows are located closer to the site at Redcliffe View. To the north of the site there are a series of buildings above the cliffs, including: two-storey residential properties; the modern Centre for Environment Fisheries and Aquaculture Science (CEFAS) building; and the Admiral's Quarter – contemporary residential properties with mono-pitched roofs and extensive areas of glazing fronting toward Nothe Gardens and Newtons Cove.

## **6.0 Description of Development**

6.1 The proposed development comprises an outline planning application with matters of access, scale and layout submitted in detail and matters of appearance and landscaping reserved for future consideration. It is accompanied by an Environmental Statement (ES) and a series of indicative drawings.

6.2 The mixed use proposals have been amended over the course of determination and comprises:

- up to 141 dwellings (Use Class C3);
- a 60 bed care home (Use Class C2);
- up to 340sq.m of leisure floorspace comprising a gym, swimming pool / spa (Sui Generis) associated with the dwellings;
- up to 1,186 sqm of office/light industrial floorspace (Use Class E(g));
- up to 328 sqm of restaurant floorspace (Class E(b));
- associated car parking, public open space, public realm, cliff stabilisation & sea defence works, with vehicular and pedestrian access from Newtons Road & associated infrastructure.

### *Access*

6.3 Vehicle and pedestrian access to the site would be provided via the existing access to the site, Newtons Cove.

### *Layout and Scale*

6.3 The proposed layout and scale of buildings is shown on the Parameter Plan. The Parameter Plan identifies five residential apartment blocks and a terrace of townhouses along the north east / seaward and south east harbour sides of the site. The apartment blocks would be built above a single storey podium level which would connect Block 1A, 1B and 1C and Blocks 2A and 2B. Residential building heights step down from the north of the site (six storeys) to the breakwater (four storeys).

6.4 The proposed office/light industrial building would be located in the south of the site and the proposed care home would be located in the centre of the site. A single storey public WC and changing block would be located at the entrance to the site.

6.5 The table below details the proposed building heights:

**Table 6.1 – Maximum building heights**

| <b>Building</b>   | <b>Heights</b> |
|---|----------------|
| Apartment Block 1A  | 5-6 storeys    |
| Apartment Block 1B  | 4-5 storeys    |
| Apartment Block 1C (including restaurant at ground floor) | 4 storey       |
| Apartment Block 2A (including leisure at ground floor)    | 5 storey       |
| Apartment Block 2B  | 5 storey       |
| Townhouses  | 3 storey       |
| Offices/Light Industrial Building                         | 4 storey       |
| Care Home   | 3 storey       |
| WC and changing block                                     | 1 storey       |

6.6 The proposed layout separates the proposed residential and non-residential uses through the location of residential buildings along the seaward and harbourside boundaries of the site and location of the care home and office/light industrial buildings in the south and central part of the site respectively. The layout provides for public realm, pedestrian and cycle access to the seaward (north east) and harbourside (south east) boundaries of the site. Vehicle access and car parking is located to the rear.

6.7 The layout of pedestrian and vehicle routes is detailed on the Parameter Plan. Whilst the detailed design and associated landscaping of these routes will be subject to future consideration, the location of the routes are for consideration at this outline stage. In summary, the layout of access routes within the site include:

1. Primary vehicular access from Newtons Road leading to site and looping around the care home;
2. Retained existing vehicle access to the breakwater;
3. Pedestrian and cycle link along the seaward and harbourside boundaries of the site leading from the northern entrance of the site, around the apartment blocks and returning through the interior of the site between Apartment Block 2B and the townhouses; and
4. A network of secondary vehicular, pedestrian and cycle links to each of the buildings within the centre of the site.

6.8 The layout of open and green spaces are also shown on the Parameter Plan and Amenity Areas Plan. The detailed design and landscaping would be subject to future consideration. The open and green spaces would comprise:

1. Retained cliffs;
2. Public amenity area within the north of the site adjacent to the access to the site;

3. Publicly accessible promenade around the eastern edges of the site and including a public viewpoint and seating area between Apartment Block 2B and the townhouses;
4. Public amenity area between the cliffs, townhouses and Apartment Block 2B;
5. Private gardens associated with the townhouses;
6. Private gardens associated with the care home; and
7. Two communal gardens associated with Apartment Blocks 1A-1C and 2A and 2B.

#### *Affordable Housing*

6.9 The applicant has submitted a Financial Viability Assessment which makes the case that 35% affordable housing is not viable and the proposed development cannot viably deliver any on-site affordable housing. The applicant's Financial Viability Assessment has been subject to independent review by the District Valuer Services (DVS).

#### *Indicative Masterplan*

6.10 The indicative drawings show one way in which the Parameter Plan could be interpreted via the subsequent Reserved Matters Application(s). The drawings show the potential appearance and landscaping of the proposals and are purely for illustrative purposes.

6.11 The indicative elevations are supplemented by indicative sea scene elevations from the north east and south west. They identify the height of: the top of the cliffs; approximate height of the care village development granted planning permission under WP/15/00833/FUL; the outline of the current application as originally submitted for planning; and the revised proposals. The indicative elevations show the eastern facades of residential buildings include large areas of glazing to benefit from the seaward aspect with materials comprising light coloured brick and differing tones of earth coloured cladding.

6.12 The indicative masterplan provides for 141 dwellings with the following housing mix including 1-3 bedroom apartments and 3 bedroom houses, as follows:

**Table 6.2 Illustrative Housing Mix**

| No. of bedrooms      | Apartments   |              |             | Houses      | Total       |
|----------------------|--------------|--------------|-------------|-------------|-------------|
|                      | 1-bed        | 2-bed        | 3-bed       | 3-bed       |             |
| Blocks 1A, 1B and 1C | 18           | 53           | 11          | 0           | 82          |
| Blocks 2A and 2B     | 24           | 27           | 0           | 0           | 51          |
| Townhouses           | 0            | 0            | 0           | 8           | 8           |
| <b>Total</b>         | <b>42</b>    | <b>80</b>    | <b>11</b>   | <b>8</b>    | <b>141</b>  |
| <b>Total (%)</b>     | <b>29.8%</b> | <b>56.7%</b> | <b>7.8%</b> | <b>5.7%</b> | <b>100%</b> |

#### *Environmental Impact Assessment (EIA)*

6.13 The development can be considered to fall within Parts 10 (b) 'Urban Development Projects' and (f) 'Construction of Roads' of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment ('EIA')) Regulations 2017 (as updated by the Town and Country Planning and Infrastructure Planning (EIA) ('the 2017 EIA Regulations'), as confirmed by a Scoping Opinion issued under reference P/ESP/2021/04153 in December 2021.

6.14 Due to the size and nature of the development it is considered likely to have significant effects on the environment and an EIA is required. Accordingly, the application is supported by an Environmental Statement. The Environmental Statement assesses the topics requested in the Council's Scoping Opinion.

6.15 This Environmental Statement has been reviewed by officers at the Council. It is considered that the Environmental Statement submitted adequately addresses the topics scoped in by the Council under reference P/ESP/2021/04153. The content of the Environmental Statement is discussed in the relevant sections of this report.

## 7.0 Relevant Planning History

7.1 The site has an extensive planning history. Comprehensive redevelopment of the site has been discussed for a number of years and a series of developments have been approved.

7.2 These include two key developments: a 2008 Mixed-use development (06/00915/OUTE) and a 2016 Care Village development (WP/15/00833/FUL). Neither of these approved developments were implemented and the permissions have now lapsed. In summary, these previously approved developments comprised:

### *Mixed Use Development (Approved 2008)*

7.3 In 2008 outline planning permission was approved for a mixed use development of flats, a hotel, retail and employment uses together with a privately operated launch facility, coastal defence works and open space. The development included buildings of up to 5 storeys. The application was initially refused by former Weymouth and Portland District Council (for highways, flooding and land contaminations reasons) before being allowed at appeal.

### *Care Village Development (Approved 2016)*

7.4 The Care Village development comprised 195 Supported Living Units, a 60 bed care home, 34 respite hotel suites, medical support facilities, common rooms, leisure facilities and offices, a commercial restaurant, museum and cafe together with a new promenade, improved coastal defence measures, gardens and underground parking.

7.5 The approved development included interlocking buildings ranging between 4 and 6 storeys in height with 7 storey rotunda linking elements. Following grant of full planning permission, the listed buildings on the site were subsequently demolished (WP/15/00875/LBC and WP/18/00598/VOC).

### *Allocation WEY9 – Bingleaves Cove*

7.6 Policy WEY9 allocates the site for either employment use appropriate to the maritime location of the site or a comprehensive mixed-use development which provides for community benefits, including sufficient employment uses to ensure no significant loss of potential jobs. Of relevance to the current development proposals, the site no longer provides any direct employment following the demolition of all former buildings on the site since the West Dorset, Weymouth and Portland Local Plan was adopted in 2015.

### *Proposed Development and Pre-Application Advice*

7.7 A series of pre-application meetings have been undertaken in relation to the current proposals and the Council has issued an EIA Scoping Opinion (P/ESP/2021/04153) to inform the preparation of the ES.

7.8 The planning history for the site is summarised in the table below:

**Table 7.1 Planning history**

| Application No.  | Proposal  | Decision                          |
|------------------|---|-----------------------------------|
| P/ESP/2021/04153 | Request for scoping opinion under Town and Country Planning Act, Environmental Impact Assessment Regulations 2017 (as amended), Regulation 6. Redevelopment of land at Newtons Road, Weymouth for a mixed-use residential development | Scoping Opinion issued 02/12/2021 |

|                                   |   |   |
|-----------------------------------|---|---|
| WP/18/00598/VOC                   | Demolition of all existing curtilage buildings within former QinetiQ Bingleaves site forming part of Bingleaves Groyne without compliance with Condition 3 of Planning Permission WP/15/00875/LBC   | Granted<br>10/06/2019   |
| WP/16/00859/FUL & WP/16/00860/LBC | Erect 2.5 metre high security fence, vehicular access & pedestrian gates to Bingleaves Groyne   | Granted<br>22/02/2017   |
| WP/15/00875/LBC                   | Demolition of all existing curtilage buildings within former QinetiQ Bingleaves site forming part of Bingleaves Groyne  | Granted<br>13/06/2016   |
| WP/15/00833/FUL                   | Erection of Care Village comprising 195 Supported Living Units, a 60 bed care home, 34 respite hotel suites, medical support facilities, common rooms, leisure facilities and offices, a commercial restaurant, museum, cafe and new promenade together with improved coastal defence measures, gardens and underground parking   | Granted<br>01/08/2016   |
| 06/00915/OUTE                     | Redevelopment of site to provide mixed use scheme comprising hotel (3904sqm Use Class C1), retail (800sqm Use Class A1), restaurant/cafes (775sqm Use Class A3), drinking establishments (300sqm Use Class A4), hot food takeaway (100sqm Use Class A5), business uses (450sqm Use Class B1) and non-residential institutions (200sqm Use Class D1) in 3 buildings of up to 3 storeys in height; 110 residential apartments (8564sqm Use Class C3) in 2 buildings of up to 5 storeys in height; car parking for 312 vehicles; privately operated launch facility; improvements to existing vehicular access; reinstatement of former stepped walkway to the south of the site, coastal defence works; and the provision of open space | Refused<br>07/03/2007<br><br>Reasons related to Highways, flooding and land contamination.<br><br>Permission subsequently granted on appeal in April 2008 following a Public Inquiry (APP/P1235/A/07/2053572) |



|               |   |                       |
|---------------|---|-----------------------|
| 06/00916/LBC  | Demolition of existing buildings on breakwater  | Granted<br>09/03/2007 |
| 03/00562/CLEU | Certificate of Lawfulness<br><br>For use as offices, research and light industrial purposes (B1 Use Class) together with ancillary storage/distribution (B8 Use Class), food and drink (A3 Use Class) and assembly and leisure use (D2 Use Class) | Granted<br>08/09/2003 |
| 01/00577/FUL3 | Coast protection works including associated landscaping, and new roundabout access  | Granted<br>09/01/2002 |

## 8.0 List of Constraints

Site allocation for employment or mixed-use development: Bincleaves Cove WEY9

Within Defined Development Boundary (DDB): The entirety of the site excluding the Newtons Road access falls within the DDB

Landscape Character Area: Urban Area

Jurassic Coast World Heritage Site (List Entry: 1000101)

Weymouth Town Centre Conservation Area: A small portion of the site close to Newtons Road mini-roundabout falls within the conservation area

Nearby heritage assets:

- Dorset and East Devon Coast UNESCO World Heritage Site (LE: 1000101)
- Nothe Fort Complex (LE: 1020063 & 1313430)
- Sandsfoot Casle (LE: 1020062 & 1096763)
- Verne Citadel (LE: 1002411)
- Bincleaves Groyne & North-Eastern Breakwater (LE: 1313401)
- Portland House (LE: 1389662)
- Weymouth Town Centre Conservation Area
- Belle Vue Road Conservation Area

Public Right of Way: Footpath S1/125 along the top of cliffs

Area of Potential cliff top recession 100 year, 50 year and 20 year (5% probability)

Chesil Beach & the Fleet SAC and RAMSAR: approximately 2.2km to west

Portland Harbour Shore Sites of Special Scientific Interest (SSSI): The cliffs and Newtons Road

Trees protected under Tree Preservation Order: within cliffs

Risk of Surface Water Flooding: 1 in 30/100/1,000year risk along Newtons Road and within the centre of the western part of the site

Flood Zone 1 (majority of site) and 2 and 3 (Beach in south of site)

Dorset Council Land (Freehold DT341704 & Leasehold DT440495): At Newtons Road mini-roundabout

## 9.0 Consultations

9.1 An **initial consultation** with statutory consultees, interest groups and local residents was undertaken between February and March 2022 following validation of the application. A number of representations were received as a result of this process (detailed below). In response to this, and following discussions between Officers and the applicant, the application was amended and revised/additional supporting documents and drawings were submitted in November 2022.

9.2 The revised submission included:

1. an adjusted application site boundary including additional land close to the Newtons Road mini-roundabout;
2. reduced quantum and scale of residential and employment development;
3. revised ES including a new chapter assessing the impacts of the proposal on the Jurassic Coast World Heritage Site;
4. revised Parameter Plan; and
5. an updated Transport Assessment.

9.3 A **second round** of consultation was undertaken between November and December 2022. This consultation gave rise to a number of comments and a sustained objection from the Environment Agency.

9.4 Following review of consultation responses and discussions between the Applicant, the Environment Agency and Dorset Council further amendments were made to the application in March and May 2023 comprising:

1. revised indicative proposals;
2. updated flood risk mitigation strategy, including extended sea defences and increased finished floor levels;
3. ES Addendum addressing Flood Risk and Drainage (Chapter 9) and the World Heritage Site (Chapter 12); and
4. updated Financial Viability Assessment.

9.5 A **third round** of consultation on the revised proposals was undertaken between May and July 2023.

9.6 In response to discussions between the Applicant and Weymouth Town Council, the Applicant submitted revised indicative drawings for the Office Building and revised Indicative Sea Scene and Proposed Visualisations on 4 July 2023. The changes committed to the reduction in the height of the Office Building to ensure it sits below the height of the adjacent cliff. These changes have not been subject to further consultation given the minor nature of the changes and confirmation from the Applicant that they do not affect the ES.

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

*Consultees*

## Environment Agency

9.7 Following submission of revised information, the Environment Agency (EA) confirmed on 19 June 2023 that its previous objection was withdrawn subject to planning conditions related to:

1. Flood risk management and sea defence scheme;
2. Foul drainage;
3. Water efficiency; and
4. Construction Environmental Management Plan (CEMP).

9.8 Given the outline nature of the application, the EA noted that that whilst the modelled coastal defence scheme does demonstrate scheme viability, it is considered to be a conceptual arrangement, and additional supporting modelling will be required at detailed design stage. At that stage the EA notes it would undertake a detailed technical model review.

9.9 The EA also recommends that all residential units which include ground floor accommodation should have a self-contained internal first floor safe haven (i.e. at least a first floor) with bedrooms limited to the first floor or above.

9.10 The response further recommends consultation with other consultees, including emergency planners and the emergency services.

## Historic England

9.11 Historic England confirm they are not offering advice on this application. Recommend views of Dorset Council's specialist conservation and archaeological advisers are sought.

Marine Management Organisation – No comments received.

## Natural England

9.12 Natural England consider the impacts of the proposal on a number of internationally and national designated site and make a number of recommendations, including securing: a detailed lighting scheme; Construction Environmental Management Plan (CEMP); and SSSI Management and Enhancement Plan. In summary:

- Chesil Beach and The Fleet SAC, SPA and Ramsar: Natural England advise the proposal will have a Likely Significant Effect on Chesil and the Fleet international wildlife site from increased recreational pressure. Providing the mitigation measures set out in Dorset Council's interim strategy for managing recreational pressure are implemented in full, Natural England is satisfied the proposal will not result in adverse effects on the sites.
- Portland Harbour Shore SSSI: Natural England has no objection in principle to the impacts on the SSSI. The proposal will avoid harm to the designated site through excessive shading. The recommended cliff stabilisation works have potential to harm the special interests of the site and a mechanism for managing the interpretation of the SSSI interests should be provided. In order to ensure the scheme avoids adverse impacts to the SSSI and provides appropriate enhancements any permission should secure the provision and implementation of an SSSI Management and Enhancement Plan.
- Dorset and East Devon Coast WHS: It is inevitable that the proposals will have adverse impacts on the coastal views from localities around Portland Harbour that may harm the setting of the WHS. Request Jurassic Coast Trust is consulted over the implications of the scheme on the WHS designation.
- Protection of marine environment: Request further intertidal and marine surveys to ensure new sea defences do not harm marine wildlife interests. Note appropriate silt traps and oil interceptors to prevent discharge of contaminated surface water to

Weymouth Bay and a requirement for maintenance of the surface water drainage strategy should be secured. Discharge of water to Portland Harbour should be avoided.

- External lighting: Lighting scheme should be secured to ensure lighting levels are minimised to avoid light spill on the SSSI cliff and marine habitat. Lighting scheme for construction and operation phases recommended.
- Biodiversity Plan: Provided the application is supported by a Biodiversity Plan approved by NET no further consultation with Natural England is required.

9.13 Following review of the Council's Habitat Regulations Assessment, Natural England confirmed agreement with the conclusion that Likely Significant Effects would be avoided though mitigation secured via the Community Infrastructure Levy (CIL).

#### Jurassic Coast Trust

9.14 The Trust's first set of comments requested that impacts on the Dorset and East Devon Coast World Heritage Site (WHS) be specifically assessed in a new chapter of the ES.

9.15 Following submission of the requested information, the Trust confirmed the ES Addendum deals specifically with the impacts of the development on the WHS and its setting. In general, the Trust does not consider the development to pose a threat to the exposed geology within the WHS. They welcome the potential for increased access and improved interpretation of its earth science interests and consider they form part of the mitigation against negative impacts so must be delivered if planning permission is approved. In addition, the Trust raised a series of detailed matters for further consideration by the applicant.

9.16 In response to the applicant's submission of additional information, the Trust's third set of comments of June 2023 note the applicant's responses and raise no further comments. The Trust confirmed it has no objection subject to the delivery of mitigation measures.

Adult Social Care – No comments received.

Asset and Property – No comments received.

#### Bournemouth Travel

9.17 Request a bus service should be established and the development should create space for bus turning.

Building Control – No comments received.

#### Coastal Risk Management

9.18 Coastal Risk Management (CRM) confirm support subject to planning conditions securing further studies, investigation and design work. CRM note the policy of 'hold the line' for this section of coast in the short, medium and longer term and note the existing sea defences are not sufficient to provide the required level of protection to the development due to wave overtopping.

9.19 CRM note the submitted cliff/slope stability report provides a general assessment of site conditions and makes some conclusions and recommendations regarding the stability of the adjacent cliff. CRM note there have been some fairly recent surface movement of the cliff and confirm further investigation is required to inform the design of future stabilisation works.

9.20 Identify the risk of flooding from wave overtopping.

#### Conservation

9.21 Support proposals subject to a planning condition requiring details of external materials to be submitted. Recommend an additional feature or features (e.g. public sculpture or interpretation) is included in the scheme in order to maximise opportunities and benefits through illuminating the site's unique history.

9.22 Conclude the proposal will result in no harm to the significance of nearby assets or any contribution made by their setting. Described and assessed heritage assets comprise: North Fort Complex (Scheduled Monument / Grade II\* Listed); Sandsford Castle (SM / GII\*); Verne Citadel (SM); Bingleaves Groyne and North East Breakwater (GII); Portland House (GII); Belle Vue Road Conservation Area; Weymouth Town Conservation Area.

9.23 In respect of the Dorset and East Devon Coast World Heritage Site, the Conservation Officer defers to any comments made by the Jurassic Coast Trust.

Crown Local Agent and Bailiff – No comments received.

#### Dorset & Wiltshire Fire & Rescue Service

9.24 Note the development would need to be designed and built to meet current Building Regulations requirements. Note recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010 and recommendations to improve safety and reduce property loss in the event of fire.

#### Dorset Clinical Commissioning Group

9.25 Note the reduction in the number of dwellings proposed. Request Section 106 contributions in accordance with Exploring Developer Contributions for NHS Infrastructure (v5 dated 3 November 2020).

Dorset Waste Partnership – No comments received.

#### Economic Development and Tourism

9.26 No objection. Note the development would provide employment opportunities within the care home and restaurant plus during construction.

Education Officer – No comments received.

#### Emergency Planning

9.27 Emergency Planning would advise residents and property owners to sign up to the EA flood warning service for that planning area and to ensure they have appropriate evacuation plans in place and safe places to go to should the need for evacuation occur. We would also advise them to have an emergency plan.

#### Environmental Services

9.28 No adverse comments. Recommend conditions related to noise and odour.

#### Environmental Assessment Team

9.29 Provided comments on the initial Environmental Statement (ES) following review against EIA Regulations. Reviewed latest addendum to ES noting there are no updates to Chapter 11: Ecology and Nature Conservation and no amendments to the primary use of the site.

#### Flood Risk Management (Lead Local Flood Authority)

9.30 Flood Risk Management (FRM) note the site falls within Flood Zone 1 having an existing low risk of fluvial and tidal flooding and the majority of the site is not affected by surface water flooding. Note the EA has responded separately in respect of tidal flooding.

9.31 FRM raise no objection subject to conditions and informatives in respect of surface water drainage.

#### Highways

9.32 Following liaison with the Applicant and review of amended application documents, the Highways Authority provided a detailed response concluding that the residual cumulative impacts of the development cannot be considered to be severe (NPPF Paras. 100 and 111). Recommend planning conditions related to:

1. Estate Road construction

2. Cycle parking scheme
3. Electrical vehicle charging scheme
4. Off-site access improvement works
5. Construction Traffic Management Plan (CTMP)
6. Travel Plan

9.33 The Highways Authority also note:

- Indicative car parking numbers comply with Dorset Council guidance;
- The Transport Assessment assesses the likely impact of development traffic upon the Newtons Road/Spring Road/Newberry Gardens mini-roundabout and the Rodwell Avenue/Rodwell Road traffic signal controlled junction. The development would not have a material impact on the operation of the local highway network.
- The previously approved Care Village development (WP/15/00833/FUL) was proven to represent a net reduction in traffic movements when compared with the previous use of the site as a research facility.

### Housing Enabling Team

9.34 The Housing Enabling Team notes that there is no affordable housing being proposed in the application and, while the potential economic growth that this plan provides is welcome, there is still a need for the provision of affordable housing.

9.35 The Team note the proposals provide an ideal opportunity to contribute housing on site for local people whose needs are not met by the open market and express disappointment that there is no affordable housing on this site. However, the viability testing on the application is noted to conclude that the scheme is viable with 0% affordable housing.

9.36 Consideration to the affordable housing contribution will need to be reviewed if planning permission is granted. A mechanism to do this should be included in the Section 106 Agreement.

### Landscape

9.37 Latest comments note the Landscape Officer is unable to support the proposed development in its revised form because it would not fully meet the requirements of the Local Plan with regard to impact of development on the character and visual quality of the local landscape and seascape. Comments include:

1. Setting of care home would be improved through introduction of adjacent pocket park although western and lower eastern facades are car dominated and there is insufficient space for appropriate landscaping to successfully integrate the building.
2. Height, materials, detailing and appearance has improved. Development would continue to form a visually prominent feature within a number of views.
3. Landscape and visual effects have been underestimated within the Landscape and Visual Impact Assessment (LVIA). There would be significant effects and the proposal would form a prominent visual feature in surrounding views and would dominate the adjacent vegetated coastal landscape. Disagree with a number of conclusions within the LVIA and consider proposal is out of scale with the landscape.
4. Mitigation measures would not mitigate the adverse landscape and visual effects of the scale, height and mass of the proposed development in a meaningful way.
5. To adequately mitigate adverse landscape and visual effects, the scale, height and massing would need to be significantly reduced such that it is physically and visually subservient to the cliff face Chesil Beach. Impacts on views from the cliff top footpath and open space would also need to be avoided.

6. Proposals conflict with Local Plan Policies ENV1, ENV10, ENV12 and WEY9.

Libraries - No comments received.

#### Licensing

9.38 Any premises that is intending to sell supply alcohol or have any licensable activities will need to apply for a premises licence with Dorset Council.

#### Natural Environment Team

9.39 NET Certificate of Approval issued 7 July 2023.

#### Planning Policy

9.40 Identifies relevant planning policies and guidance. Key planning issues identified as:

1. Location of Development: Site falls within defined development boundary and proposed mix of uses are consistent with the requirements of Policy WEY9.
2. Employment Uses: Office/light industrial and restaurant sector jobs fall within the employment uses definition of the Local Plan. Suggest new jobs created are considered against the previous Care Village development and historic use of the site.
3. Community Benefits: Identified as including: providing public access to the site; public toilets; and regeneration of Weymouth's Town Centre Area.

#### Rights of Way

9.41 The Rights of Way Officer raises no objection. The officer notes the full width of the public footpath within the site must remain open and available to the public throughout the construction and operation of the development.

Section 106 - No comments received.

#### Street Lighting Team

9.42 Any of the new estate being proposed for adoptable as public highway must be lit in accordance with Dorset Street Lighting Policy POLS900. Note the existing roundabout and Newtons Road requires upgrading and lighting around the periphery of the development should be minimised. Lighting would need coordination with landscaping.

#### Trees

9.43 Note there are no significant constraints in respect of trees.

#### Urban Design

9.44 Latest response of December 2022 raises a series of comments:

1. Employment building: Has been scaled back in height to allow for more suitable proportions of the building and an improved relationship with the town houses.
2. Public walkway: Note walkway does not extend around the full perimeter of the site. Public cantilevered viewpoint and seating area are positive additions that would add amenity value to the site and elevate the design quality of the scheme.
3. Vehicle turning and parking: Potential conflict in south-east corner of site. Whilst a detailed design issue, consideration should be given to how to prevent informal parking in the turning head.
4. Amenity Space: Revised amenity space meets policy HOUS4.
5. Care Home: Concern position of care home and surrounding landscaping would not successfully integrate the building with the character of the site and the surrounding area.

6. External Materials: Unconvinced quantum of copper, zinc and brick shown on visualisations would be appropriate. Materials would respond to the sites historic use but need to be balanced against the visual prominence of the site. More recessive materials for larger buildings fronting the water should be explored.

9.45 Overall, Urban Design is unable to support the proposals due to conflict with Policies ENV12 (the Design and Positioning of Buildings) and HOUS1 (Affordable Housing).

#### Wessex Water

9.46 Note there is limited foul sewer capacity in the area and request a planning condition in relation to foul provision.

#### WPA Consultants Ltd (Contaminated Land)

9.47 Following review of the Ground Condition Assessment (2022), WPA advise the report shows adherence to technical guidance and note that a remediation scheme will need to be submitted for review. Standard contaminated land planning conditions should be applied.

#### Ward Councillors for Rodwell and Wyke

##### Cllr Brian Heatley

9.48 Cllr Heatley's initial objection notes the proposals are a major application with substantive implications for traffic and parking in the area, and upon the setting of the World Heritage Coast. Request that the application is considered by Planning Committee.

9.49 Cllr Heatley's second set of comments (November 2022) object to the revised proposals and raise a series of points, comprising:

1. It is important that the site is developed in a way that uses its unique location while not damaging the World Heritage Coast and its setting, local wildlife and the amenity of local residents;
2. Effects on traffic, pollution and parking are key concerns. Proposal will make existing problems substantially worse;
3. Concerns raised in relation to traffic assessment within Transport Assessment Addendum and comparison with previously approved Care Village development;
4. Substantial harm to Jurassic Coast World Heritage Site due to cliffs being obscured. Very much more modest and lower development required to reduce harm;
5. Flood risk concerns, particularly in respect of wave overtopping due to climate change and the vulnerability of the care home; and
6. The site should be developed but it needs to be done in a more modest and sensitive way that takes greater advantage of its maritime location, and the development should not be something that could not just as well be located inland.

##### Cllr Clare Sutton

9.50 Comments and concerns raised in respect of: increased traffic; air pollution; congestion; and safety issues on routes frequently used by pedestrians, including school children along Boot Hill and Rodwell Avenue. Cllr Sutton notes availability of parking in the area is already a major concern, and the allocation of 250 spaces for 189 dwellings plus staff and visitors would mean even more people driving around trying to find a parking space. Cllr Sutton requests that the application is considered by Planning Committee.

9.51 Notes site should be developed, but in such a way that: is more modest in scale and sensitivity to the local environment; takes advantage of the unique and historical location; and does not have a significant negative impact on local residents, wildlife and the WHS.



9.52 Later comments of November 2022 in respect of revised proposal notes the revised application does not overcome earlier objections. Raise concerns in relation to: air pollution and congestion on Boot Hill; parking; and the WHS.

Cllr Kate Wheller – No comments received.

#### Dorset Ramblers

9.53 Comments of March 2022 object to proposals on a number of landscape and visual grounds, including adverse impacts on views from footpath S1/125.

#### Weymouth Civic Society

9.54 Latest comments (December 2022) maintain initial objection of March 2022. Several concerns raised in relation to:

1. Amount and scale of development is overbearing and excessive. Proposals would result in adverse visual impacts and does not respect local character.
2. Traffic impacts on local roads. Hope Square is unsuitable for excess traffic.
3. Housing would be most attractive to second home owners, for holiday lets or retirement market and would not make a major contribution to the local economy.
4. Lack of affordable housing.
5. Adverse impacts of Jurassic Coast WHS.
6. Risk of coastal change due to climate change.
7. Emergency access in the event of flooding.
8. *“Alternative employment use appropriate to a maritime location”* as noted in Local Plan [WEY7] could be expected to provide 1-2 storey development similar to historic use of the site. Other uses should be complementary to employment as noted within Local Plan.

#### Weymouth Town Council

9.55 Weymouth Town Council (WTC) provided objections to each consultation:

1. Initial comments (March 2022) objected to development on a number of grounds including: over-development of the site; lack of affordable housing; provision of the care home; car parking provision; and the form of the commercial units, which should relate to the development’s waterside location with marine activities available as well as leisure facilities. Request Section 106 contributions in respect of local amenities and a planning condition restricting construction traffic from routing via Hope Square. Request impacts on World Heritage Site and Coastguard Station are considered.
2. Subsequent objections (December 2022) thanked the developer for reducing the original height of the development and requested confirmation of maximum building heights and that profiling of the site is undertaken and height is further adjusted to reflect this. Reject proposal on the grounds of: flood risk; lack of affordable housing; care home would be relocated; significant loss of employment; and reduction in parking. Request Underbarn footpath is restored via planning obligations.
3. The latest set of comments (July 2023) note WTC object and would like planning conditions related to maximum building heights and construction traffic (via Rodwell Avenue) to be considered. Note disappointment with lack of affordable housing and community benefits.

#### WTC Councillors

Cllr David Northam

9.56 Information on historic employment of the site provided. Note there were: at least 147 workers in 1956; 130 workers in 1977; and 117 workers in 2000. Question what would represent a significant loss of jobs compared to the previous employment of the site. Consider there should be scope for a developer to provide 87 jobs.

Cllr Luke Wakeling

9.57 Raises an objection to the development on a number of grounds. In summary:

1. Parking and active travel – due to existing parking pressure, parking must be self-contained and not overspill into surrounding areas. Additional parking is required to support all proposed uses. Shared path should be connected to existing cycle routes.
2. Building height – Further details of height are required. Previous proposal of seven storeys is not relevant. Request planning authority considers maximum permissible heights from scratch as the previous [Care Village] application had a different layout.
3. SSSI and World Heritage Site (WHS) – Major concerns with the scale of buildings and visual impact on the WHS. Note Liverpool Historic Dockyard was stripped of WHS status due to over-development of docks.
4. Affordability – Raise concerns with the comparable developments considered in the applicant’s Economic Viability Assessment and state the lack of provision is a breach of planning policy.
5. Size of flats – Note flat sizes of 43sq.m are used in the Economic Viability Assessment and request that internal design and minimum flat size is not approved as part of the outline application, but reserved for later approval.
6. Lack of gardens – Lack of gardens would increase pressure on Town Council managed open space facilities. Suggest £500 per gardenless dwelling is secured over a 10-year period.
7. Construction Traffic – Request construction vehicles access via Rodwell Avenue rather than Trinity Road and Hope Square.
8. Obstruction of Emergency Services (Coastguard) – due to obstruction of view.

9.58 At the time of writing there were a total of 74 objections, three comments of support and 14 comments. In summary, the representations in objection and comment raise the following:

**Table 9.1 Summary of representations**

| Consideration | Summary of Comments   |
|---------------|---|
| Principle     | <ol style="list-style-type: none"> <li>1. This is not a suitable location for large scale development.</li> <li>2. Other sites (including Hope Square) are more appropriate.</li> <li>3. The site should be developed for employment uses, not residential.</li> <li>4. Have alternative employment uses appropriate to the maritime location been explored? Proposals should utilise maritime nature of the site.</li> <li>5. There is no need for another care home.</li> </ol> |
| Housing       | <ol style="list-style-type: none"> <li>6. Lack of affordable housing, particularly social housing for local people.</li> </ol>  |

|                                       |  |
|---------------------------------------|--|
|                                       | <p>7. Concern housing will provide second homes and/or holiday homes rather than housing for local people.</p> <p>8. Housing density is too high.</p> <p>9. Proposals will decrease houses prizes of local residents.</p>  |
| Employment uses and the local economy | <p>10. Proposals would provide poor job opportunities (unskilled/low wage after development).</p> <p>11. Care home jobs will not be new. They will be relocated from an existing facility.</p> <p>12. Proposals result in a significant loss in jobs compared to the previous QinetiQ employment site.</p> <p>13. Weymouth has an oversupply of office space.</p> <p>14. Providing access to the water would conflict with the operations of existing business which use the harbourside for commercial purposes.</p> <p>15. Proposals could reduce tourist appeal of area.</p>                  |
| Scale and Visual Impact               | <p>16. Proposals represent overdevelopment.</p> <p>17. Excessive scale and height. Request height is reduced.</p> <p>18. Buildings will exceed cliff height. Development not subservient to the natural cliff top.</p> <p>19. Visual impact from Bingleaves Park should be assessed.</p> <p>20. Out of character with the surrounding area. Proposal would be an eye sore.</p> <p>21. Adverse visual impacts on Jurassic Coast WHS, Nothe Gardens, Grade II listed Sandsfoot Castle and from Bingleaves Open Space.</p> <p>22. Building should not block view from the coast guard building.</p> |
| Design                                | <p>23. Large blocky buildings are out of keeping with area and do not reflect the waterside location or unique history of the site.</p> <p>24. Bland architecture lacking in creativity and historic input.</p> <p>25. Use of metal cladding is inappropriate.</p> <p>26. Development is unattractive.</p>   |
| Heritage                              | <p>27. Adverse impacts on Jurassic Coast WHS, Nothe Gardens, Grade II listed Sandsfoot Castle and from Bingleaves Open Space.</p>  |

|                                       |   |
|---------------------------------------|---|
|                                       | <p>28. Concern development could result in UNESCO status being lost.</p> <p>29. New sea wall will help to protect the Belle Vue Conservation Area from coastal erosion.</p> <p>30. Increase risk of vandalisation of Sir Thomas Fowell Buxton Monument.</p>   |
| <p>Highways, access and parking</p>   | <p>31. Increased traffic/congestion (notably Boot Hill/Rodwell Road and Trinity Street) during construction and operation.</p> <p>32. Road unsuitable for HGVs. Provision for articulated lorries (typically 40ft), mobile cranes and large transport vehicles should be provided to the Breakwater.</p> <p>33. Poor vehicle access.</p> <p>34. Insufficient car and cycle parking provision.</p> <p>35. Emergency access to surrounding roads will be compromised.</p> <p>36. Increased vehicle traffic will exacerbate community severance.</p> <p>37. Proposals will worsen parking problems in surrounding area.</p> <p>38. Bus route between site and town centre should be provided.</p> <p>39. South Coast Path should be reinstated and access to beach at Underbarn walk should be provided. Potential for path to be re-directed through the site.</p> <p>40. Potential for National Cycle Route 26 to be extended to provide an additional spur through the site.</p> <p>41. Pedestrian access should be allowed around the whole outside of the development.</p> <p>42. Pedestrian access between the site and Bingleaves open space should be provided by a new staircase.</p> <p>43. Query how many electrical vehicle charging spaces would be provided.</p> <p>44. Busses carrying cruise ship passengers currently use Newtons Road and would have need to relocate.</p> <p>45. Access to breakwater must be maintained.</p> |
| <p>Residential amenity and health</p> | <p>46. Noise from customers of bars/clubs.</p> <p>47. Pollution/Air Quality (notably on Boot Hill/Rodwell Road) due to construction and operational vehicles. Note HGVs are encouraged to use the B3157 to avoid Boot Hill.</p> <p>48. Proposal will block existing house views.</p> <p>49. Outlook for care home residents will be poor.</p>   |

|                                   |  |
|-----------------------------------|--|
|                                   | <p>50. Proposals will harm the tranquillity of the area and people's mental health.</p> <p>51. Adverse impacts during construction.</p>  |
| Ecology and Environment           | <p>52. Wildlife impacts.</p> <p>53. Harm to SSSI.</p> <p>54. Contamination, including those contaminants identified in the Ridge Ground Condition Assessment Report: Asbestos (7.3.2), Lead (7.3.3) and Polycyclic Aromatic Hydrocarbons (7.3.4).</p> <p>55. Impacts on cliff stability.</p> <p>56. Impact of lighting on dark skies through light pollution.</p> <p>57. Noise pollution.</p>  |
| Flood risk and drainage           | <p>58. Concerns with wave overtopping and impacts on sewerage and grey water systems.</p> <p>59. Sea wall should be funded by the applicant.</p> <p>60. Flood resilience taking into account climate change needs consideration.</p> <p>61. Concerns development may push the flow of water in the direction of the Underbarn stressing the fragile shoreline.</p>   |
| Climate change and sustainability | <p>62. Impacts of climate change on proposed residential properties.</p> <p>63. Embedded carbon in buildings. New construction methods need to be adopted to produce sustainable properties. Query what the energy use intensity of buildings would be.</p> <p>64. BREEAM Assessment should be undertaken.</p> <p>65. Query whether electrical vehicle charging points will be provided.</p> <p>66. Query whether ground source heat pumps will be incorporated.</p> |
| Community Infrastructure          | <p>67. Lack of community benefits.</p> <p>68. Swimming and other water sports activities and facilities should be improved and enhanced.</p> <p>69. Proposal will compromise the enjoyment of public amenity space.</p> <p>70. Harm to the character of the area and cornice walkway.</p> <p>71. Additional strain on healthcare and education services.</p> <p>72. The infrastructure cannot support the scale of development.</p>                                  |

|                    |  |
|--------------------|--|
|                    | 73. Use of any beach areas and access by the public needs to be clarified.   |
| Planning procedure | 74. Pre-application advice has not been addressed.<br>75. Request application is considered by Planning Committee. |

9.59 The three representations of support raise the following points:

1. Support creation of place to eat/drink whilst walking around the cove.
2. Support Improved public access to site and coast.
3. Support employment provision.

## 10.0 Relevant Policies

### Development Plan

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

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV7 - Coastal erosion and land instability
- 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
- ENV16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- ECON1 - Provision of employment
- ECON3 - Protection of other employment sites
- ECON4 - Retail and town centre development
- HOUS1 - Affordable housing
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and HMOs
- HOUS5 - Residential care accommodation
- COM1 - Community infrastructure
- COM4 - New or improved local recreational facilities
- COM7 - Creating a safe and efficient transport network
- COM9 - Parking standards in new development
- COM10 - The provision of utilities service infrastructure
- WEY9 - Bincleaves Cove

### Material considerations

#### National Planning Policy Framework (2021)

The latest version of the NPPF was published in 2021. The relevant sections include:

- Section 2. 'Achieving sustainable development':

- 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 6 ‘Building a strong, competitive economy’
- Section 7 ‘Ensuring the viability of town centres’
- 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’ - Paras. 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 (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than

substantial harm to its significance (Para 199). Tests for substantial (Para. 201) and less than substantial harm (Para. 202).

## **Other Material considerations**

Planning Practice Guidance

Weymouth and Portland Landscape Character Assessment (2013)

Weymouth Town Centre Masterplan (2015)

Interim Strategy for Recreational Pressure at Chesil and the Fleet (2020)

Developer Contributions for NHS Infrastructure (2020)

Jurassic Coast Partnership Plan 2020-2025

Waste Storage, Collection and Management - Guidance Notes for Residential developments (2022)

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 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. In particular:

- Access; public access to the site would be provided via new pedestrian and cycle routes along the seaward edge of the site. The routes would be suitable for those with mobility issues and with buggies.
- Care Home: would provide accommodation suitable for those with care requirements.



- Officers have not identified any other specific impacts arising from the development on those persons with protected characteristics.

### 13.0 Benefits

| What  | Amount / value   |
|---|--|
| <b>Material Considerations</b>  |  |
| Market housing  | Up to 141 dwellings  |
| Care Home   | 60 bed care home   |
| Employment space  | Up to 1,186sq.m office and/or light industrial space                               |
| Restaurant  | Up to 328sq.m restaurant   |
| Open space  | Including seaward pedestrian and cycle route                                       |
| Recreation  | Public WCs and changing facilities   |
| Financial contribution towards off-site provision of affordable housing | £45,000  |
| <b>Non Material Considerations</b>                                      |  |
| 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)                                     | In accordance with Weymouth and Portland CIL Charging Schedule and CIL Regulations |

### 14.0 Environmental Implications

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

14.2 The construction phase would include the release of CO2 emissions from 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, care and employment provision in a highly sustainable location and should be offset against factors including the provision of electric car charging, low-carbon / renewable energy and the dwellings being reasonably energy efficient as required by Building Regulations and the 2021 Approved Documents. The new Building Regulations require a 31% and 27% improvement from the

2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively.

14.4 As an allocated brownfield site within the Defined Development Boundary of Weymouth, the proposed redevelopment is inherently sustainable in that it would provide new homes and 14.5 employment opportunities in a sustainable location in close proximity to Weymouth. This would reduce pressure on the redevelopment of greenfield sites and support active travel and transport by more sustainable modes.

## 15.0 Planning Assessment

### Principle of development

15.1 The principle of mixed-use redevelopment of the site is established by site allocation WEY9 of the Local Plan. The allocation supports the redevelopment of the *“former employment site” either through “an alternative employment use appropriate to a maritime location or through the comprehensive mixed use re-development of the site to provide community benefits, including sufficient employment uses to ensure no significant loss of potential jobs”*.

15.2 The supporting text and parts ii) and iii) of the policy identify the expectations of the proposal and key planning matters to be addressed, including: nature conservation; the World Heritage Site (WHS) and risks of coastal change. These matters are considered in subsequent sections of this assessment.

15.3 The NPPF establishes a presumption in favour of sustainable development and seeks opportunities to deliver net gains across each of the three objectives of sustainable development (Paras. 8 and 11). In promoting sustainable development, the NPPF supports the efficient use of land and requires making as much use as possible of previously developed land, specifically acknowledging the multiple benefits that can be delivered through mixed-use schemes (Paras. 119-120).

15.4 Comprehensive redevelopment of the site has been discussed for a number of years and a series of developments have been approved. These include two key developments: a 2008 mixed-use development (06/00915/OUTE) and a 2016 Care Village development (WP/15/00833/FUL). Neither of these approved developments were implemented and the permissions have now lapsed.

15.5 The proposal would result in comprehensive mixed use redevelopment of an underutilised site as supported by the site allocation. Consideration of community benefits, including employment, are assessed in subsequent sections.

### Employment

15.6 It is a strategic objective of the Local Plan to regenerate key areas to increase employment opportunities. The ensuing strategic approach acknowledges that this be achieved, in part, through *“flexible policies to allow development to come forward on other suitable sites.”*

15.7 The specific employment objectives for the site are set out at Policy WEY9 which requires *“sufficient employment uses to ensure no significant loss of potential jobs”*. The supporting text (Para. 7.3.30) notes *“it is important that any redevelopment of the site retains employment, and that it should be of a type appropriate to and taking advantage of the unique location benefits and constraints”*. Since the Local Plan was adopted, the former employment buildings on the site have been demolished. The site therefore no longer supports any on site jobs and has been a redundant employment site for a number of years.

15.8 The Local Plan defines employment as including former B-class uses (such as officers, workshops, industrial premises and storage/distribution) and non B-class uses which provide

direct, on-going local employment opportunities such as tourism and retail. The definition specifically excludes care homes.

15.9 Policy ECON3 notes redevelopment of other employment sites for non employment uses that are in accordance with other planning policies will be permitted where it will not prejudice the efficient and effective use of the remainder of the employment are and where redevelopment of the site would offer important community benefits or no significant loss of jobs / potential jobs.

15.10 The proposed employment generating uses comprise:

- up to 1,186 sqm of office/light industrial floorspace (Use Class E(g));
- up to 328 sqm of restaurant floorspace (Class E(b));
- a 60 bed care home (Use Class C2);
- up to 340sq.m of leisure floorspace comprising a gym, swimming pool / spa (Sui Generis) associated with the dwellings;

15.11 As noted above, the care home does not fall within the definition of employment identified within the Local Plan and cannot be considered an employment use for the purposes of WEY9 part i).

15.12 The Socioeconomics ES Addendum (October 2022) estimates job creation using the Homes & Communities Agency (now Homes England) Employment Densities Guide (November 2015) and ONS data of care home employment. Applying the employment densities to the proposed uses results in an estimated 142 full-time equivalent (FTE) jobs of which 98 are estimated to be net additional jobs in Weymouth and the wider economy:

**Table 15.1 Gross and Net FTE Jobs**

|              | Care Home | Leisure | Office/<br>Light Industrial | Restaurant | Total      | Total<br>'Employment uses' |
|--------------|-----------|---------|-----------------------------|------------|------------|----------------------------|
| <b>Gross</b> | 28        | 5       | 89                          | 20         | <b>142</b> | <i>114</i>                 |
| <b>Net</b>   | 17        | 4       | 65                          | 12         | <b>98</b>  | <i>81</i>                  |

15.13 Adopting the definition of employment within the Local Plan (i.e. excluding the care home), the proposal is estimated to generate 114 gross employment jobs of which 81 would be net additional FTE jobs.

15.14 In response to comments from consultees, the applicant produced a note on anticipated job creation comparing estimated job creation with that of the Care Village development and former use of the site by QinetiQ. Applying the same methodology, the note estimated 81 gross jobs associated with the Care Village development. In respect of QinetiQ's historic use, the applicant notes employment is estimated to have been between 150 and 200, broadly similar to comments from consultees which note employment fluctuated on site, albeit jobs were ultimately relocated to Dorset Innovation Park following the closure of the site.

15.15 By comparison, the proposal is therefore expected to provide 61 more jobs than the previously approved Care Village development and 8-58 fewer jobs than the historic use of the site by QinetiQ. Given the site does not currently support any on-site jobs, it is considered that the proposals provide sufficient employment uses to ensure no significant loss of potential jobs in accordance with Policy WEY9. In addition, it is recognised that the mixed use nature of the proposals would provide a broader range of employment opportunities across different sectors and skills, including flexible office/light industrial space, hospitality and care.

15.16 The proposals are considered to comply with Policy ECON3 given the proposals would offer important community benefits (see assessment sections below and there would be no significant loss of jobs / potential jobs.

15.17 The employment provision is a significant benefit of the proposals.

### Housing Provision

15.18 Alongside Dorchester, Weymouth is the highest priority location for new development in the local plan area. As an allocated site within the Defined Development Boundary of Weymouth the provision of housing is acceptable in principle.

15.19 The NPPF (Para. 60) is clear that significantly boosting the supply of housing is one of the Government’s key objectives. The NPPF (Para. 119-120) promotes the efficient use of land in meeting the need for homes and other uses and encourages the realisation of the multiple benefits of mixed use schemes. Pertinent to this application, the NPPF states that substantial weight should be given to the use of suitable brownfield land within settlements for homes and supports *the “development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”*.

15.20 The proposed development would deliver 141 dwellings across the site in a combination of apartment blocks (Blocks 1A, 1B, 1C, 2A and 2B) together with townhouses. The housing would make a significant contribution towards housing delivery and is acceptable in principle subject to residential amenity and provision of community benefits as required by Policy WEY9.

### Housing Mix

15.21 The Local Plan requires a mix in the size, type and affordability of open market dwellings wherever possible, taking into account the current range of housing types and likely demand in view of changing demographics (Policy HOUS3).

15.22 Whilst the application is in outline, the applicant has provided an illustrative masterplan with the following housing mix:

**Table 15.2 Illustrative Housing Mix**

| No. of bedrooms      | Apartments   |              |             | Houses      | Total         |
|----------------------|--------------|--------------|-------------|-------------|---------------|
|                      | 1-bed        | 2-bed        | 3-bed       | 3-bed       |               |
| Blocks 1A, 1B and 1C | 18           | 53           | 11          | 0           | 82            |
| Blocks 2A and 2B     | 24           | 27           | 0           | 0           | 51            |
| Townhouses           | 0            | 0            | 0           | 8           | 8             |
| <b>Total</b>         | <b>42</b>    | <b>80</b>    | <b>11</b>   | <b>8</b>    | <b>141</b>    |
| <b>Total (%)</b>     | <b>29.8%</b> | <b>56.7%</b> | <b>7.8%</b> | <b>5.7%</b> | <b>100.0%</b> |

15.23 The housing mix has been refined over the course of pre-application discussions with the applicant to provide a greater proportion of 2-3 bed dwellings, which now make up the majority (70.2%) of dwellings, comprising 56.7% 2-bed dwellings and 13.5% 3-bed dwellings.

15.24 The provision of almost 30% 1-bed apartments would be appropriate for the location within central Weymouth within walking distance of the town centre.

15.25 Notwithstanding the absence of affordable housing (assessed below), the proposals demonstrate an appropriate mix in the size and type of dwellings for the location of the site in accordance with Policy HOUS3.

### Affordable housing

15.26 Policy HOUS1 requires 35% affordable housing in Weymouth and West Dorset. Where applicants seek to justify a lower level of affordable housing part iii) of the policy establishes applicants are expected to provide an assessment of viability. A lower level of provision will then *“only be permitted if there are good reasons to bring the development forward and the assessment shows it is not economically viable to make the minimum level of provision being sought”*. The policy allows for financial contributions towards the provision of affordable housing for any shortfall that cannot be delivered on site.

15.27 Paragraph 58 of the NPPF states that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force...”*

15.28 In this case, the supporting text in the Local Plan (Para.7.3.27-29) acknowledges the site has a number of constraints including coastal erosion and flooding and notes redevelopment of the site has been discussed for a number of years.

15.29 Over the course of the application the quantum of residential development has been reduced from 189 to 141 dwellings (-48) in response to concerns related to the height, scale and mass of the proposed development. Measures to mitigate flood risk have also been refined in consultation with the Environment Agency. This has affected the viability of the proposal.

15.30 No affordable housing is proposed. The applicant has sought to justify this through Economic Viability Assessments (EVA). The applicant produced an EVA in January 2022 and EVA Update in June 2022 (following revisions to the development). The EVAs conclude that the proposals cannot viably deliver any affordable housing on site, and can only deliver a 100% market scheme with a £48,000 off-site contribution towards affordable housing with reduced profit margins. The main reasons for this are stated to be the significant abnormal work costs combined with the additional site infrastructure and Community Infrastructure Levy (CIL) burden of the development. Abnormal costs are noted to include: rock armour, a sea defence wall, remediation and utilities upgrades which together total approximately £1.4m.

15.31 The EVAs have been independently reviewed by the District Valuer Services (DVS). The conclusion of that work are reported in DVS' Viability Review Report (dated 19 May 2023). In summary, the report concludes that the proposed development is unable to support full planning policy requirements. Without any on-site affordable housing, however with CIL and an off-site financial contribution of £48,000 DVS conclude the development is marginally financially viable in current market circumstances. DVS' Viability Review Report also tests a revised applicant scheme proposal with 15 on-site shared ownership affordable dwellings but conclude the option would not be financially viable.

15.32 The absence of affordable housing is disappointing. However, on the basis of the rigorous independent review of the applicant's viability review, and the benefits of bringing forward the regeneration of this allocated site, the development of 100% market housing is justified under part iii) of Local Plan Policy HOUS1. The policy allows for a lower level of provision where *“there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought”*. In this instance, there are good reasons for bringing the development forward. The site is allocated for either employment use or comprehensive mixed use redevelopment and previous attempts to regenerate the site have not come to fruition. The site has significant constraints which make the redevelopment of the site challenging. The proposed mixed use development would facilitate regeneration of the brownfield site, delivering wide-ranging employment benefits together with other public benefits.

15.33 Imposing financial viability review mechanisms has been considered as recommended by the Council's Housing Enabling Teams. The National Planning Practice Guidance (Para. 009 ID: 10-009-20190509) establishes that Local Plans should set out circumstances where review mechanisms may be appropriate, as well as clear processes and terms for how and when viability will be reassessed over the lifetime of a development to ensure policy compliance and optimum public benefits. Such review mechanisms would allow for viability to be reassessed over the course of development. The Local Plan does not currently establish any review mechanisms and Policy HOUS1 is clear that lower levels of provision will only be permitted if there are good reasons to bring the development forward and viability

assessment shows that it is not economically viable to make the minimum level of provision being sought. Therefore, the requirement for a review mechanism to be imposed is not considered necessary to make the development acceptable in planning terms.

15.34 In summary, whilst on-site affordable housing is not proposed, the lack of on-site affordable housing is considered acceptable and in accordance with Local Plan Policy HOUS1, and the NPPF subject to securing a financial contribution of £48,000 towards to the provision of off-site affordable housing.

## Care home

15.35 The previously approved Care Village development (WP/15/00833/FUL) included 195 Supported Living Units, a 60 bed care home, 34 respite hotel suites together with other facilities. The principle of a care home facility at the site has therefore previously been accepted by the former West Dorset District Council when assessed against the Local Plan.

15.36 Policy HOUS5 notes applications for new care accommodation should:

- *“Be located within a defined development boundary and at an appropriate scale in relation to the settlement;*
- *Meet with the strategic aims and objectives of Dorset County Council and NHS Dorset including demonstration of need for the service in the locality; and*
- *Provide sufficient private amenity space within the site for the likely future occupants, normally comprising at least 20% of the site area unless such provision is undesirable in design terms.”*

15.37 The supporting text notes the strategic vision of the Council and NHS Dorset *“is to support the building of Extra Care housing developments together with more intense community based services that can be delivered to people in their own homes. Where new care accommodation is necessary it is important to locate this type of accommodation in areas that are easily accessible for visitors and staff and also so that residents, where possible, can access community facilities and public transport.”*

15.38 The proposed 3-storey 60 bed care home (Use Class C2) would be located within the centre of the site behind the residential dwellings. The location would be easily accessible and the care home is an appropriate scale for Weymouth.

15.39 The applicant’s Need Assessment for Care Homes in Dorset (April 2022) assesses the need for care home bedspaces within a 10-mile radius of the site. Considering health issues associated with an aging population, the assessment identifies there is a current unmet need of 200 care home bedspaces within 10 miles of the site. This need is expected to increase. Accordingly, the proposed care home would provide a much-needed facility capable of serving the local population.

15.40 Whilst landscaping is a reserved matter, the revised Illustrative Masterplan demonstrates how sufficient private amenity space could be provided for occupants. In addition, occupants would have access to communal amenity spaces beyond the care home site.

15.41 Overall, the principle of the care home is acceptable and meets the requirements of Local Plan Policy HOUS5.

## Design

15.42 The NPPF (Para. 130) seeks to ensure developments are well designed including by: functioning well and adding to the overall quality of an area; being sympathetic to local character and history while not preventing or discouraging appropriate innovation or change; establishing or maintaining a strong sense of place; optimising the potential of sites to

accommodate and sustain an appropriate amount and mix of development; and creating places that are safe inclusive and accessible and which promote well-being.

15.43 Policy ENV11 concerns the pattern of streets and spaces and notes places should be designed to be clear and simple for people to find their way around with the design of routes reflecting the likely levels of use and being easily identifiable through their scale, alignment and use of vistas.

15.44 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 and other features that contribute to the character of the area.

15.45 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.

15.46 Policy WEY9 further establishes that development will be expected to be of a high quality design appropriate to the waterside location and the unique history of the site. The supporting text (Para. 7.3.30) notes an “*emphasis on good quality design is essential*” and provides further commentary (at Para 7.3.28) on design noting public access around the seaward edge of the site is seen as an essential requirement. The impact of the design in terms of its views from coastal waters in the wider context of the bay (as part of the World Heritage Site) and how the history of the site and its links to adjoining areas (such as the breakwaters and defence buildings) are reflected are also identified as key considerations.

15.47 It must be noted that the application is in outline with matters of access, layout and scale to be determined now and matters of appearance and landscaping reserved for later determination.

#### *Layout and scale*

15.48 In respect of layout and scale, the Parameter Plan establishes the layout of buildings and maximum heights. Building heights have been reduced over the course of determination from a maximum height of 7 storeys and stepped to better relate to the context of the site in response to comments received during the course of determination, including from the council’s Urban Design Officer.

15.49 Apartment building heights for Blocks 1A, 1B and 1C would step down from a maximum height of 6 storeys (Block 1A) to 4 storeys adjacent to the breakwater. Apartment Blocks 2A and 2B would have a maximum height of 5 storeys and the townhouses and care home would have a maximum height of 3 storeys. The offices/light industrial floorspace in the south of the site have also been reduced in height to a maximum of 4 storeys. Building heights would sit below the height of the adjacent cliffs. In comparison with the previously approved Care Village development, the proposals would break up the mass of built development with lower building heights.

15.50 Concerns have been raised in relation to the position of the care home within the centre of the site to the rear of the apartments. Urban Design and Landscape Officers question the suitability of the location given the surrounding parking and access adjacent to it and raise concern that landscaping would fail to successfully integrate the building with the character of the site and its surrounding area in the positive way envisaged by Policy ENV10. Whilst landscaping is a reserved matter, the applicant’s illustrative proposals demonstrate sufficient communal amenity space would be provided for residents. Over the course of consideration the proposals have been amended to provide open space to the north and east of the building with pedestrian routes leading to the waterfront. The layout provides for adequate separation distances between the care home and surrounding buildings (minimum 20m to the east) and sufficient set back from the adjacent cliffs (approximately 17m). The relationship with adjacent

parking areas is an ordinary relationship for care homes, which, by their nature, require sufficient nearby car parking for residents and visitors.

15.51 The layout optimises the potential of the site and prioritises the experience of pedestrians and cyclists through the provision of a shared pedestrian and cycle route along the majority of the eastern boundary of the site. The route identified on the Parameter Plan has been extended over the course of consideration in response to comments. It would route from Newtons Road to the breakwater along the seaward frontage of Blocks 1A, 1B and 1C (including the restaurant) before turning along the Portland Harbourside frontage of Blocks 2A and 2B and returning to the interior of the site. Whilst the route would not extend entirely along the edge of the development (i.e., in front of the townhouses and office/light industrial building) the route goes some way to achieving the objective set out in the supporting text of Policy WEY9 and would provide a significant benefit given it would open up new pedestrian and cycle routes and provide unique views of the surrounding landscape and seascape.

15.52 A 'gateway' feature to the Newtons Road approach to the site would provide publicly accessible amenity space and a sense of arrival. Whilst detailed proposals would be subject to reserved matters approval, the location has the opportunity to provide public art responding to the history of the site. This is proposed to be secured via planning condition.

15.53 The applicant also proposes to provide public changing facilities at the northern end of Newtons Road. Such facilities would support open water swimming and recreation at Newtons Cover and would provide an important public benefit. Given the policy objective of WEY9 to provide community benefits as part of a mixed use development, the changing facilities are proposed to be secured via a Section 106 Legal Agreement.

#### *Appearance and landscaping*

15.54 Details of the appearance and landscaping of the scheme would be subject to reserved matters approval. Nevertheless, indicative materials have been identified to demonstrate that external materials could complement the landscape and seascape setting whilst reflecting the former employment uses of the site. This is demonstrated via the illustrative masterplan which shows one way in which the reserved matters could be developed having regard to site constraints.

15.55 The Illustrative Landscape Masterplan with supporting Landscape Design Strategy identifies how the detailed landscaping could be developed. It identifies measures to guide the detailed landscaping design, including: provision of a water feature at the entrance to the site and potential access to the sea. The Amenity Areas Plan identifies areas of open space throughout the site based on the proposed layout and indicative landscaping. In addition to pedestrian and cycle routes and associated viewing areas, it identifies:

1. Balcony, green roof and terrace areas associated with apartments; (1,599sq.m) in compliance with Policy HOUS4;
2. Private amenity space associated with the care home (494sq.m), representing 31% of the care home site area in excess of the 20% requirement in Policy HOUS5;
3. Public amenity areas at the gateway to the site and to the rear of the town houses.

15.56 There are opportunities to incorporate informal play space within the landscaped areas and residents would have access to nearby open spaces at Nothe Gardens, Newtons Cove and Bingleaves open space.

15.57 Overall, the parameter plans and illustrative masterplan are sufficient to form a basis to indicate that the site can be developed satisfactorily for future residents, users and visitors.

#### **Landscape and visual impact**

15.58 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.

15.59 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.

15.60 Local Plan Policy ENV1 establishes that the plan area's exceptional landscapes and seascapes and geological interest will be protected, taking into account the World Heritage Site Management Plan. The Policy notes development should be located and designed so that it does not detract from and, where reasonable, enhances local landscape character. Where proposals relate to sites where existing development is of visually poor quality, opportunities should be taken to secure visual enhancements. Development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted. Part iii) of the policy states that appropriate measures will be required to moderate the adverse effects of development on the landscape and seascape.

15.61 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 buildings on a site should relate positively to adjoining buildings, routes, open areas, streams and other features that contribute to the character of the area.

15.62 This site is a prominent location along the Weymouth seafront. Former employment buildings have been demolished albeit associated fencing at the southern end of Newtons Road remains. The site sits to the south of Newtons Cove within a landscape including a number of urban influences.

15.63 Middle distant views are possible from Nothe Point Gardens, Sandsfoot Castle Gardens and Castle Cove to the northeast and southwest respectively. Distant views are possible from Chesil beach, the A354 Portland Beach Road, the harbour shoreline and the rising northern slopes of Portland to the south and west. Far distant views are possible from coastal areas to the sites northeast from Radcliffe Point to Saint Aldhelm's Head within the AONB.

15.64 The low cliff which borders the western boundary of the site is typical of the Slumped Cliffs Dorset Coast Landscape and Seascape Character Type where sea defences have inferred a degree of stability and allowed vegetation to establish. While the cliffs themselves are not used for any activities the coastal path above (S1/125) is used by walkers.

15.65 The Dorset Coast Landscape and Seascape Character Assessment (LDA Design Sept 2010) makes clear that future strategies should plan for and manage coastal infrastructure to ensure that any further coastal development is appropriate to the design and scope of existing settlement patterns and takes account of inter-visibility with adjacent coastal and marine areas.

15.66 The assessment also notes that the man-made harbour to the south of the site comprises a large body of water enclosed by a harbour wall which dates back to the 1840's and, on its southwest boundary, by the stabilised shingle spit of Chesil Beach. While the harbour provides the setting for both Portland and Weymouth it is also characterised by a range of intensive uses, commercial, leisure and naval shipping and recreational activity.

15.67 The Dorset Coast Landscape and Seascape Character Assessment notes that any new development should be planned to improve the character, layout and architectural quality of land based facilities around the harbour and take account of visual impact on adjacent land areas such as the upper reaches of Portland. It states that the aim should be to plan and

manage development to ensure that it takes account of views to and from the harbour and achieves a balance between commercial and recreational development.

15.68 There are differences in opinion between the applicant's landscape consultant and the Council's Senior Landscape Officer. The applicant contends the proposals would result in no significant effect on landscape character or visual amenity whereas the Council's Senior Landscape Officer identifies a number of significant effects on landscape character and visual amenity.

15.69 During operation of the development the development would screen a proportion of the adjacent cliff from certain viewpoints and would introduce new build development of scale into the landscape. The Senior Landscape Officer notes this would reduce the influence of the cliff and bank feature on local landscape through urbanisation of what is currently a predominantly undeveloped shoreline *"where the natural features of the bank and cliff, the Isle of Portland, Chesil Beach and the coastline within the AONB to the sites north form the dominant features within the view; to a shoreline where a new urban development of significant scale, mass and height forms a prominent new feature within the view."*

15.70 The Senior Landscape Officer refutes the applicant's consideration that the proposals have been designed to be deferential to the adjacent vegetated coastal landscape from within surrounding views. The Senior Landscape Officer considers the proposed development would form a prominent visual feature in surrounding views and would dominate the adjacent vegetated coastal landscape in some close views.

15.71 Given former employment buildings have been demolished any redevelopment of the site would inevitably obscure part of the cliff and have a landscape and visual impact. This is expected and necessary if the site is to be redeveloped.

15.72 Over the course of development the applicant has reduced the scale of proposed buildings and stepped building heights in response to comments. The latest Indicative Sea Scene drawings show how building heights have been reduced from the initial planning application. They also confirm that building heights would sit below the cliffs allowing for glimpsed views of the adjacent cliffs and would be of a lesser scale than the previously approved Care Village development. The revised proposals step down away from the cliff face. This provides a deferential and subservient relationship with the cliffs. The provision of public access to the site and a pedestrian and cycle route along the majority of the boundary of the site would provide opportunity for new unique views of the surrounding landscape, including towards the Nothe. Through this approach it is clear the proposals have been informed by the character of the site and its surroundings as sought by Policy ENV10.

15.73 Overall, the development does not avoid all detrimental impacts on views. Given the design changes over the course of the consideration of the proposals, the level of harm is not considered to be significantly adverse in compliance with part i of Policy ENV1. However, given the proposal would detract from local landscape character there is conflict with part ii of Policy ENV1 which must be considered in the planning balance.

### **Dorset and East Devon Coast UNESCO World Heritage Site (WHS)**

15.74 The Dorset and East Devon Coast World Heritage Site (WHS), otherwise known as the Jurassic Coast, was inscribed in 2001 for its internationally significant geology, palaeontology and geomorphology.

15.75 The NPPF defines World Heritage Sites as designated heritage assets and relevant detail in respect of their protection can be found in the NPPF. Paragraph 189 of the NPPF is key in that it identifies World Heritage Sites as being of the highest significance and therefore the designated heritage assets are of the greatest importance. Para. 199 says that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. Para. 200 states that any harm to or

loss of the significance of a designated heritage asset from its alteration or destruction or from development within its setting should require clear and convincing justification.

15.76 Policy WEY9 states development will not be permitted if it would have an adverse impact on the management and enjoyment of the WHS.

15.77 The proposed development is outside the boundaries of the WHS, meaning that any impacts from it would occur on the site's setting. Both the NPPF and the NPPG emphasise the need to protect a WHS and its setting.

15.78 The Jurassic Coast Partnership Plan 2020-2025 defines the setting of the WHS in terms of its experiential setting and its functional setting. In summary, the experiential setting is regarded as the surrounding landscape and seascape and concerns the quality of the cultural and sensory experience surrounding the exposed coasts and beaches. An assessment of landscape and seascape character provides a starting point for the evaluation of the impact of the change on the setting.

15.79 In terms of functional setting, the setting is important because development and activity may take place within it which may sooner or later, impact on the WHS. The development of housing above receding cliffs, for instance, may lead to a need for future coastal defences. In order to maintain Outstanding Universal Value (OUV), the cliffs need to be allowed to erode into a natural setting. Secondly, the Site, most notably the coastal landforms and processes, are defined and explained by past and present geomorphological and hydrological systems that extend landward and seaward. Developments that impact on these systems may well have a resulting impact within the Site itself.

15.80 The key consideration with the WHS is that the experiential setting of the Jurassic Coast is not a feature in and of itself but relates to people's experiences that enable an understanding of our appreciation for the geological elements that underpin its attributes and OUV. The Partnership Plan 2020-2025 explains that *"The long-term preservation of the Site's OUV depends on the maintenance of dynamic natural processes in the setting and the awareness that processes acting in the land or sea setting may impact on the Site itself"*.

15.81 Relevant policies of the Jurassic Coast Partnership Plan 2020-2025 include Policies R1, R3 and R4 wherein: OUV is protected by preventing developments which might impede natural processes or obscure exposed geology; new developments in the setting of the WHS that may need future coastal defences are opposed; and those elements that constitute the WHS's functional or experiential setting are protected from inappropriate development.

15.82 Natural England note it is inevitable that the proposals will have adverse impacts on the coastal views from localities around Portland Harbour that may harm the setting of the WHS. This is acknowledged, given the cleared nature of the site wherein former industrial buildings which previously partially obscured views of the WHS have been demolished.

15.83 The proposals have sought to mitigate impacts on the WHS through the proposed scale and layout of development which sits below the adjacent cliffs and steps down in height below the height of the previously approved Care Village development. Whereas the Care Village development provided for broadly continuous building heights along the entire frontage of the site, the proposed approach allows for glimpsed views of the adjacent WHS. The development and provision of public access would clearly change how people perceive the site currently as a semi-natural former industrial site and would introduce the ability to appreciate the WHS from closer vantage points within the site. The site is currently protected by coastal defences which would need to be improved to protect the proposed mixed use development.

15.84 In response to initial comments from the JCT, the applicant produced an ES Addendum assessing the potential effects on the WHS. The Addendum notes the WHS extends along the rocky coastline including a strip along the site's western edge and is not publicly

accessible. The ES Addendum concludes the construction phase would change the experiential and functional value of part of the setting of the WHS which contributes to OUV with a minor-moderate adverse effect (not significant).

15.85 Following completion of the development, the site would become publicly accessible. The proposed routes detailed on the Parameter Plan would provide the opportunity for unique views of the WHS. The proposed development would be sited below the cliffs outside of the WHS. The ES concludes this would preserve the WHS whilst the provision of public access would improve visibility of the geological processes. The ES identifies the changes to the experiential and functional value of part of the setting to the WHS which contributes to OUV. This is assessed as minor beneficial due to the quality of the experience which is judged to enhance the experiential and functional value of the site.

15.86 Mitigation measures include the proposed scale and layout of the development away from the WHS and provision of publicly accessible open space within the site to allow unique views and appreciation of the WHS. Further mitigation committed to by the applicant include:

1. The provision of information boards regarding the WHS;
2. Provision of sculptural reliefs of Jurassic fossils from along the existing Jubilee Walk along the proposed sea wall and promenade; and
3. Limiting cliff stabilisation works comprising rock combing with no hard cliff stabilisation measures to be undertaken in accordance with an agreed method statement. Watching brief to be included to allow recovery of material that is of palaeontological interest.

15.87 These mitigation measures are proposed to be secured via planning condition.

15.88 The JCT do not consider the development would pose a threat to exposed geology within the WHS and welcome the proposals to install new geological heritage interpretation at the site. They also note the provision of public access would be significant as the area was closed to the public at the time of designation of the WHS. Improved access and interpretation are noted by JCT to form part of the mitigation against negative impacts so must be delivered if consent is given. JCT state a preference for public access to be extended to the southern end of the development to and from the foreshore. JCT also requested further assessment of views along the length of Portland Harbour shore and made a series of recommendations.

15.89 The recommendations of the JCT have been explored by the applicant and responded to via the ES Addendum (May 2023). Within the ES Addendum the applicant confirms that the JCT's preference for public access to the adjacent foreshore cannot be accommodated due to access conflicting with the proposed masterplan and position of the office building in the south west corner of the site. As an alternative a public open space adjacent to the cliffs and including information boards is proposed. Given the access is not mandated by the JCT, proposal is considered acceptable in this regard.

15.90 In respect of Jurassic Coast Partnership Plan 2020-2025 Policy R3 which opposes new developments in the setting of the WHS that may need future coastal defences, it is recognised that coastal defences are existing and would in any event be required to be upgraded to protect alternative development of non water-compatible uses on the site. Accordingly, limited weight is afforded to this conflict with the Jurassic Coast Partnership Plan 2020-2025.

15.91 Subject to conditions securing the above mitigation measures, the proposals are considered to protect the WHS and avoid adverse impacts on the management and enjoyment of the WHS in accordance with Local Plan Policies ENV1 and WEY9, notably due to the provision of interpretation and public access which would allow better appreciation of the WHS and reveal its OUV. The proposal is not considered to cause harm to the WHS and paragraphs 201 and 202 of the NPPF are not engaged.

## *Build Heritage Assets and Scheduled Ancient Monuments*

15.92 As identified in the constraints section of this report, there are a number of listed buildings in the local vicinity of the site and the Weymouth Town Centre and Belle Vue Road Conservation Areas are located north and west respectively. The relevant aspects of the significance of these assets are summarised as follows:

### *Summary of significance*

#### Nothe Fort Complex

15.93 Nothe Fort Complex is Grade II\* listed and a registered Scheduled Ancient Monument. It is located approximately 800m north east of the site across Newtons Cove. Its significance relates to:

- Its topographical position on a prominent and defensible headland, reflecting its suitability as a location for a gun fort (since at least the Tudor period);
- the intentional sweeping views in a wide arc from north to south east indicating its effective angle of fire to protect both Weymouth and Portland harbours;
- associated long views towards the monument/asset from these directions, all of which permit an understanding and appreciation of its historic purpose and use; and
- its spatial and functional relationship with the other coastal defences, such as the breakwater forts and Castles, all of which form a group with a shared intention of protecting the approaches to the harbour and naval base over several centuries.

#### Sandsfoot Castle

15.94 Sandsfoot Castle is Grade II\* listed and a registered Scheduled Ancient Monument located approximately 1km south west of the site. Its significance relates to its spatial, visual, historical and functional relationship with Portland Castle, which formed the other one of the pair of Henrician 'Device' forts to guard Portland Roads and the visual experience of the Castle across the harbour from Portland, the Coast Path and Chesil Beach, from all of which it is a notable visual feature, although to some extent diminished by the modern development around it.

#### Verne Citadel

15.95 Located across Portland Harbour on the Isle of Portland, the significance of this Scheduled Monument relates to:

- its topographical position on the crown of the highest point in Portland, reflecting its suitability for a defensive enclosure from the Iron Age through to the developments of the 19th century;
- its spatial and functional relationship with the associated defensive installations within and around the monument, in particular the gun batteries and the other coastal defences around the harbour, such as the breakwaters, forts and historic Castles; and
- the long views towards and from the monument in a wide arc from the east through north to the west, which permit its dominating stronghold purpose, use and character to be understood and appreciated.

#### Bincleaves Groyne & North-Eastern Breakwater

15.96 Bingleaves Groyne & North-Eastern Breakwater is Grade II listed. The Groyne is accessed via the site to the south east. Its significance relates to:

- the spatial and functional relationship with the inner and outer breakwaters, including the forts, jetties and coastal defences, all of which form a group defining the historic harbour and naval base;
- their expansive setting within the harbour, which permits an understanding and appreciation of their huge scale; and
- the associated visual experience of the breakwaters from public vantage points, such as the footpaths around the north east side of the Verne and, on the north side of the harbour, Nothe Fort, from where the sheer scale of the arms can be appreciated and their purpose understood.

#### Portland House

15.97 Portland House is a Grade II listed building located to the west of the site above the cliff. Its significance lies in its intentional long views over the harbour towards Portland, reflected in the large south-southeast facing external terrace and the central axial corridor which frames these views on both floors; and its position within a large, spacious plot, large screened from land by mature foliage, emphasising both status and privacy.

#### Weymouth Town Centre Conservation Area

15.98 Located immediately to the north of the site and extending north, the significance of the Weymouth Town Centre Conservation Area lies in its spatial relationship with the coast, which forms a distinctive and dramatic boundary to the south east of the Conservation Area, defined by a rocky shoreline and undeveloped clifftop of the Nothe Gardens; the long views south and south east from Nothe Gardens and the clifftop over the harbour and Portland, as identified on the Conservation Area Appraisal Assets Map.

#### Belle Vue Road Conservation Area

15.99 Located to the west of the site above the cliff top, the significance of the Conservation Area lies in its undeveloped and verdant character of the boundary along the clifftop, which follows this general pattern between Sandsfoot Castle and Nothe Fort and which can be experienced from PRoW S1/125; and its spatial relationship with the coast and the associated intentional views from the large dwellings on the south side of Belle Vue Road over the harbour towards Portland.

#### *Impacts on Significance*

15.100 The proposals would not have any direct impacts on the above heritage assets. However, the proposals would impact upon the setting of the identified heritage assets.

15.101 Impacts on the significance of heritage assets have been assessed by the applicant within the ES (Chapter 8 – Built Heritage). The applicant concludes the proposals would result in a change to the wider surroundings of heritage assets but would not result in any adverse effects on the historic environment. This is on the basis that the site had only a historic function and physical relationship with the Grade II Listed Bingleaves Groyne and the North-Eastern Breakwater, and the legibility of the site's military use was lost when the majority of the former buildings were demolished. Overall, the ES concludes the proposed development would have a neutral effect on all identified heritage assets.

15.102 The proposals insofar as they concern access, layout and scale have been considered by the council's Senior Conservation Officer. Impacts on the significance of these heritage assets is assessed as follows:

#### Nothe Fort Complex

15.103 The development will be visible in several areas from within and around the southern parts of the monument, as is confirmed in the LVIA (Viewpoints 1-3). From the ramparts within

the monument itself, where the views (i.e. angles of fire) are effectively concentrated towards the approaches to the harbour (north east and south east), the development site is minimally visible, if at all, and it is not visible from the lower level within the fort, which is surrounded on all sides by the gun platforms and ramparts. However, the development is likely to be slightly visible from the western rampart as indicated by LVIA Viewpoint 1. The development may therefore feature as a minimal element in the views which reflect the historic purpose and use of the fort, whose significance remains unaffected by glimpsed or incidental views of the development in the wider field of vision towards the south west.

15.104 The development would be co-visible with the monument in elevated long views over the harbour from Portland (LVIA Viewpoint 11). However, the development is situated at some distance along the coastline, with an intervening undeveloped verdant gap and it is not considered that it results in an obstructive or otherwise dominant element in these views from which the setting of the monument can be understood and appreciated. In the even longer range views towards the Nothe from the coast to the north east of Weymouth (LVIA Viewpoints 12-13), which extend to 3-5 km and more, the development is largely concealed by the topography and, even only minimally visible, is not considered to form a dominant backdrop or other impact which would reduce the appreciation of the monument.

15.105 The development is not considered to result in any detrimental impacts on the legibility or understanding of the spatial and functional relationship between the monument, the breakwaters and the other coastal defences.

15.106 No harm to the assets' significance is identified.

#### Sandsfoot Castle

15.107 As with Nothe Fort, the proposals would be co-visible with the monument in long views over Portland harbour, especially in elevated views from the Verne (LVIA Viewpoint 11). However, again the development is at some distance from the monument in these views, separated by the undeveloped verdant clifftop, and is not considered to form a dominant or otherwise detrimental element to this monument's setting.

15.108 The many highly significant relationships between the monument and Portland Castle are not effected by the development.

15.109 No harm to the assets' significance is identified.

#### Verne Citadel

15.110 The development will be visible in long views from the Verne, as detailed above. However, given the expansiveness of these views and their general qualities expressing dominance, it is not considered that the development will result in any detriment to any understanding or appreciating these elements. Similarly, the views towards the Verne, whether from around the harbour or in longer range views from the coast to the north west and north east, which together emphasise its dominance over the locality, are unlikely to be affected by the development. In no viewpoint is the proposal considered to overcome or compete with the dominance of the Verne.

15.111 The development will not result in any impacts on an understanding or appreciation of the topographical setting of the Verne, or its spatial and functional relationships with the assets within and without the scheduled area.

15.112 No harm to the assets' significance is identified.

#### Bincleaves Groyne & North-Eastern Breakwater

15.113 Until recently the site contained numerous buildings relating to previous uses of the site, including the Admiralty Underwater Weapons Establishment and, in recent years, QinetiQ. Historically, these buildings were intimately related with the use of the groyne, and included a tramway and a pier for the testing of torpedoes. However, all buildings on the site have been demolished.

15.114 It is not considered that the development will impact on the identified contributory elements on the assets' setting. Their spatial and functional relationships and resulting group value are not affected. The development will be co-visible with the assets in long views over the harbour, particularly from Portland and Portland Beach Road (LVIA Viewpoints 9 and 11), but also possibly partially in long views from the coast to the north east. However, this co-visibility, in which the development is peripheral to the groyne itself, is not considered to diminish the ability to understand or appreciate the assets' expansive setting within the harbour and their monumental scale.

15.115 No harm to the assets' significance is identified.

### Portland House

15.116 As outlined above, the most significant element of the asset's setting is its intentional visual relationship with Portland harbour. Given the location and orientation of the asset there is not a direct line of sight over the application site. The direct view eastwards from the terrace is partly interrupted by the existing development along Redcliff View and mature tree boundary on the site's south east corner.

15.117 It is possible that the higher elements of the site will be partly visible from the rear terrace of the asset over the top of the single-storey dwellings at Nos. 5-7 Redcliff View. However, it is not considered that these materially interfere with the intentional, designed south-southeast axis of the asset and its associated views. The glimpses of the site are unlikely to be sufficient to distract or detract from the appreciation of this view. No harm to the assets' significance is identified.

### Weymouth Town Centre Conservation Area

15.118 The proposals would be visible in identified views from the Conservation Area boundary (LVIA Viewpoints 2 and 3). Of these, the most prominent view will be from the coast path (Viewpoint 2), which will result in the introduction of development to a largely undeveloped view.

15.119 However, taking the extent and purpose of these identified views into account and the pre-existence of buildings on the site since its early-20th-century reclamation, the impact is largely considered to be peripheral and does not materially detract from the primary experience of the view over the harbour, at least insofar as this view contributes to understanding and appreciating the significance of the setting of this part of the Conservation Area through its relationship to the coast and harbour. No harm to the assets' significance is identified.

### Belle Vue Road Conservation Area

15.120 In long views where this boundary of the Conservation Area can be appreciated, along with what it conveys about the status and intentions of the large dwellings within this part of the Conservation Area (LVIA Viewpoints, 7-9, 11), the site is co-visible. However, as it lies alongside a stretch of clifftop, it is not considered that it affects the understanding or appreciation of this element of the Conservation Area's setting. In addition, the development is unlikely to form a prominent or dominant element in views from the curtilages of these properties; any glimpsed views will not detract from their primary intention and orientation towards the harbour. No harm to the assets' significance is identified.

15.121 Overall, it is concluded the proposals would not result in any harm to the above heritage assets. The Senior Conservation Officer confirms support for the proposals subject to a planning condition related to the details of proposed materials. Such condition is proposed.

15.122 The Senior Conservation Officer also notes potential for enhancement of the historical relationship between the site and adjacent Bingleaves Groyne through highlighting the unique



history of the site through some form of public sculpture, or a related torpedo or interpretation. Such a provision is identified as having potential to provide significant public benefit through enhancing the significance of the heritage asset. This approach would respond to the supporting test of Policy WEY9 (Para. 7.3.28) in reflecting the history of the site. Following negotiations with the applicant, the applicant has agreed to provide public art within the site which acknowledges the history of the site. This commitment is proposed to be conditioned and would accordingly provide a public benefit to be considered in the planning balance.

15.123 Overall, the proposal accords with Policy ENV4 and would result in no heritage harm in respect of the above heritage assets.

### **Highways, access and highway safety**

15.124 The proposal includes a single means of access serving the development from the existing mini-roundabout at the south eastern end of Newtons Road. The access works would provide dropped kerbs and tactile paving on the Newtons Road arm to provide a connection along desire lines for pedestrians to and from the existing promenade and stepped access to the pedestrian footbridge above. The existing sea wall is proposed to be realigned to facilitate the connection between the promenade and a 3m wide pedestrian and cycle route serving the development.

15.125 The application is accompanied by a Transport Assessment (January 2022) and subsequent Addendum (October 2022). The ES (Chapter 10 – Transport and Access) also considers the likely significant effects of the development on traffic and transport receptors.

15.126 The Transport Assessments assess the likely impact of development traffic upon the Newtons Road/Spring Road/Newberry Gardens mini-roundabout and the Rodwell Avenue/Rodwell Road traffic signal controlled junction. The assessment models traffic for the anticipated year of operation and considers the AM and PM peak hours considering cumulative developments. The conclusion reached is that the proposals will have no material impact on the operation of the local highway network. The ES identifies adverse impacts would range between negligible to slight adverse (not significant).

15.127 The Highways Authority concurs with the conclusions of the applicant's assessment having fully and comprehensively considered the modelling work. It concludes that the residual cumulative impact of the proposal cannot be judged to be "severe" when consideration is given to the NPPF (Paras. 110 and 111).

15.128 In respect of the internal site layout identified on the Parameter Plan and shown indicatively on the Illustrative Masterplan. The ES notes pedestrian priority would be provided and finds substantial beneficial effects in relation to reducing pedestrian and cycle delay and the effect on severance along Newtons Road. The Highways Authority considers the proposal has been designed to keep vehicle speeds below 20mph by the use of appropriate traffic calming measures. Pedestrian permeability and safety are noted to have been fully considered in the layout strategy and the illustrative masterplan accords with the Manual for Streets.

15.129 The Highways Authority considers the Illustrative Masterplan demonstrates scope for sufficient cycle parking and sufficient on-site car parking for both residential and non-residential uses.

15.130 Subject to planning conditions, the Highways Authority has no objection. The respective conditions are recommended. These include a Construction Traffic Management Plan (CTMP) and Travel Plans.

15.131 A number of objections have requested that construction traffic avoids Hope Square and Trinity Street and routes to the site via Rodwell Avenue. Whilst the majority of construction vehicles are anticipated to avoid Hope Square and Trinity Street in any event, such a requirement is not considered necessary to make the development acceptable in

planning terms. The proposed CTMP condition requires details of construction vehicle details (number, size, type and frequency of movement) and a route plan for all contractors and suppliers to be advised of. Accordingly, the appropriateness (or otherwise) of the proposed route can be considered at the discharge of conditions stage in consultation with the Highways Authority.

15.132 The breakwater accessed via Newtons Road and the site is currently in employment use and dependent on the site for access. The supporting text to Policy WEY9 (Para. 7.3.28) notes the current requirement for the breakwater beyond the site to be accessible to HGVs and other traffic. This requirement of existing business remains and is accommodated in the Illustrative Masterplan.

15.133 Overall, the proposals comply with the highways, access and highway safety policy objectives of Policy COM7 and the NPPF. Subject to flood mitigation (see assessment section below) the access would provide safe access to the site.

### **Residential amenity**

#### *Noise and odour: Integration of residential and non-residential uses*

15.134 The NPPF (Para. 187) notes that decisions should ensure that new development can be integrated effectively with existing business and community facilities. Existing business and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

15.135 The proposals include a wide range of uses comprising: residential; a care home (Use Class C2); associated leisure floorspace (Sui Generis); office/light industrial floorspace (Use Class E(g)); and a restaurant (Use Class E(b)). Generally, the layout of the development has been devised to minimise adverse amenity effects through the location of the office/light industrial building in the south west corner of the site. The dwellings would be positioned along the seaward edge of the development with the care home located in the centre of the site. The restaurant is proposed at the ground floor of apartment Block 1-C adjacent to the breakwater and the leisure floorspace is proposed within apartment Block 2-A. Such relationships with restaurant and leisure floorspace on the ground floor are wholly compatible and a typical relationship within Weymouth.

15.136 The Noise Impact Assessment (January 2022) prepared by the applicant concludes that noise from industrial and commercial sources would be low and would not have an adverse impact on future occupants subject to the implementation of mitigation measures including appropriate ventilation and glazing specification. Given the outline nature of the application, the recommendations of the Noise Impact Assessment are proposed to be conditioned and further considered at the detailed design stage.

15.137 The provision of plant equipment has the potential to cause adverse amenity impacts through noise and odour. Whilst details of plant equipment are not known at this stage, appropriately worded planning conditions are proposed to ensure suitable provision of plant equipment that protects residential amenity.

15.138 Subject to conditions, the proposals would not have a significant adverse effect on residential amenity in respect of noise or odour.

#### *Daylight, Sunlight and Overshadowing*

15.139 Given the location of the site below the cliff, the supporting text to Policy WEY 9 identifies sunlight and daylight as an important consideration.

15.140 The applicant has produced a Daylight and Sunlight Assessment (January 2022) to consider the daylight and sunlight impacts between the buildings. The assessment is based on the initial illustrative proposals (up to 186 dwellings) and therefore provides an overly robust assessment of daylight and sunlight impacts due to the additional building height.

15.141 The assessment concludes that the daylight level of the rooms within the proposed development are generally considered to be excellent, with all worst case rooms across the dwellings and care home achieving the average daylight factors recommended within the BRE report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice, Second Edition, 2011 (BR209).

15.142 In respect of sunlight, the assessment concludes 75% of the main living rooms would achieve the sunlight levels recommended in BR209. Whilst it is preferable for all rooms to achieve suitable daylight through a south facing window, the assessment notes this is not practical for the development given the sea front location of the development with the majority of living rooms orientated towards the sea.

15.143 Assessment of overshadowing demonstrates the buildings are of a sufficient distance from each other and are of an appropriate height to allow sunlight into the heart of the development. The care home's communal amenity area is assessed to comply with BR209 given 78% of the care home's communal amenity area would receive at least two hours of sunlight at the March equinox.

15.144 The proposals accord with Policy ENV16 in relation to daylight, sunlight and overshadowing.

#### *Privacy*

15.145 Subject to detailed design through Reserved Matters Application(s) the proposals show appropriate levels of privacy could be provided and significant adverse effects through overlooking could be avoided.

#### **Ecology and biodiversity**

15.146 The site is a former industrial site predominantly comprising hard bare ground and of low ecological value. The Portland Shore SSSI extends along the northern and north-western boundaries of the site and includes areas of dense scrub, amenity grassland and scattered trees. Coastal grassland is present along part of the north eastern boundary of the site.

15.147 The proposals are informed by a Preliminary Ecological Appraisal, Ecological Impact Assessment

15.148 Chapter 11 of the ES (Ecology and Nature Conservation) assesses the likely significant effects of the proposals on ecology receptors during construction and operation, including: Chesil & The Fleet SPA; the Portland Harbour Shore SSSI; SNCI's; marine habitats; and protected species.

15.149 The ES identifies a range of effects ranging from negligible, minor adverse to major adverse prior to mitigation and enhancement measures. With the implementation of mitigation and enhancement measures the majority of residual effects are identified to reduce to a negligible effect with the exception of impacts on: invertebrates (minor beneficial); on-site habitats (moderate beneficial - significant); bats (minor beneficial); and invertebrates (moderate beneficial - significant).

15.150 Proposed mitigation and enhancement measures include:

1. On-site habitat creation through detailed landscaping scheme;
2. SSSI Management Plan relating to Portland Harbour Shore SSSI. The Management Plan is identified to have a minor beneficial effect on the adjacent SSSI through select scrub clearance and debris removal;
3. A Construction Environmental Management Plan (CEMP) to manage construction impacts on the environment;
4. Landscape and Ecology Management Plan (LEMP) including prescriptions for green roofs, green wall, coastal grassland, trees, log piles, bat, bird and invertebrate boxes;

5. Provision of flood defences;
6. Sensitive lighting plan in accordance with Institute of Lighting Professionals Guidance Note 08/18;
7. Modification of the sea wall to create microhabitats suitable for a variety of species.

15.151 The proposed ecological enhancement measures would create a variety of habitats and are estimated to result in a biodiversity net gain of 21.51% in habitat units and 100% in hedgerow units. This exceeds the net gain requirements of Policy ENV2, the NPPF (Para 174d) and the emerging requirement in the 2021 Environment Act.

15.152 The Natural Environment Team (NET) has issued a Certificate of Approval and requested that the LEMP and lighting strategy are conditioned. Natural England has also requested that a detailed lighting scheme, CEMP and SSSI Management Plan are secured. Natural England also request further intertidal and marine surveys to ensure the new sea defences do not harm marine wildlife interests. These measures would be secured through appropriate planning conditions.

15.153 Adverse impacts on Chesil and The Fleet through additional recreational pressure would be mitigated via CIL in accordance with the Dorset Council interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar (April 2020). This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England.

15.154 Subject to securing the mitigation and enhancement measures, the proposal would accord with Policy ENV2, of the Local Plan, Paragraphs 180 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended). The biodiversity net gain beyond policy requirement is a moderate benefit to be considered in the planning balance.

### **Flood risk and drainage**

15.155 The site is located within Flood Zone 1 and is identified as having a low risk of flooding from fluvial or tidal sources of less than 1 in 1000 annual probability. Given the coastal location, the site is at risk from wave overtopping.

15.156 Due the site being assessed and allocated for employment and/or mixed use development via the Local Plan process a further sequential test is not required to be undertaken at this planning application stage.

15.157 The application is supported by a Flood Risk Assessment and likely significant effects related to flood risk and drainage are assessed with the ES (Chapter 9 – Flood Risk and Drainage). Over the course of determination the applicant has engaged with the Environment Agency (EA) to respond to their initial objections and provide requested further assessment via: a Coastal Modelling Report (October 2022), updated Flood Risk Assessment (April 2023) and ES Addendum (May 2023).

15.158 The proposed promenade along the eastern boundary of the site has a level of 4.5m AOD, 1m below the crest level of the adjacent sea wall. The remainder of the site has a minimum level of 5.0m AOD. This provides an additional level of protection against wave overtopping by allowing flood water to be contained and drained from the promenade rather than flowing across the site. The FRA recommends that finished floor levels should be raised by a further 150mm (to 5.15m AOD). The EA note further detailed modelling is required at the detailed design stage and floor levels must reflect the results of updated modelling.

15.159 Due to flood risk, the EA considers it prudent to not place self-contained ground floor residential units and/or sleeping accommodation (including residential care home bedrooms) on the ground floor in high flood risk areas, even if it can be demonstrated through modelling that they are not at risk of residual flood risk. The EA recommends that all residential units on the ground floor have a self-contained internal first floor safe haven with bedrooms limited to

the first floor and above. Given the outline nature of the application, the internal layout of the care home and dwellings has not yet been confirmed. In the absence of modelling requiring such internal layout, the recommendation is not necessary to make the development acceptable in planning terms and cannot be secured via planning condition at this outline stage.

15.160 On the basis of the applicant's further assessment the EA has withdrawn its objection to the proposals subject to planning conditions. These conditions related to: provision of a flood risk management and flood defence scheme; foul drainage; water efficiency; and a CEMP. The flood defence scheme condition requires updated coastal flood modelling based on the detailed design of the flood defence scheme. In addition, a condition requiring a Flood Warning and Evacuation Plan is proposed. Together these conditions would mitigate flood risk and ensure the development would remain safe for its lifetime.

15.161 In respect of drainage, the Council's Flood Risk Management (FRM) Team conclude the outline drainage strategy confirms that a deliverable and viable surface water management scheme can be provide. FRM have no objection subject to planning conditions related to surface water management. Natural England also comment that the use of appropriate silt traps and oil interceptors so as to prevent the discharge of contaminated surface water to Weymouth Bay and a requirement for maintenance should be secured. They note surface water should avoid discharge to the more sensitive Portland Harbour is avoided.

15.162 Subject to conditions, the proposal would be acceptable from a surface water drainage and flood risk perspective in accordance with Policy ENV5 and the NPPF.

### **Air Quality**

15.163 Policy ENV16 requires that development does not generate unacceptable pollution 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.

15.164 An Air Quality Assessment (January 2022) has been prepared by the applicant to assess the potential impacts of the development on surrounding air quality during construction and operation. It acknowledges pre-application advise from the Council which identified the poor air quality in the Boot Hill area (Rodwell Road) and required assessment of NO2 and PM10 as a minimum.

15.165 During construction, the assessment identifies that residual air quality impacts from construction vehicles and plant on local air quality would mitigated to an appropriate standard and would not be significant. During operation impacts are assessed as being negligible. The Air Quality Assessment details a series of mitigation measures that would ordinarily be incorporated within a CEMP. Accordingly, the mitigation is proposed to be secured via planning condition. In addition, associated air quality implications during operation would be further reduced via the Travel Plan, proposed to be secured via a Section 106 Legal Agreement.

15.166 The proposal accords with Policy ENV16 in respect of air quality.

### **Land stability**

15.167 Policy ENV7 notes new development will be directed away from areas vulnerable to coastal erosion and land instability to avoid putting people at risk unless it can be demonstrated that the site is stable or could be made stable, and that the development is unlikely to trigger landsliding, subsidence, or exacerbate erosion within or beyond the boundaries of the site.

15.168 The NPPG notes the planning system has an important role in considering land stability, including: helping ensure that development does not occur in unstable locations or without appropriate precautions; and to bring unstable land back into productive use wherever possible (Paragraph: 001 Reference ID: 45-001-20190722).

15.169 The Applicant's Cliff/Slope Stability Assessment (September 2021) provides a general assessment of site conditions and makes recommendations regarding the stability of the adjacent cliff. These recommendations include:

1. Removal of loose material ('rock combing') prior to site clearance and development and removal of debris under suitable supervision;
2. Retention of vegetation on the lower slopes;
3. Provision and maintenance of catchment structures and bi-annual inspections.

15.170 The Council's Coastal Risk Management Team support the development subject to conditions, including further investigation to inform the detailed design of stabilisation works.

15.171 Subject to appropriately worded conditions, the development accords with Policy ENV7 with regard to land stability.

### **Ground conditions**

15.172 Subject to standard planning conditions in respect of contamination, the proposal would not result in unacceptable risk of pollution there would be no unacceptable risk to future occupiers in accordance with Local Plan Policy ENV9.

### **Community Infrastructure Levy**

15.173 Community Infrastructure Levy (CIL) came into effect in the Weymouth and Portland Area in 2016. CIL Would be liable in accordance with the Weymouth and Portland CIL Charging Schedule (2015) and CIL Regulations 2010 (as amended). The unindexed CIL rate for residential development is £93/sq.m. All other development is £0/sq.m.

15.174 Dorset Clinical Commissioning Group request Section 106 contributions in accordance with Exploring Developer Contributions for NHS Infrastructure (v5 dated 3 November 2020). The document confirms contributions will mainly be collected via CIL where there is a CIL charging regime in effect. Accordingly, funding towards NHS infrastructure would be funded via CIL and a planning obligation secured via a Section 106 agreement is not required to make the development acceptable in planning terms.

## **16.0 Summary and planning balance**

16.1 The application site is allocated within the Local Plan prepared at a time when the site provided an employment use. It is allocated for either an alternative employment use or through the comprehensive mixed use redevelopment to provide community benefits, including sufficient uses to ensure no significant loss of potential jobs.

16.2 Comprehensive redevelopment of the site has been discussed for a number of years and a series of developments have been approved. These include a 2008 mixed-use development (06/00915/OUTE) and a 2016 Care Village development (WP/15/00833/FUL). Neither of these approved developments were implemented and the permissions have now lapsed.

16.3 The mixed use proposals comprises:

- up to 141 dwellings (Use Class C3);
- a 60 bed care home (Use Class C2);
- up to 340sq.m of leisure floorspace comprising a gym, swimming pool / spa (Sui Generis) associated with the dwellings;
- up to 1,186 sqm of office/light industrial floorspace (Use Class E(g));
- up to 328 sqm of restaurant floorspace (Class E(b)); and

- associated car parking, public open space, public realm, cliff stabilisation & sea defence works, with vehicular and pedestrian access from Newtons Road & associated infrastructure.

16.4 The proposals have been subject to pre-application consultation and have been amended over the course of determination to respond to comments from consultees and third parties. Notably the number of dwellings have been reduced from 189 to 141 and building heights have been reduced to better relate to the character of the site and sit below the height of the adjacent cliffs. Nevertheless, adverse impacts on landscape character and visual amenity have been identified. The absence of on site affordable housing has been rigorously assessed and the lack of provision is considered to be justified on viability grounds in accordance with Policy HOUS1.

16.5 The proposal would result in comprehensive mixed use redevelopment of an underutilised site as supported by the site allocation. Public and community benefits include:

1. Redevelopment of a previously developed brownfield site which is currently vacant;
2. Creation of a broad range of jobs during construction and operation;
3. Provision of 141 new open market dwellings;
4. Provision of public access through the site which would provide unique views of the waterfront, surrounding heritage assets and the WHS;
5. Provision of public WC and changing facilities helping to support openwater swimming and informal recreation; and
6. Substantial biodiversity net gains.

16.6 These benefits are considerable and considered to outweigh the adverse landscape and visual impacts of the proposal.

16.7 On balance, the proposed development complies with the development plan as a whole notwithstanding the deficiencies noted above. Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. There are no material considerations which would warrant refusal of this application.

## 17.0 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 to secure the following:

1. £45,000 Affordable Housing Off Site Contribution;
2. Waterfront pedestrian and cycle route;
3. Public WCs and changing facilities, including provision, public access and management; and
4. Travel Plans and Travel Plan Coordinator for 5 years including induction packs.

And the following conditions:

### Approved Plans

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

9464-100 Rev K Site Location Plan & Designers Risk Assessment

9464-P1 Rev K Parameters Plan

1751/03 Rev B Proposed Site Access Arrangements

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

### **Phasing**

2. No application for Reserved Matters shall be approved until a phasing plan for the development has been submitted to, and approved in writing by, the local planning authority. Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

Reason: To allow the development to proceed on a phased basis.

### **Reserved Matters**

3. For any individual phase of development identified in the details approved in accordance with Condition 2 above, no part of the development within that phase shall commence until details of all reserved matters (appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

4. The scale of buildings shall comply with the maximum storey heights shown on the following plans:

9464-P1 Rev K Parameters Plan

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

5. All applications for approval of all 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.

### **Time Limit**

6. 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).

### **Use Classes**

7. Occupancy of the care home hereby permitted shall be restricted to residents who are in need of personal care due to frailty, dementia or physical disability. The care home shall be used for no other purpose including any other purpose in Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To prevent increased recreational pressures on Chesil and the Fleet international wildlife site in accordance with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015).



8. The Office Building identified on the approved Parameter Plan (ref: 9464-P1 Rev K) shall be used for office/light industrial purposes (Use Class E(g)) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The Council considers an unrestricted Class E would not be compatible with Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015) which requires sufficient employment uses to ensure no significant loss of potential jobs.

### **Samples of Materials**

9. Prior to development above damp proof course level within any phase, details and samples of all external facing materials for the walls, roofs and boundary treatments within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

### **Highways**

10. Before the development hereby approved is occupied or utilised for any approved use (excluding construction) the following works must have been constructed to the specification of the Local Planning Authority:

- The proposed access improvements (including the realignment of the sea wall) as shown on Dwg No 1751/03 Rev B (or similar scheme) to be first submitted to and agreed in writing with the Local Planning Authority.

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

11. Notwithstanding the information shown on the plans approved by this application, no development of any phase must commence until precise details of the access, geometric highway layout, turning and parking areas serving the relevant phase have been submitted to and agreed in writing by the Planning Authority. The internal access arrangements of the development shall provide a footway/cycleway promenade in the location identified on the approved Parameter Plan (ref: 9464-P1 Rev K). The relevant phase shall thereafter proceed in accordance with the approved details, completed prior to occupation of the relevant phase and maintained for the purposes specified for the lifetime of the development.

Reason: To ensure the proper and appropriate development of the site and ensure suitable access and public benefit in accordance with the objectives of Policy WEY9.

12. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority. Thereafter, the first 15.00 metres of the vehicle access shall proceed in accordance with the approved details and maintained for access for the lifetime of the development.

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

### **Surface Water Management**

13. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and a timetable for the implementation of the scheme, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the approved details and timetable for implementation.

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

14. 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 shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall 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.

### **Flood Risk**

15. Prior to the submission of any reserved matters application the following elements required to manage the risk of flooding associated with the site shall be submitted to, and approved in writing by, the local planning authority. These elements will include the following components:

a) Plans showing the detailed design of the flood defence scheme, incorporating rock armour, sea wall, promenade, raised ground and floor levels as well as drainage and blockage consideration. The detailed design shall be in accordance with the design principles set out in the Flood Risk Assessment (JBA, Revision P02 dated 16 February 2023). The final detailed designs will also be supported by updated detailed design coastal flood modelling.

b) As part of the detailed reserved matter designs there should be no self-contained ground floor residential units (flats/bungalows etc.) and/or sleeping accommodation (bedrooms) on the ground floor unless these are demonstrated to not be at risk of residual flood risk to the satisfaction of the Local Planning Authority, based on the detailed design modelling approved as part a) of this condition.

c) A maintenance and improvement plan for the flood defence scheme, approved as part a) of this condition, for the lifetime of the development.

d) An updated Flood Risk Assessment based on the outputs from the detailed design modelling approved as part a) of this condition incorporating the best available evidence at that time.

The flood defences (except finished floor levels) shall be completed in the first phase of the works on site, prior to any other site work in accordance with the approved Flood Risk Assessment under part d) of this condition. The approved flood defences, finished floor and site levels, ground floor arrangements as well as the flood defence maintenance and improvement plan shall be carried out, and maintained, in accordance with the approved plans, unless otherwise approved in writing by the Local Planning Authority under the terms of this condition.

Reasons: To reduce the risk of flooding to the site and future occupants under all phases, and to ensure the structural integrity and suitability of the proposed flood defences thereby reducing the risk of flooding.

16. Before the commencement of the development a detailed Flood Warning and Evacuation Plan covering emergency response and evacuation arrangements for the site shall be submitted to and be approved in writing by the Local Planning Authority. The agreed measures shall be provided prior to first occupation taking place on site and thereafter these measures shall be permanently maintained, unless an alternative is first agreed in writing with the Local Planning Authority.

Reason: To ensure that those using the site are aware that the area is at risk of flooding, and the emergency evacuation procedure and routes to be used during flood events.

17. With the exception of the promenade, finished ground levels shall be set at a minimum of 5.00m AOD.

Reason: To minimise the risk of flooding to people and property.

### **Land Contamination**

18. 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 (3-5 above), 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 Scheme and prior to the first occupation or use of a relevant phase of development commencing 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.

19. 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). If 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 shall be carried out in accordance with the approved timescale and 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.

### **Electrical Vehicle Charing Points**

20. Prior to the construction of any phase of the development above damp-proof course level a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within that phase of the development (along with a timetable for their provision), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development of that phase shall be carried out in accordance with the approved details and timetable and, thereafter, must be maintained and available for the purpose specified for the lifetime of the development.

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

### **Cycle Parking**

21. Prior to occupation of any phase of development a scheme showing precise details of the proposed cycle parking facilities serving that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 for the lifetime of the development.

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

### **Construction Traffic Management Plan**

22. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be 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) vehicle cleaning facilities
- h) Inspection of the highways serving the site (by the developer (or their contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- i) a scheme of appropriate signing of vehicle route to the site
- j) a route plan for all contractors and suppliers to be advised on
- k) temporary traffic management measures where necessary
- l) measures to ensure HGV access to the breakwater by existing occupiers

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

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

### **Construction Environmental Management Plan**

23. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "*biodiversity protection zones*".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Measures for the protection of the adjacent SSSI, harbour and sea, including: sheeting of lorries carrying loose loads to and from site; wheel wash facilities; use of water as a suppression measure; and reduced height of load tipping to prevent dust smothering adjacent marine and terrestrial habitats.
- f) Pollution prevention measures including measures related to the use of plant and machinery, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds, and control and removal of spoil and wastes.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication.
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j) Use of protective fences, exclusion barriers and warning signs.
- k) A timetable for the construction of the development.

Thereafter the development shall be implemented in strict accordance with the approved CEMP and timetable unless otherwise agreed under the terms of this condition.

Reason: To protect biodiversity during the construction phase and prevent pollution of water in accordance with Para. 174 of the NPPF.

### **Portland Harbour Shore Site of Special Scientific Interest (SSSI) Management Plan**

24. Before the commencement of the development, a Site of Special Scientific Interest (SSSI) Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to secure the enhancement and maintenance of the condition of the part of the Portland Harbour Shore SSSI that lies within the development site. The Management Plan shall include the recommendations set out at Section 5.0 of the SSSI Management Plan 2023-2028 (ref: LLD2478-ECO-REP-004-00-SSSI dated 14 July 2022) together with provision for geological recording of any fallen material or material dislodged through rock combing, and where appropriate measures to secure improvements in terms of exposure and access to SSSI qualifying features. The development must be carried out strictly in accordance with the approved SSSI Management Plan and adhered to throughout the lifetime of the development.

Reason: In the interests of protected species, to provide an improved wildlife habitat and facilities for nature conservation and to preserve features of paleontological interest.

### **Public Art**

25. Prior to construction above damp proof course level details of public art including: i) sculptural reliefs of Jurassic fossils along the proposed sea wall and promenade and ii) a gateway feature on Newtons Road responding to the history of the site and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the public art shall be provided in accordance with the approved timetable and retained and maintained for the lifetime of the development.

Reason: To mitigate impacts on the World Heritage Site and respond to the unique history of the site in accordance with Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015)

### **Biodiversity**

26. 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 18 August 2023 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 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 provide net gain for impacts on biodiversity

27. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior commencement of development. The content of the LEMP shall include:

a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery and a timetable for its implementation.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

### **World Heritage Site**

28. Prior to construction above damp proof course level details of publicly accessible World Heritage Site geological heritage interpretation measures and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures shall be implemented in accordance with the approved timetable and maintained for the lifetime of the development.

Reason: To mitigate impacts on the World Heritage Site and respond to the unique history of the site in accordance with Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015)

### **External Lighting**

29. Prior to construction above damp proof course level a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill and accords with the Institute of Lighting Professionals Guidance Note 08/18, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter there shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity and the character of the area.

### **Cliff Stabilisation**

30. Prior to commencement of development a detailed scheme for cliff stabilisation and protection works taking account of both land stability, ecological considerations (to include proposals for its ongoing management) and the Dorset and East Devon Coast World Heritage Site shall be submitted to and approved in writing by the Local

Planning Authority. The development will be completed in accordance with the agreed details prior to the occupation of the site and thereafter the cliff face shall be permanently maintained in accordance with the agreed management proposals.

Reason: To ensure appropriate stability of the cliff, improve nature conservation within the SSSI and avoid harm to the Dorset and East Devon Coast World Heritage Site.

### **Foul Sewer**

31. As part of any reserved matters application, a scheme to dispose of foul drainage, including connection to the public foul sewer network, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved and maintained for the lifetime of the development.

Reason: To ensure that the development can be adequately serviced and ensure enhancement of the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution in accordance with Para. 174 of the NPPF.

### **Water Efficiency**

32. No development hereby approved shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day for all residential development. The scheme shall be implemented in accordance with the agreed details.

Reason: Under the latest 2021 classifications, this area has been identified as under, or likely to be under, serious water stress. To contribute to sustainable development as well as meeting the demands of climate change and the climate emergency.

### **Noise**

33. 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 before the first use of plant or similar equipment and permanently retained thereafter.

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

### **Odour**

34. Prior to the first operation of the restaurant hereby approved commencing, details of odour suppression measures to avoid significant adverse impacts on residential



amenity shall be submitted to and approved in writing by the Local Planning Authority. The approved measure shall be installed before the first operation of the restaurant and thereafter the odour suppression measures shall be maintained for the lifetime of the restaurant.

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

### **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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to affordable housing off-site contribution, waterfront pedestrian/cycle route, public WCs and changing facilities and Travel Plans and Travel Plan Coordinator.

3. Informative: If the new road layout is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

4. Informative: The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

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

6. Informative: The highway improvement(s) referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Development team. They can be reached by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.
  
7. Informative: 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-fordevelopers-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](mailto:bincharges@dorsetcouncil.gov.uk).
  
8. Informative: 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 meet with their requirements. Contact [businesswaste@dorsetcouncil.gov.uk](mailto:businesswaste@dorsetcouncil.gov.uk) for more information.
  
9. Informative: The applicant is advised to apply to any relevant body for permission to discharge surface water to Weymouth Harbour (if required)
  
10. Informative: If the applicant wishes to offer for adoption any highways drainage to Dorset Council, they should contact Dorset Council's Highway's Development team at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) as soon as possible to ensure that any highways drainage proposals meet the Council's design requirements.
  
11. 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](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.
  
12. Informative: Street Naming and Numbering  
The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website [www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering](http://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering)

13. Informative: It should be noted that the outcome of the updated detailed design coastal flood modelling will influence/support any reserved matters detailed designs, including the details required to address parts (b, c and d) of condition 15. Therefore, updated detailed design modelling should be completed prior to finalizing the related design elements.

**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 7 March 2024 (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 an off site contribution of affordable housing the development would be contrary to Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015).
2. In the absence of a satisfactory completed legal agreement to secure provision of a waterfront pedestrian and cycle route the development would not provide sufficient community benefit contrary to Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015).
3. In the absence of a satisfactory completed legal agreement to secure provision of Public WCs and changing facilities, including provision, public access and management the development would not provide sufficient community benefit contrary to Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015).
4. In the absence of a satisfactory completed legal agreement to secure Travel Plans and Travel Plan Coordinator for 5 years (including induction packs) the impacts of the development on the highway network would not be satisfactorily mitigated in conflict with Policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015).

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## Officer Report

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|----------------------------|---|
| <b>Application Number:</b> | P/FUL/2022/06311  |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | West Bay Holiday Park Forty Foot Way West Bay DT6 4HB                                       |
| <b>Proposal:</b>           | New converted shipping container catering unit  |
| <b>Applicant name:</b>     | David Kidd  |
| <b>Case Officer:</b>       | Thomas Whild  |
| <b>Ward Member(s):</b>     | Cllr Bolwell; Cllr Clayton; Cllr Williams   |

**1.0** The application is being reported to the planning committee as the Council is the freehold owner of the land.

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

**3.0 Reason for the recommendation:**

- The site is located in the defined development boundary where new development is generally supported.
- The applicant has successfully demonstrated that the proposal would not have unacceptable impacts upon amenity by way of noise or odour.
- The applicant has successfully demonstrated that there are suitable flood resilience measures in place.
- The design and character of the scheme is such that it would be appropriate to its context and would avoid harm to the setting of the West Bay conservation area.

**4.0 Key planning issues**

| Issue   | Conclusion   |
|---|--|
| Principle of development                              | The site is located within a sustainable location within the defined development boundary where development is generally supported. There are examples of other food kiosks in the vicinity and the principle of development is considered to be acceptable. |
| Character, appearance and impact on conservation area | Although relatively utilitarian in appearance, that is moderated by the provision of signage. The development would be seen in the context of existing buildings of limited architectural merit and views from within the conservation area to               |

## Officer Report

|                   |  |
|-------------------|--|
|                   | the east would be filtered through the seating area to the adjacent café which incorporates railings, parasols and festoon lights.   |
| Flood Risk        | The site is located in flood zone 3. The use is however a 'less vulnerable' use and the applicant has provided an appropriate FRA which demonstrates that it is outside of the functional flood plain and which has demonstrated flood resilience measures which have been agreed with the Environment Agency. |
| Impact on amenity | There would not be any unacceptable impact upon amenity as a result of noise or odour.   |

### 5.0 Description of Site

- 5.1 The application site is located, at the south eastern side of the West Bay Holiday Park Site where Forty Foot Way joins the small roundabout at the northern side of the harbour. The site is irregularly shaped and encompasses the quayside café and harbour bar and associated outdoor seating area which is located at the entrance to the holiday park.
- 5.2 The area is largely level with decking to the external seating area and the ground levels of the café and bar raised slightly above the ground level with the actual ground level slightly below that of the decking. There is a low picket fence defining the edge of the site and the western part of the site is concrete and open to the road and is currently occupied by two phone boxes. It is this part of the site to which the application relates.

### 6.0 Description of Development

- 6.1 The proposal comprises the siting of a catering unit on the western part of the site which will serve as a kiosk for the sale of hot food to take away – namely pizza. The kiosk will be formed from a shipping container which has been converted with the provision of a service hatch and signage. The container would remain unclad and would be painted grey with red, white and green accents in the form of an Italian flag. The signage will be fixed to the roof of the container and will comprise internally illuminated lettering.
- 6.2 The unit will be sited on the western part of the application site, to the west of the existing decking and to the south of the existing café building, on an existing area of hardstanding behind the telephone boxes which are to be removed. The unit will be oriented to face southward, onto the hardstanding area. The unit will be sited 1.1m off of the existing building. The space between the unit and the building will be enclosed with a gate and used for the storage of bins.
- 6.3 The container will measure 6.1m long by 2.5m deep and 2.6m high. The signage would stand a further 0.6m above the top of the container.
- 6.4 The surrounding area comprises a mix of commercial and tourism related uses interspersed with residential development, particularly to the south of the site. This includes a fish and chip shop to the south west on Forty Foot Way and a similar food kiosk with outdoor seating area immediately to the south of the site, located in the

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forecourt area of number 22 Forty Foot Way. There are a number of small food outlet kiosks located to the east of the site, around the edge of the harbour.

### 7.0 Relevant Planning History

**WD/D/14/000006** - Decision: GRA - Decision Date: 03/03/2014

Erection of 3 permanently fixed canopies (umbrella) to front patio seating area and replacement roofing material to front conservatory using lightweight imitation slate.

**WD/D/18/002112** - Decision: GRA - Decision Date: 01/03/2019

The West Bay Coastal Improvements Scheme involves flood defence works within West Bay, including:

West Beach - repairs and strengthening to the existing western groyne and construction of a new stub groyne (eastern groyne), beach recharge to build up the design profile of the beach, and improvements and raising of the property wall on the northern side of the road running along the promenade (Esplanade);

East Beach - Construction of a buried rock revetment within the beach bund, and a new timber boardwalk; and

Parkdean Caravan Park - Re-profiling of the existing embankment along the western side of the River Brit and construction of a steel sheet piled wall immediately landward of the existing embankment.

**1/W/92/000547** - Decision: GRA - Decision Date: 11/12/1992

Enlarge glazed conservatory and part conversion of existing amusement arcade to form servery/food preparation area and toilet facilities

**P/FUL/2021/02223** - Decision: GRA - Decision Date: 17/02/2022

Erect flat roof entrance with double glazed doors on south elevation of conservatory. Apply upvc and timber cladding to exterior of main building and conservatory. Erect pergola over external dining area.

### 8.0 List of Constraints

West Bay Conservation Area

Right of Way: Footpath W1/24;

Right of Way: Footpath W1/23;

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Risk of Surface Water Flooding Extent 1 in 1000

Dorset Council Land (Freehold)

Area of Outstanding Natural Beauty (AONB): Dorset;

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

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

Flood Zone 3

Flood Zone 2

### **9.0 Consultations**

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

#### Consultees

1. **Dorset Police Architectural Liaison Officer** – No Objection.
2. **Rights of Way Officer** – No comments received.
3. **Highways** – No objection.
4. **Environment Agency** – Initial response – objection based upon incompatibility of the proposal with the flood zone within which the site is located and the inadequacy of the submitted FRA.

Amended response following receipt of updated flood risk assessment: withdraw objection subject to a condition requiring the elevation of the container by at least 300mm and the container being securely fixed to the ground to prevent movement or floatation during a flood. Following further correspondence with the Agent, the EA has agreed to the minimum finished floor levels to be set at 170mm above ground level with the unit fixed to the ground to prevent flotation.

5. **Bridport Town Council** – Neutral – whilst not directly a planning matter, the Town Council asks that the applicant considers a local operator for the catering outlet.
6. **Environmental Services – Protection** – Recommend that noise would needs to be addressed as had been requested in respect of a previously considered scheme.  
  
No further comments following receipt of noise survey.
7. **Ramblers Association** – No comments received.
8. **Asset & Property** – No comments received.
9. **Bridport Ward Members** – No comments received.



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12. **Public Health Dorset** – No comments received.

### Representations received

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

| Petitions Objecting | Petitions Supporting |
|---------------------|----------------------|
| 0                   | 0                    |
| 0 Signatures        | 0 Signatures         |

9.2 In addition to the consultation responses listed above, comments have been received from the West Bay Community Forum raising concerns with the appearance of the container not being in keeping with an AONB and the increase in rubbish resulting from Pizza Boxes. It is noted in their comments that there are already insufficient bins in West Bay.

## 10.0 Relevant Policies

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

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV6 - Coastal erosion & land instability
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV14 - Shopfronts & advertisements
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network

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### **Neighbourhood Plans**

10.2 Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020). The following policies of the plan are considered to be of relevance to the proposals:

- EE3 - Sustainable tourism
- HT2 - Public realm
- HT3 - Shopfront design
- D8 - Contributing to local character

### **Other Material Considerations**

#### **Emerging Local Plans:**

10.3 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).

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

### **Supplementary Planning Document/Guidance**

#### **All of Dorset:**

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

#### **Supplementary Planning Documents/Guidance For West Dorset Area:**

- Vision for West Bay Regeneration Framework (2003)
- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Landscape Character Assessment February 2009 (West Dorset)

#### **Conservation Area Appraisals:**

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- Bridport Harbour (West Bay) adopted January 2003

### **National Planning Policy Framework:**

10.5 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.

10.6 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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 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.

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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).

### **National Planning Practice Guidance**

#### **11.0 Human rights**

- Article 6 - Right to a fair trial.
- Article 8 - Right to respect for private and family life and home.
- The first protocol of Article 1 Protection of property.

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

#### **12.0 Public Sector Equalities Duty**

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

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

12.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the

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merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The proposals will maintain access to the site for disabled people, utilising the existing level access from the street.

### 13.0 Financial benefits

| What                        | Amount / value      |
|-----------------------------|---------------------|
| Material Considerations     |                     |
| None                        |                     |
|                             |                     |
|                             |                     |
| Non Material Considerations |                     |
| Business Rates              | Not currently known |
|                             |                     |

### 14.0 Environmental Implications

14.1 The proposal will contribute to additional CO2 emissions from the operation and construction of the unit.

### 15.0 Planning Assessment

#### Principle of development

15.1 The site is located within the defined development boundary for West Bay and is therefore in a location which, in accordance with policy SUS2 of the local plan, is considered to be a sustainable location for development where new employment and other development to meet the needs of the local area will normally be permitted.

15.2 Policy ECON5 of the local plan also provides support for the provision of new tourism attractions and facilities, which the proposals are considered to be, given their location and likely market. The policy advises that such facilities should be located within established settlements, which the proposal would be. Similar support is also provided by policy EE3 of the neighbourhood plan. The proposal would make use of an existing under-utilised forecourt area adjacent to the existing café and outdoor seating area at the caravan park.

15.3 The principle of the development is therefore considered to be acceptable, subject to relevant site specific considerations of the impact of the development.

#### Character appearance and impact on conservation area

15.4 The unit is based upon a shipping container which is converted to provide catering functions with a serving hatch and signage. It is proposed that the unit will remain unclad and will be painted grey. Being based upon a shipping container the unit would be relatively utilitarian in its appearance, with the key elements of character being provided by the proposed signage which will project above the unit and in doing so would go some way to disguise the origin of the unit.

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- 15.5 The unit would not however be experienced in isolation. Its proposed location is in front of a relatively unattractive amusement arcade which has little relationship with the street. On approach from the east and from viewpoints within the conservation area, views of the unit are filtered by the existing decking area for the cafe which features large parasols and festoon lighting fixed to permanent light poles as well as timber railings meaning that the nature of the structure's construction would only become apparent on closer approach. At times when the parasols are not present the unit would be more prominently visible but would be set against the backdrop of the existing large and unrelieved buildings so it is not considered on balance that there would be harm in this scenario.
- 15.6 Considering the buildings that already exist adjacent to the site and the range and type of similar kiosks and structures which are present in the locality, the proposed cabin would not appear out of place and would integrate appropriately. The existing forecourt area where the unit is to be sited is under-utilised and the proposal would bring in an active usage and allow removal of the unsightly telephone boxes delivering a degree of public realm enhancement.
- 15.7 In terms of heritage impacts the site is outside of the West Bay Conservation Area but is within the area's setting. In view of the existing status of the site and the appearance of neighbouring buildings it is considered that the proposals would represent a neutral impact upon the conservation area, meaning that the overall character of the conservation area would be preserved.

### Flood Risk

- 15.8 The site is located within flood zone 3b (functional floodplain) as defined by the West Dorset Strategic Flood Risk Assessment. The sources of flooding are considered to be a combination of primarily fluvial with tidal as a secondary risk, primary through the influence on the flows of the River Brit through tidal locking. This initially led to an objection from the Environment Agency in respect of the flood risk of the site and the incompatibility of the use with flood zone 3b (functional flood plain) and the inadequacy of the initially submitted flood risk assessment.
- 15.9 The applicant has subsequently provided a more detailed flood risk assessment which has considered the risks in greater detail. The flood risk assessment has challenged the conclusion from the Strategic Flood Risk Assessment that the site is within flood zone 3b, due to the presence of a number of flood defences in the area, which are maintained by the Environment Agency, and some assumptions which were made in respect of the extent of flood zone 3b in the mapping. On the basis of the analysis, the flood risk assessment concludes that the site does not fall within the functional flood plain. It also notes that the Environment Agency's historic flood maps do not show any historic flood events impacting the site, which has been confirmed by the site management.
- 15.10 There is considered to be very low risk of flooding from surface water, ground water and reservoirs.

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- 15.11 Updated comments provided by the Environment Agency in response to the flood risk assessment have agreed with the conclusions of it, that the site falls not within flood zone 3b, but flood zone 3a. This has allowed the environment agency to lift its objection to the proposals subject to conditions requiring the unit to be fixed to the ground to prevent flotation and to ensure that the finished floor levels within the unit are no lower than 170mm.
- 15.12 The proposed use as a hot food takeaway is a less vulnerable use as defined in Annexe 3 to the National Planning Policy Framework. Therefore it is not necessary to apply the exceptions test in this instance. In respect of the sequential test, the flood risk mapping for the area, which is reproduced within the flood risk assessment indicates that the whole of the holiday park site and all areas around the harbour at west bay are subject to the same degree of flood risk (falling within flood zone 3). It is therefore considered that the sequential test can be passed as there would be no reasonable alternative sites for the development at lower risk of flooding. The flood risk assessment includes flood resilience measures which include setting of minimum finished floor levels and fixing the unit to the ground to avoid flotation and these have been agreed with the Environment Agency. Subject to the imposition of conditions to secure these appropriate flood resilience measures it is considered that the proposal is acceptable in flood risk terms and complies with policy ENV5 of the local plan.

### Amenity

- 15.13 Being for a catering use, the proposal has potential to impact residential amenity primarily through noise from the operation of extraction and cooking equipment, and through odours from extraction. The proposal has been supported by specialist reports in respect of both issues.
- 15.14 In respect of noise, an assessment of environmental noise has been prepared in accordance with relevant national planning practice guidance and British Standard 4142:2014. That involved measurement of background sound at a position near to the location of the unit. Based on opening hours of 12:00 to 00:00 7 days a week and manufacturers' specifications for the equipment to be used in the unit, the noise modelling indicated that noise impacts from the development would fall well below the range of 'low impact' and would therefore have no observed effect. On the basis of the report, no specific noise management is required. The proposed use is considered to be a sui generis use, being for a hot food takeaway, therefore it would not be possible to change to an alternative and potentially noisier use of the unit without first seeking planning consent.
- 15.15 In respect of air quality, details of a filtration system have been provided which uses a combination of filters to provide air filtration and odour control.
- 15.16 Both reports have been reviewed by the Council's Environmental Protection Team, which has not raised any objections. In view of this and the site's location in an area where there are already a range of food outlets, it is not considered that the proposal would give rise to unacceptable impacts upon amenity in this regard.

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15.17 The potential for the development to give rise to impacts in terms of additional waste generation is noted. However, the scheme includes provision for the storage of bins to the rear of the unit. The availability or otherwise of bins within West Bay as a whole is beyond the scope of this application. However, it is considered appropriate to impose a condition requiring the provision of a refuse bin for public use within the site to discourage littering.

### **16.0 Conclusion**

16.1 The proposed catering unit is sustainably located and considered to be acceptable in principle. Although relatively utilitarian in appearance the context of the site is that it would be seen against relatively modern buildings that are themselves of little merit. Views of the unit from within the conservation area to the east would be filtered across the established seating area for the adjacent café, together with its large parasols and festoon lighting. Therefore, the character and appearance of the unit are considered to be acceptable without causing harm to the setting of the West Bay Conservation Area.

16.2 The applicant has provided sufficient evidence to demonstrate that the proposal would not give rise to unacceptable impacts upon neighbouring residential amenity through noise or odour. The submitted flood risk assessment has adequately demonstrated that the site falls within flood zone 3a and has set out appropriate measures to ensure flood resilience.

16.3 Therefore the proposals are considered to be acceptable and it is recommended that planning permission is granted.

### **17.0 Recommendation**

Grant subject to the following conditions:

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

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

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

PR001.21.OS Location Plan  
PR001.21.BLOCK A Block Plan  
PR001 21 P04 C Proposed Plan  
PR001 21 P05 C Proposed Elevation A  
PR001 21 P06 C Proposed Elevation B  
PR001 21 P07 B Site Plan

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

3. The development shall be carried out in accordance with the submitted flood risk assessment (dated 20 January 2023, produced by Avison Yound, Reference 01C300055) including the following mitigation measures:



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- Floor levels to be set at least 170mm above existing ground level.
- The unit shall be securely fixed to the ground to prevent movement/flotation during a flood.

These mitigation measures shall be fully implemented prior to the first use of the unit and shall subsequently be maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

4. The filtration system detailed in the Specification and EMAQ report dated 30/08/2022 shall be installed and operational prior to the first use of the unit. The system shall be retained thereafter and maintained in accordance with the manufacturer's specifications. No additional extraction or ventilation equipment shall be installed on the unit.

Reason: to prevent harmful emission of odours and noise from the unit.

5. The catering unit hereby approved shall not be open to the public outside of the hours of 12:00 (midday) to 00:00 (midnight) daily.

Reason: to prevent harmful impacts from noise and disturbance from the use of the unit.

6. Prior to the first use of the catering unit, a waste bin for use by the public shall be provided on the site in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To minimise the proliferation of litter associated with the development.

### **Informative Notes:**

1. We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

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- Government guidance on flood resilient construction  
<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>
- British Standard 85500 – Flood resistant and resilient construction  
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

### 2. 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 applicants/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.

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|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | P/FUL/2023/00384   |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>              |
| <b>Site address:</b>       | Highlands End Holiday Park Highlands End Eype DT6 6AR  |
| <b>Proposal:</b>           | Installation 300 ground mounted photovoltaic (Solar Panels) to provide carbon free electricity for Park. |
| <b>Applicant name:</b>     | Mr Martin Cox  |
| <b>Case Officer:</b>       | Thomas Whild   |
| <b>Ward Member(s):</b>     | Cllr Bolwell; Cllr Clayton; Cllr Williams  |

**1.0** This application has been brought to committee following a scheme of delegation consultation at the request of the Head of Planning.

**2.0 Summary of recommendation:** REFUSE for the following reasons:

1. The site is located in the Dorset Area of Outstanding Natural Beauty, which is confirmed as having the highest status of protection nationally, and the West Dorset Heritage Coast. The proposed installation of solar photovoltaic panels would be an intrusive feature in this sensitive landscape which would erode its pastoral qualities and result in harm to the special landscape and visual qualities of the Area of Outstanding Natural Beauty and Heritage Coast which could not be suitably assimilated or mitigated. It has not been sufficiently demonstrated that the beneficial elements of the proposal could not be delivered on an alternative site with less significant impacts upon the protected landscape. The proposal is therefore contrary to policies ENV1, ENV10 and COM11 of the West Dorset Weymouth & Portland Local Plan 2015; policy L1 of the Bridport Area Neighbourhood Plan and paragraphs 130, 176, 177 & 178 of the National Planning Policy Framework.
  
2. The proposal would represent an intrusive element which would erode the open pastoral setting of the Eype Conservation Area and result in less than substantial harm to the heritage asset through harm to its setting. This less than substantial harm would not be outweighed by the public benefits of the scheme and therefore the proposal is contrary to policy ENV4 of the West Dorset Weymouth & Portland Local Plan 2015, and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

**3.0 Reason for the recommendation:**

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- The proposal would cause harm to the landscape and special character of the Dorset AONB and Heritage Coast.
- The proposal would cause less than substantial harm to the setting of the Eype Conservation Area.
- There would be public benefits delivered through the generation of zero carbon electricity.
- The applicant has failed to adequately demonstrate that there are not potentially suitable alternative sites to deliver these benefits without the same degree of landscape and heritage harm.
- The benefits of the scheme do not carry sufficient weight to overcome the harmful impacts of the proposals.

### 4.0 Key planning issues

| Issue                     | Conclusion   |
|---------------------------|--|
| Principle of development  | The overall principle of renewable energy development is acceptable in locations outside of defined development boundaries. However, relevant local and national planning policies only provide support insofar as the impacts of the development can be successfully mitigated or assimilated.  |
| Impact on landscape       | The site is located within the Dorset Area of Outstanding Natural Beauty and the West Dorset Heritage Coast. It has been assessed that the proposal would result in harmful impacts to the landscape and special character of these important designations which cannot be successfully mitigated. The applicant has failed to demonstrate that there are no sites available which could deliver the benefits associated with the scheme, without giving rise to the same level of landscape harm. |
| Impact on heritage assets | The site is located within the setting of the Eype Conservation Area. It is considered that the development of this open field which forms part of the pastoral setting of the village would result in less than substantial harm to the Conservation Area through harm to its setting. This harm is not outweighed by the public benefits of the scheme.  |
| Amenity                   | Taking into consideration the nature of the scheme and the distance from the nearest residential properties it is not considered that the proposal would result in an unacceptable impact upon residential amenity.  |

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|              |  |
|--------------|--|
| Biodiversity | The proposals would not result in any harm to protected species and include proposals for biodiversity net gain through hedgerow creation. |
|--------------|--|

### **5.0 Description of Site**

- 5.1 The application site is comprised of part of an agricultural field of improved grassland located on the western side of the village of Eype. The field sits between the village, to the west and the Highlands End Holiday Park which is located on higher ground to the east. The application site itself forms a smaller part of the field and is located toward the southern boundary of it. The southern boundary of the field is defined by a hedgerow and a public footpath which runs broadly east-west between the village and holiday park. The other boundaries are not currently defined, the site being an open field. Access to the field is currently taken from an existing access point in the western corner adjacent to an existing car parking area.
- 5.2 The field forms part of the landscape setting of Eype, which is set on relatively low ground and runs along the course of a valley. The land rises up dramatically to the east and west of the village. The landscape surrounding the village forms a pastoral setting with a patchwork of small open fields. Highlands End Holiday Park sits to the east of the village, physically separated from the village by the field in which the application site is located and additional fields to the north and south.
- 5.3 The application site is located on slightly higher ground than the village on land which rises from the southern boundary. The ground levels rise more steeply to the north and east of the site, the holiday park sitting on high ground approximately 25m above the village.

### **6.0 Description of Development**

- 6.1 The proposed development comprises the installation of solar voltaic panels which will be arranged in five arrays across the site. The whole installation comprises a total of 300 panels which would be affixed to 15 'tables' constructed of galvanized steel and supported on driven piles.
- 6.2 The system is designed with a peak capacity of 225kW. It will connect to the existing electrical system of Highlands End Holiday Park via existing switchgear on the site via an armoured underground cable. The intention is that the installation would provide power for the existing caravans, buildings and car charging points at the holiday park with surplus energy being diverted to first heat the swimming pool and then to the national grid.

### **7.0 Relevant Planning History**

P/FUL/2021/03350 - Decision: REF - Decision Date: 18/03/2022

Install ground-mounted solar panel photovoltaic solar array

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### 8.0 List of Constraints

Eype Conservation Area - Distance: 3.03

Area of Outstanding Natural Beauty; Dorset - Distance: 0

Land Outside DDBs;

Heritage Coast; West Dorset - Distance: 0

Article 4 Directions

Legal Agreements S106

Right of Way: Footpath W18/92; - Distance: 0

Right of Way: Footpath W18/32; - Distance: 13.31

Right of Way: Footpath W18/27; - Distance: 8.3

Right of Way: Footpath W18/26; - Distance: 0

Right of Way: Footpath W18/31; - Distance: 36.54

Right of Way: Footpath W18/30; - Distance: 3.3

Right of Way: Bridleway W18/28; - Distance: 0

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 6.37

Risk of Groundwater Emergence; Groundwater levels are at least 5m below the ground surface.; Flooding from groundwater is not likely.; - Distance: 0

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1575.56

Heritage Coast

### 9.0 Consultations

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

#### Consultees

| Consultation Responses | No Objection | Object | Brief Summary of Comments   |
|------------------------|--------------|--------|---|
| Town or Parish Council |              | x      | The consideration was that the current proposal was very similar to the previous application that was refused by Dorset Planning Authority. The new proposals including the mitigation and reworking of |

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|                   |   |   |  |
|-------------------|---|---|--|
|                   |   |   | the position of the solar array did not offer any public benefit whilst causing less than substantial harm and detrimentally affecting the landscape of the AONB and Heritage Site together with the setting of Eype Conservation Area.  |
| Ward Member(s)    |   |   | Requests received from all three ward members that the application be heard by planning committee. Balancing opinions on the question of the benefits of Solar Panels and from the financial figure quoted by Highlands End plus the contribution from tourism to the local economy that it would be in the public interest for this application to be considered and debated by Planning Committee especially in view of the current consultations by DC on planning policies and Climate Emergency for Local Plan purposes.  |
| Highways Officer  | x |   | No objection subject to conditions.  |
| Landscape officer |   | X | <p>The proposal illustrates a number of minor amendments when compared to the previously refused scheme and from a landscape and visual perspective, the revised scheme would not overcome the reasons for concern and lack of support previously.</p> <p>The site is located within a visually sensitive landscape which provides the immediate setting for the Eype Conservation Area and lies within the Heritage Coast and Dorset AONB. Close-range views are attainable over the site from two footpaths which wrap around the NW and S of the Site. Wider views are attainable from several sections of the SW</p> |

**Officer Report**

|                          |   |  |  |
|--------------------------|---|--|--|
|                          |   |  | <p>Coast Path/ the Monarchs Way where the arrays would be partly visible and seen within the context of the Conservation Area.</p> <p>It is considered that the amended scheme is not sufficient to overcome the reasons for refusal for the previous scheme and the proposals remain in conflict with the local plan, neighbourhood plan, NPPF and AONB management plan.</p> <p>The supporting LVA has failed to address the potential landscape/visual effects from close-range viewpoints, giving a less than balanced judgment of the overall effects.</p>             |
| Natural Environment Team | x |  | A biodiversity plan has been agreed with the natural environment team.   |
| Conservation Officer     |   |  | <p>The changes have helped to mitigate the impacts of the scheme since the previously refused application but a number of alterations are suggested before the full support of the conservation officer can be confirmed. These include:</p> <ul style="list-style-type: none"> <li>• Ensuring the panels are non-reflective/anti glare.</li> <li>• Removing the top row of panels which would be particularly visible from public vantage points.</li> <li>• Provide a more robust planting schedule to ensure more dense screening with fast growing species.</li> </ul> |
| Building Control         |   |  | No Comments.   |
| Jurassic Coast Trust     |   |  | No Comments.   |



## Officer Report

|                               |   |   |   |
|-------------------------------|---|---|---|
| Dorset AONB Team              |   | x | <p>Whilst recognising the changes from the previously refused scheme, the AONB Team remain concerned about the siting of the development within a relatively isolated position within the Heritage Coast, adjacent to a footpath and in the setting of a Conservation Area. Overall it is difficult to regard the amendments as being sufficient to overcome the reasons for refusal of the past application.</p> <p>Overall it is considered that despite the amendments to the layout and further mitigation measures proposed, the visibility of the array and its effects on the layout and further mitigation measures proposed, the visibility of the array and its effects on a parcel of undeveloped pastoral land within the setting of a Conservation Area within the Heritage Coast are such that the proposal would not conserve and enhance the sensitive landscape in which it is located. Consequently, the proposal is not being regarded as being compatible with the primary purpose of the AONB designation, this being the conservation and enhancement of the area's natural beauty.</p> |
| National Air Traffic Services | x |   | <p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p>  |
| Ramblers Association          | X |   | <p>Although the site is in close proximity to rights of way W18/32 &amp; W18/30 the proposed PV installation would not interfere with them and it appears that the</p>  |

## Officer Report

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|--|--|--|--|
|  |  |  | <p>promised screening hedge will hide them fairly effectively.</p> <p>Our only concern is the short term one of traffic on the access road during construction and we ask that safe public access be maintained for the duration of these works.</p> |
|--|--|--|--|

### Representations received

| Total - Objections | Total - No Objections | Total - Comments |
|--------------------|-----------------------|------------------|
| 66                 | 0                     | 1                |

| Petitions Objecting | Petitions Supporting |
|---------------------|----------------------|
| 5                   | 0                    |
| 0 Signatures        | 0 Signatures         |

The neutral comment received has suggested that the panels might be placed on the roofs of caravans and over car parks and on site buildings without leading to harm to the landscape.

Comments received in objection to the proposals raise the following issues:

- Impact of the development on the AONB and the beauty of the local area.
- Proximity of the panels to neighbouring houses.
- Impact upon the heritage coast and world heritage site.
- CO<sub>2</sub> release from soils as a result of the installation.
- Failure to consider potential alternative sites which may have lower landscape impact.
- Impacts on wildlife and biodiversity.
- The proposals are not sufficiently different from the refused scheme.
- Roofs of the existing caravans could and should be used for solar panels.
- The proposal would directly impact the Eype Conservation Area.
- The site is visible from the SW Coast Path and would be seen as an alien feature in the landscape.

## Officer Report

- Inaccuracy of submitted views and that there is an assumption that people would not look down to the site.
- There are no natural boundaries within the field.
- The new fencing is likely to harm views in itself.
- The costs to the running of the holiday park are not the concern of residents.
- Impacts of glint and glare from the development.
- The changes are not sufficient to overcome the harm identified in the previously refused scheme.
- The park is not doing enough to enhance hedgerows as part of the biodiversity plan.
- The sub station is still highly visible in the landscape.
- Impact of the access tracks through the countryside.
- Concern that the proposals don't include provision for energy storage and that this may come forward later.
- Impacts on views from public footpaths.
- The location of the feed-in hub is not sufficient justification for the proposed location of the development.
- Concern that this could lead to further expansion of the holiday park.
- There are no public benefits to the scheme.
- If this is allowed what would stop the whole field becoming a solar farm?
- Impact on tourism within the village.
- The reasons for the site being selected are because it is furthest from the caravan site and the cheapest option to deliver, and not because it is the best available site.

### **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.

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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 shall be had to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

### **11.0 Relevant Policies**

#### Development Plan

#### West Dorset Weymouth and Portland Local Plan

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

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape and sites of geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV16 - Amenity
- SUS2 - Distribution of development
- COM11 - Renewable energy development

#### Bridport area Neighbourhood Plan

10.2 So far as this application is concerned, the following policies are considered to be relevant to the proposals:

- CC4 - Neighbourhood renewable energy schemes
- L1 - Green Corridors, Footpaths, Surrounding Hills & Skylines

#### Material Considerations

#### National Planning Policy Framework

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

- Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

## Officer Report

- Section 16: Conserving and enhancing the historic environment

### **Other material considerations**

- 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)

### **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. It is considered that the proposal would not affect anyone with protected characteristics.

### **14.0 Financial benefits**

14.1 There would be no material or non-material financial benefits as a result of these proposals.

### **15.0 Environmental Implications**

15.1 The proposals would contribute to reducing CO<sub>2</sub> emissions by providing decentralised renewable electricity. The applicant estimates that the proposal would

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generate around 225 kWh of electricity per year and save approximately 47,000kg of CO<sub>2</sub> emissions. The applicant states that the electricity generated would be roughly equivalent to the annual usage of 60 homes.

### **16.0 Planning Assessment**

#### **Principle of development**

- 16.1 The application site is located in the countryside outside of any defined development boundary and is therefore in a location where, in accordance with policy SUS2 of the local plan, development is to be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. Proposals for the generation of renewable energy are however one of the exceptions listed within policy SUS2 of development which may be allowed outside of the Defined Development Boundary.
- 16.2 Policy COM11 goes on to state that proposals for generating electricity from renewable energy sources will be allowed wherever possible, providing that the benefits of the development, significantly outweigh any harm and will only be granted provided:
- Any adverse impacts on the local landscape, townscape or areas of historical interest can be satisfactorily assimilated;
  - The proposal minimises harm to residential amenity by virtue of noise, vibration, overshadowing, flicker, or other detrimental emissions, during construction, its operation and decommissioning;
  - Adverse impacts upon designated wildlife sites, nature conservation interests and biodiversity are satisfactorily mitigated.
- 16.3 Section 14 of the NPPF is concerned with meeting the needs for climate change, flooding and coastal change, and is supportive of provision of renewable energy development, requiring recognition that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. In particular, paragraph 158 of the NPPF states that applications should be approved if its impacts are or can be made acceptable. It is acknowledged that the requirements of the NPPF do not set the same high threshold for the benefits of the development to significantly outweigh any harm, as required by policy COM11 and there is therefore a degree of conflict between policy COM11 and the NPPF, which requires a more evenly balanced assessment of the impacts of proposals against their benefits. Paragraph 219 of the NPPF indicates that where policies pre-date the publication of the framework, due weight may still be given to them, according to their degree of consistency with the framework. The operation of paragraph 158 establishes a more even balance when considering the benefits of renewable energy development vs any harm meaning that development may be allowed where harm can be mitigated, even if the benefits do not reach the level of significantly outweighing that harm.

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16.4 In 2019, Dorset Council declared a climate emergency, recognising the need to reduce CO<sub>2</sub> emissions and achieve carbon neutrality. In this regard the proposals would provide a material benefit through the provision of decentralised renewable energy and the consequent reduction in CO<sub>2</sub> emissions. The principle of a renewable energy installation in this location is therefore considered acceptable. However, in accordance with policy COM10 this policy support is provided insofar as there would not be unacceptable impacts from the proposal upon the local landscape, townscape and areas of historical interest, harm to amenity is minimised and adverse impacts upon wildlife sites can be mitigated.

### **Landscape impacts**

16.5 The site is located within the Dorset Area of Outstanding Natural Beauty, where in accordance with section 85 of the Countryside and Rights of Way Act 2000, the Local Planning Authority has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the area. The site is also designated as falling within the West Dorset Heritage Coast.

16.6 As noted in the description of the proposals, above, the current scheme follows a previous refusal of planning permission, in part on the ground of landscape impacts which has not been tested at appeal. In comparison to the previously refused scheme, the overall number of panels has been reduced, with the extent of the installed panels not extending as far into the field within which they will sit. The proposals have also been accompanied by a landscape and visual assessment and landscaping plan with proposed mitigation planting. It should be noted, however, that the proposed landscape planting sits outside of the red line boundary for the application.

16.7 Comments on the application have been received from both the Council's landscape officer, and the Dorset AONB team. Both of whom continue to raise concern in respect of the impact of the proposals upon the landscape. The landscape officer considers that the amendments are minor in nature when compared to the refused scheme and advises that the revised scheme would not overcome the reasons for concern previously and ultimately the lack of support for the refused scheme. They therefore conclude that the proposals would not overcome the earlier reasons for refusal and would remain in conflict with the NPPF, Local Plan, Neighbourhood Plan and the AONB management plan.

16.8 The Dorset AONB landscape planning officer, although recognising the amendments, has continued to raise concerns in respect of the siting of the development within a relatively isolated position, which they note is within the Heritage Coast, adjacent to a footpath and within the setting of a Conservation Area. They comment that 'it is difficult to regard the amendments as being sufficient to overcome the reasons for refusal of the past application'. The comments note that while policy C3.f of the AONB management plan does provide support for renewable energy production, that is only where it would be compatible with the objectives of

## Officer Report

the AONB designation. The AONB landscape officer considers that the proposal would not conserve and enhance the landscape of the AONB and therefore they do not regard the proposal as being compatible with the AONB designation.

16.9 The site is located within the Chideock Hills Character Area and Wooded Hills Landscape Character Type as set out in the Dorset AONB Landscape Character Assessment. The assessment picks upon characteristics of the area as including *inter alia*:

- Patchwork of small irregular pastoral fields on valley bottoms with dense species rich hedgerows, hedgerow trees and small broadleaved woodlands.
- Deep, narrow winding lane with hedge banks and occasional dark tree canopies.
- An exceptional, dramatic and remote coastline of imposing summits, coastal landforms and sheltered valleys providing sweeping panoramic views.
- Scattered clustered settlements along valley bottoms of golden limestone and thatch, supporting the area's rich historic and built environment.
- The area has largely retained its strong undeveloped rural character with associated characteristics of tranquillity, remoteness and dark night skies. However, these qualities are notably weakened housing growth and visitor related development toward the coast.

16.10 The landscape character area planning guidelines identify that the objective in the area should be to “conserve the intimate, undeveloped and pastoral appearance and protect the wooded character. Ongoing protection of hedgerows, rural lanes, small scale pastures, open skylines and settlement character...”

16.11 The site itself is identified in the landscape officer's comments, as forming an important green visual buffer, in combination with the adjacent pasture, between the established edge Lower Eype village and the western edge of the Highlands End Holiday Park. The surrounding area is traversed by several public rights of way, the nearest being Footpaths W18/32, which runs along the western edge of the field and W18/30 which runs along the southern boundary of the site and provides a well walked link from the holiday park to the village. The South West Coast Path also runs along the nearby cliff tops, passing within approximately 470m of the site.

16.12 The nearby public rights of way provide clear views across the site where it is experienced as open pasture land on the edge of the village. In this context the proposal would form a notable and uncharacteristic new element in the landscape which would impact upon the experiential qualities of footpaths W18/32 and W18/30, and would, in the landscape officer's view, lead to locally significant adverse visual effects, which would be exacerbated by the proposed landscape planting which they consider would serve to 'frame' the solar panel arrays.

16.13 It is therefore considered that the proposals would fail to deliver any visual enhancements and would appear out of character in the setting of the open pastoral slope. In respect of the potential mitigation or moderation of any adverse landscape impacts, the landscape officer notes that the LVA fails to provide a comprehensive



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evaluation of the most critical public view points. The document provides a single photomontage visualisation which is taken from a relatively distant coastal viewpoint to the west of the site and no imagery is provided for the site boundary footpaths which are considered to be highly sensitive. The landscape officer considers that, due to the site's topography it would be impossible to fully mitigate the visual effects of the scheme through the proposed hedge and orchard planting. The photomontages provided underline this conclusion, indicating that the development would be at least partially visible within long range views and would remain so even after 15 years with the addition of the orchard planting doing little to soften the views from that vantage point.

- 16.14 The LVA fails to recognise the site's location within the Heritage Coast or the proximity to the World Heritage Site. The Landscape officer has also advised that they do not agree with other conclusions from the LVA, particularly the conclusions that the existing field pattern and the overall character of the area would remain unchanged. The proposals would introduce orchard planting into an otherwise pastoral field pattern. Although the applicant has noted the presence of orchards on historic maps, those have not been present on the site itself and have historically been concentrated on the western side of Eype.
- 16.15 The landscape and visual appraisal has considered a second site, site B to the eastern side of the holiday park. The assessment of visual impacts set out in the LVA indicates that the visual impacts associated with the development of that site would be lower than the visual impacts associated with the application site. In all of the 6 receptors listed for the application site there would be some level of adverse impact, whereas that is only true for four of the 7 receptors listed for site B, all of the other receptors having no visual impact.
- 16.16 In addition to the alternative site B having a lower level visual impact than the application site, its location also means that it is not subject to the same level of constraint as the application site. Site B is not within the Heritage Coast and is significantly further from the boundary of the Eype Conservation Area, in a location which would not be visible from the Conservation Area due to topography and the presence of the holiday park.
- 16.17 In respect of site selection, the design and access statement discounts Site B on the basis that there is little difference in visibility from the AONB, that its northward slope would require greater spacing of the panels and that it would present added difficulties in terms of connecting to the existing electrical infrastructure of the park. However, as discussed above the assessment of the visual impacts of the two sites from various receptor locations within the LVA does not support this conclusion. Furthermore, no details of site selection criteria to arrive at sites A and B has been given and no consideration has been given to the suitability of other locations within the extensive landholding around the holiday park (as defined by the blue line on the site location plan).

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- 16.18 In view of the comments received from the Landscape Officer and AONB Team, it is clear that there remain significant concerns in respect of the landscape impacts of the scheme, and the impacts upon the character, special qualities and natural beauty of the Dorset AONB and Heritage Coast. It is considered that, in light of the supporting information provided, the applicant has not adequately discounted all alternative options for delivery of the proposed development in locations which would not give rise to the same degree of landscape harm which has been identified in this instance.
- 16.19 Policy ENV1 of the local plan requires that development should be located and designed so that it should not detract from and where reasonable enhances local landscape character, and states that development which would harm the character, special qualities or natural beauty of the AONB or Heritage Coast will not be permitted. Policy L1 of the Bridport Area Neighbourhood Plan also states that proposals must preserve and enhance the natural beauty of the AONB by being located on sites that do not adversely affect the wider landscape setting, and states that proposals that do not preserve and enhance the AONB will be refused. In view of the concerns raised it is concluded that the proposal would detract from the local landscape character and fail to moderate or assimilate the adverse impacts of the proposal upon the landscape and would be contrary to the above mentioned policies.
- 16.20 In addition it is also considered that the proposal would conflict with policies 176, and 178 of the National Planning Policy Framework. Paragraph 176 confirms that great weight should be given to conserving and enhancing the landscape and scenic beauty in the AONB while paragraph 178 states that within areas defined as Heritage Coast, planning policies and decisions should be consistent with the special character of the area and the importance of its conservation.
- 16.21 In this instance it is considered that the proposal falls below the threshold of being 'major' development for the purposes of considering the impact on the AONB, given that the site area and scale of the development is relatively limited and the impacts of the development would be relatively localised. It is however clear that, owing to its nature, scale and the setting of the site there is potential for the development to have a significant adverse impact upon the purposes for which the AONB was designated. Paragraph 176 does still require great weight to be given to the conservation and enhancement of landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 16.22 In respect of paragraph 178, this requires that within areas of heritage coast, decisions should be consistent with the special character of the area and the importance of its conservation. The heritage coast has been defined in order to conserve stretches of coast of high landscape and visual quality and which are defined by their undeveloped nature. The proposal would introduce a highly engineered and modern development into the heritage coast and the assessment of

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the impacts of the scheme detailed above indicate that the proposals would not be consistent with the special character of the area, as described through the Landscape Character Appraisal, and therefore the proposal conflicts with this paragraph.

### **Heritage and conservation**

- 16.23 Although the site does not contain any designated or non-designated heritage assets it is located close to the boundary and within the setting of the Eype Conservation Area. The Council has not published a Conservation Area appraisal for the area. However, the village as a whole sits in a valley, with the valley sides rising to the east and west forming a clear setting for the Conservation Area. The Conservation Area also incorporates St Peter's Church which sits in an elevated position to the north east. Although not listed, the church is an important feature within the conservation area and is considered to be a non-designated heritage asset. The proposed solar arrays would sit in the open landscape to the south of the church and would clearly be visible in views of the Church from the south.
- 16.24 It is therefore considered that the introduction of the proposed development into that well defined setting would have a harmful impact upon the setting of the Conservation Area and that the harm would be less than substantial.
- 16.25 Policy ENV4 and the NPPF require any harm to the significance of a designated heritage asset to be justified and where less than substantial harm is identified, these must be weighed against the public benefits of the scheme. In this instance the public benefits of the scheme would comprise the reduction in CO<sub>2</sub> emissions associated with the production of renewable electricity. However, given the scale of the development the magnitude of this reduction and therefore the public benefits of the scheme would be limited. It is therefore considered that these public benefits are not sufficient to outweigh the less than substantial harm to the Conservation Area through harm to its setting.
- 16.26 The conservation officer in their comments has indicated that some amendments to the proposal would allow the degree of harm to the Conservation Area to be reduced. They still consider that there would likely be less than substantial harm, but that this would be at a level which could be outweighed by the public benefits of the scheme. However, in view of the significant unresolved landscape impacts which would not be overcome through the changes suggested, amended plans have not been invited in this instance.

### **Amenity**

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- 16.27 The panels would be in a fixed location and although above ground level the maximum height of the array would be approximately 2m above the local ground levels. Given that the panels would be located 30-50m from the nearest dwellings it is not considered that they would not result in harm to amenity through overbearing or loss of light. Any impacts from glare would be localised and would be largely mitigated by landscape planting which could be secured by condition.
- 16.28 The installation would not require regular access and would therefore not lead to noise and disturbance during operation. While there may be potential for noise and disturbance during construction that would be a limited period and it is noted that the proposed construction access would be through the holiday park and not through the village. It is therefore concluded that the proposal would not result in unacceptable harm to residential amenity.

### **Biodiversity**

- 16.29 The application has been supported by a biodiversity plan which finds that the site has low potential for use by protected species and is of low ecological value. It is not therefore considered that the proposal would harm biodiversity. A biodiversity plan has been submitted to and agreed with the Natural Environment Team. The BP outlines that the biodiversity net gain will take the form of the creation of 300m of new mixed hedgerow. It is considered that the biodiversity net gain secured would be sufficient to outweigh any harm arising from the installation of the panels and would represent a benefit which weighs in favour of the proposals in the planning balance.

## **17.0 Conclusion**

- 17.1 The principle of renewable energy development is accepted within rural areas provided that the development can be achieved without unacceptable impacts upon the local landscape character and that any impacts can be successfully mitigated or assimilated. It is recognised that there would be benefits from the scheme, principally in terms of the provision of renewable energy and consequent reduction in CO<sub>2</sub> emissions and through the biodiversity net gain which would be delivered. However, these benefits must be weighed against the harmful impacts of the scheme which have been identified.
- 17.2 In this instance, significant landscape impacts have been identified leading to the conclusion that the development would fail to preserve or enhance the landscape or special qualities of the Dorset Area of Outstanding Natural Beauty and West Dorset Heritage Coast. The proposal is therefore contrary to policies ENV1, ENV10 and COM11 of the Local Plan, Policy L1 of the Neighbourhood plan and paragraphs 177-179 of the NPPF. Although amendments have been made since the previous refusal of planning permission, it is not considered that the changes have been sufficient to

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overcome the previous reasons for refusal. These harmful impacts weigh against the proposals in the planning balance and must be afforded significant weight.

17.3 The proposal is within the setting of the Eype Conservation Area and it is considered that the proposals would contribute less than substantial harm to the significance of the Conservation Area through harm to its setting, which is formed of a well defined network of open fields on the valley sides. The public benefits of the proposals are not considered to be of sufficient magnitude to outweigh this harm. The proposal would therefore be contrary to policy ENV4 of the local plan and paragraphs 200 and 202 of the NPPF.

17.4 Planning legislation requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance it has been identified that the proposals fail to comply with several policies of the local plan due to their impact upon the Area of Outstanding Natural Beauty, Heritage Coast and Conservation Area. The public benefits of increasing renewable energy production and by extension reducing CO2 emissions are afforded weight in favour of the proposals. However, the scale of the benefits is considered to be relatively minor, providing energy generation equivalent to approximately 60 dwellings. Not only do the benefits fall short of significantly outweighing the harm, as required by policy COM11, they fail to overcome the neutral balancing exercise established by paragraph 158 of the NPPF. In view of the fact that the applicant has failed to adequately demonstrate that there are no suitable alternative sites which could provide these benefits without the same level of harm to heritage assets and protected landscapes, the planning balance weighs against the proposals and it is therefore recommended that planning permission is refused.

**18.0 Recommendation:** Refuse for the following reasons:

1. The site is located in the Dorset Area of Outstanding Natural Beauty, which is confirmed as having the highest status of protection nationally, and the West Dorset Heritage Coast. The proposed installation of solar photovoltaic panels would be an intrusive feature in this sensitive landscape which would erode its pastoral qualities and result in harm to the special landscape and visual qualities of the Area of Outstanding Natural Beauty and Heritage Coast which could not be suitably assimilated or mitigated. It has not been sufficiently demonstrated that the beneficial elements of the proposal could not be delivered on an alternative site with less significant impacts upon the protected landscape. The proposal is therefore contrary to policies ENV1, ENV10 and COM11 of the West Dorset Weymouth & Portland Local Plan 2015; policy L1 of the Bridport Area Neighbourhood Plan and paragraphs 130, 176, 177 & 178 of the National Planning Policy Framework.
2. The proposal would represent an intrusive element which would erode the open pastoral setting of the Eype Conservation Area and result in less than substantial harm to the heritage asset through harm to its setting. This less than

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substantial harm would not be outweighed by the public benefits of the scheme and therefore the proposal is contrary to policy ENV4 of the West Dorset Weymouth & Portland Local Plan 2015, and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

### **Informative Notes:**

#### 1. National Planning Policy Framework

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

- The applicant/ agent did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

#### 2. The plans that were considered by the Council in making this decision are:

LP22.01 Location plan  
100.004.001 Block plan  
LPF 22.02 Site Location plan  
ES22.3a Elevations & Section Array details  
22.4a Topographical Survey & Traffic route  
GE-HE-01 A2 Landscape plan

|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | P/FUL/2022/06870   |
| <b>Webpage:</b>            | <a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/06870">Planning application: P/FUL/2022/06870 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>                  |
| <b>Site address:</b>       | Meadow Barn Care Farm Land West Of Seaview Farm Ash Lane Salwayash Dorset DT6 5JA  |
| <b>Proposal:</b>           | Siting of a temporary rural worker's dwelling, erect extension to existing barn and change of use of land and buildings to a mixed use of agriculture and community education facility |
| <b>Applicant name:</b>     | Mrs and Mrs Poole  |
| <b>Case Officer:</b>       | Darren Rogers  |
| <b>Ward Member(s):</b>     | Cllr Alford  |

**1.0** Following a request that the application be determined by Planning Committee by the Ward Member, the Service Manager for Development Management & Enforcement has determined that the application be so reported particularly as the applicant's agricultural enterprise relies partly on Council owned land.

**2.0 Summary of recommendation:**

Refuse planning permission.

**3.0 Reason for the recommendation:** as set out in para 18 at the end of this report.

The Council considers that there is no essential need to live on the land to support the agricultural and non-agricultural activity proposed and as described in the application. As such, the proposal is considered to be contrary to the provisions of Policies SUS2, and HOUS6 of the West Dorset, Weymouth and Portland Local Plan (2015); and the advice contained in Paragraph 80 of the National Planning Policy Framework, 2021.

**4.0 Key planning issues**

| Issue   | Conclusion  |
|---|---|
| Principle of development                          | The essential need for an on-site dwelling is not considered to have been proven.   |
| Scale, design, impact on character and appearance | If the essential need for the dwelling was justified it is considered that the dwelling's siting, design and appearance would be acceptable in this location it having a negligible impact on the wider Area of Outstanding Natural Beauty (AONB). The proposed barn extension is also considered to be acceptable as regards its impact on the character and |

|  |   |
|--|---|
|  | appearance of the area designated an Area of Outstanding Natural Beauty.  |
| Impact on amenity                      | There are no adverse impacts on neighbouring amenity.   |
| Impact on landscape or heritage assets | <p>If the essential need for the accommodation was justified it is considered that the dwelling's siting, design and appearance would be acceptable in this location it having a negligible impact on the wider AONB The proposed barn extension are considered to be acceptable as regards its impact on the character and appearance of the area designated an Area of Outstanding Natural Beauty.</p> <p>There are no heritage impacts adverse or otherwise.</p> |
| Economic benefits                      | There are no wider public economic benefits arising from the proposal other than the educational benefits to school children arising from the applicants' proposals to educate children on the agricultural aspects of the proposals.   |
| Access and Parking                     | The site can accommodate adequate access and car parking and there are no highway objections.   |
| Ecology                                | The applicants have submitted an Ecological Appraisal but a Certificate of Approval has yet to be issued by our Natural Environment Team. However provided that a condition were attached to carry out the Ecology recommendations on any planning permission granted, then matters associated with Ecology would be satisfied.   |

## 5.0 Description of Site

- 5.1 The application site is known as Meadow Barn Care Farm and is located to the south of Ash Lane, less than 1 mile south-east of Salwayash and approximately 3.5 miles north of Bridport.
- 5.2 The holding extends to approximately 5.06 hectares (12.49 acres) of sloping pasture land supported by a modern agricultural building to the south of Ash Lane. The land is gently sloping and is currently used for grazing livestock including sheep, chickens and ponies.

## 6.0 Description of Development

### 6.1 The Proposal

- 6.2 The proposal is to utilise the applicants' skills, knowledge and experience to create a safe environment for educational learning which can be tailored to the specific needs



of an individual or group and provide a much-needed outdoor learning facility associated with their agricultural activities.

- 6.3 The applicants wish to create an outdoor learning facility aimed at catering for children with special education needs and the wider community. To achieve this they require an extension to the existing agricultural building and a modest residence close to their breeding livestock.
- 6.4 Although the use of the land would remain primarily agricultural and that use would be intensified, there would also be a strong care and educational element so the applicants are seeking planning permission for a material change of use, along with a lean-to extension (6.1m x 24.6m) to the existing agricultural building and permission for a modest temporary rural worker's dwelling (12.0m x 5.5m).
- 6.5 The rural worker's dwelling is proposed to be a log cabin measuring 12m x 5.5m, which would provide basic 2 bed accommodation, with a kitchen and bathroom. It is considered by the applicants essential to have someone living on the holding for its proper management and the welfare of the livestock. The applicants propose to locate the log cabin close to the existing farm building and existing access track off Ash Lane to minimise its impact in the landscape and locate it practically. The log cabin has a similar scale and dimensions to a mobile home, but the applicants say its design with timber finish makes it less prominent and more in-keeping with the agricultural building.
- 6.6 As well as managing fruit and vegetable plots, the applicants propose a diverse range of livestock including chickens, ducks, guinea fowl, sheep, goats, pigs, donkeys and ponies as well as small handling animals such as rabbits and guinea pigs. Lambs, kids, piglets and chicks would be bred on the holding for education opportunities as well as an additional income stream for the business.
- 6.8 They propose to extend the existing agricultural building along the south-west elevation with the addition of a lean-to measuring approximately 150 sqm, to provide additional housing for small animals, livestock pens suitable for lambing and safe handling areas, food storage and preparation areas along with welfare facilities including toilets and a basic kitchen. It would be constructed from materials to match the existing building.

## **7.0 Relevant Planning History**

### **7.1 Planning History Background**

- 7.2 The existing agricultural building was erected following a Prior Approval notification application reference WD/D/17/000363 for an "Enclosed Store for Fodder and a Secure Machinery Store and Repair Area". This was for a building measuring 18.3 metres in length, 13.7 metres in width and 5.3 metres in height. As regards its impact on the AONB it was stated that :

*"The proposed barn is located in an open location but the alternative fields would not allow for easy grouping with other barns and dwellings either. Therefore the barn needs to be sited in the least harmful location. The proposed location whilst not grouped with other buildings is degraded by power lines and equestrian paraphernalia. The other location is more sensitive as it is a higher quality landscape that is more worthy of protection. In terms of sensitivity the proposed siting would therefore be a lower impact than any other alternatives in the ownership of the applicants"*

- 7.3 The Council determined that Prior Approval be Granted subject to a landscaping condition in its decision dated 28th June 2017. There does not appear to have been submitted a landscaping scheme. The current application proposes to extend this building on its western elevation as a lean-to extension (6.1m x 24.6m) to the existing agricultural building.
- 7.4 The barn however is noted to be 24 m in length; longer than the 18.3m in length as approved. However, it appears that the building as built was substantially complete more than 4 years ago and is now immune from formal enforcement action. This is supported by the receipt of 2 statutory declarations and photographic evidence that show the building was substantially complete more than 4 years ago.
- 7.5 In May 2020, an application was submitted under ref (WD/D/19/001102) for “Construction of building not in accordance with prior approvals granted under refs WD/D/17/000363 and WD/D/17/003028 (retrospective) and its conversion for use as 1 no. dwelling and annexe”. The application was refused and an appeal (reference APP/F1230/W/20/3255898) was dismissed in December 2020.

## 8.0 List of Constraints

Area of Outstanding Natural Beauty;

Land Outside DDBs;

National Grid Overhead Line AXMINSTER - CHICKERELL - MANNINGTON  
Operating 400; - Distance: 231.98

National Grid Tower 10032626.0 (height 55.36); - Distance: 426.64

National Grid Tower 10031089.0 (height 56.06); - Distance: 234.45

National Grid Tower 10031090.0 (height 55.050000000000004); - Distance: 475.09

Areas Susceptible to Groundwater Flooding; Clearwater; < 25%;

## 9.0 Consultations

**All consultations responses and representations can be viewed in full on the Council’s website.**

- 9.1 **Parish Council - No Objection** - A Parish Councillor has spoken to the applicant and neighbours and councillors have viewed the documentation available on the website. Councillors have no objections and note that the proposed structures are low impact. Councillors also note that the applicants make some of the most significant contributions to village life, in particular young people.
- 9.2 **Highways** – no objections.
- 9.3 **Dorset AONB Team** - Due to the scale of the proposal, the AONB Team do not wish to comment in detail. In reaching a decision, it is recommended that the Council carefully consider if there is an essential need for a dwelling on-site to support the functional requirements of the proposed use, which does not yet appear to be an established rural business. Concerning the location of the temporary dwelling, this appears to be sited in a relatively open/detached position. A location closer to the barn could serve to consolidate these structures. Furthermore, the proposed willow hedging is not regarded as a typical feature of the landscape. A mixed species native

hedgerow along the boundaries indicated would be more likely to be regarded as appropriate.

9.4 **Reading Agricultural Consultancy Ltd** – Essential need for the dwelling not proven – see paras 16.9-16.13 below.

### 9.5 **Third party Representations received**

1 third party objection summarised as:

- *Should have been served with notice as own part of the site **NB Notice has now been served on the landowner.***
- *Current barn and land has no connection with Seaview Farm. No planting scheme has been carried out. Barn has not been built in accordance with the prior approval.*
- *Need for housing is unfounded. Applicants already live nearby.*
- *Two dwellings at Seaview Farm have been offered on a rental basis to the applicants and there are two dwellings for sale within one mile of the proposed business.*
- *Application will detract from holiday letting business at Seaview Farm.*
- *Site boundaries are made of intermittent native hedging creating a safeguarding issue for the proposed business and its clients.*
- *No established business running at the site.*
- *No factors that require the applicants to live on site currently. Should the subsequent business show the necessity for a dwelling for the business to continue this should be considered on the merits of the established business.*

### 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.

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.

### 11.0 Relevant Policies

#### **Development Plan**

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

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- ECON8. - Diversification Of Land-Based Rural Businesses

- ECON9 - New Agricultural Buildings
- SUS2 - Distribution of development
- HOUS6 - Other residential development outside DDB's
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

### **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:**

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.

- Section 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'
- 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.

### **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)

#### Conservation Area Appraisals:

None relevant

#### Village design statements:

None relevant

## **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. In this regard the use would provide education facilities associated with agriculture for school children providing a public sector educational contribution.

### **14.0 Financial benefits**

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

The dwelling would be CIL Liable but as it relates to an agricultural worker’s dwelling it would be exempt from the CIL charge

### **15.0 Environmental Implications – see from Para 16 onwards below.**

### **16.0 Planning Assessment**

#### **16.1 Essential Need for A Temporary Rural Worker's Dwelling**

16.2 The site is located outside of any Defined Development Boundary (DDB) of any settlement or town. Salwayash does have a defined development boundary but this is circa 1 mile to the west of the application site. As such for the purposes of planning policy the site is considered to fall within the open countryside. The site is also located within the Dorset Area of Outstanding Natural Beauty, which washes over the whole of this area and much of the western part of this part of Dorset.

16.3 In light of the site’s location outside of the DDB Policy SUS2 defines the spatial strategy for the distribution of development within the plan area and indicates that outside of defined development boundaries, development is to be strictly limited with only certain defined forms of development considered acceptable. For housing this comprises:

- Affordable housing
- **New rural workers’ housing**
- Open market housing through the re use of existing rural buildings

- Sites for gypsies, travellers and travelling showpeople.

16.4 Paragraph 5.7.1 of the West Dorset, Weymouth & Portland Local Plan 2015 sets out the considerations for agricultural and rural dwellings:

*“there will be some cases where the viability of an agricultural, forestry or other enterprise for which a rural location is essential, depends upon a worker being resident on site to oversee the operation of the enterprise. In considering proposals for rural workers’ dwellings, the councils will need to establish that the accommodation is essential to the functional requirements of the business. It will also be necessary to establish that the business is financially sustainable in the long term, particularly where the proposal is for a permanent dwelling. The councils will also give consideration to the availability of alternative accommodation on the holding or nearby; and whether a dwelling on the holding has been sold recently on the open market. The size of the proposed dwelling should also be appropriate to the needs of the business and positioned where it will effectively meet the functional needs. A temporary dwelling may be acceptable in the case of new businesses that cannot yet show financial soundness but where it has been established that there is a functional requirement for on-site accommodation.”*

16.5 Policy HOUS6, which is concerned with residential development outside defined development boundaries, states at paragraph iv:

*“New housing for rural workers (full-time workers in agriculture, horticulture, and other rural businesses), located outside the defined development boundaries, will be permitted provided that it can be demonstrated that there is an essential need for a worker to live at or near their place of work.”*

16.6 Policy ECON8 of the local plan states:

*ECON8. Diversification Of Land-Based Rural Businesses*

*i) Diversification projects (for agricultural and other land-based rural businesses) for the use of land or buildings for non-agricultural employment purposes will be supported, provided they are in keeping with the rural character and comprise:*

- *The use of land; or*
- *The re-use or replacement of an existing building or buildings; or*
- *New ancillary development that relates well to existing development provided that there are no redundant buildings capable of re-use / replacement.*

*ii) The proposed diversification must make an on-going contribution to sustaining the enterprise and may be required to be tied by legal agreement to the business that is diversifying.*

16.7 The NPPF also states (paragraph 84):

*“Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;”*

16.8 Further guidance on the NPPF is provided in the Planning Practice Guidance (PPG). The text relevant to paragraph 80a (formerly paragraph 79a), published in July 2019, states:

*“Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:*

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

*Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”.*

16.9 As such provided that an essential need can be proven for an agricultural worker or rural business then a dwelling here would be acceptable in principle. In order to assess the essential need of such dwellings the council asked Reading Agricultural Consultants (RAC) to carry out an appraisal and assessment of the agricultural/rural business need. In this case RAC key finding and conclusions are as follows:

- *The requirement to live on site would not relate to the need to look after the animals. The numbers and frequency of birthing animals are too few. As set out above, the role of looking after the agricultural elements of the proposed enterprise would not be seen as a full-time requirement. This application, as a rural based enterprise, relates more to a proposal to run an educational facility*



*in the countryside rather than an agriculturally-based business. To this end there will be advantages for the applicants to be living on-site, as it enables them to have 24-hour presence to ensure the facility is running smoothly to promote their educational activities. However, this beneficial management arrangement would primarily relate to the smooth running of the educational activities, as opposed to the agricultural requirements*

- *The applicants' financial budgets show an allowance of £18,000 towards paid labour and estimates a net profit after year one of £34,200. The applicants confirmed that, although no yearly projection had been provided, the above net profit was the minimum expected after a three-year period. It should be noted that the budgets show an estimated £30,000 of private income, which if disregarded as non-related income, would leave the predicted profit below £4,000 per annum.*
- *The budgets show a total gross income from sale of agricultural related produce at £5,600, with an expense of £6,000. This demonstrates the agricultural element, even before the other associated variable and fixed costs are also taken into account, is not a profit-making element and reinforces its purpose is to support the educational objectives of the enterprise. While there appears to be a good working relationship between Kelci (the business operator) and her parents, who own the land, there is no formal lease agreement to demonstrate the business can remain using the land. It would be important for the applicants to demonstrate why their farming-based family, who recently bought Seaview Farm including the farmhouse, now seek further residential accommodation.*
- **Conclusion**
- *From meeting the applicants their enthusiasm and commitment to support young children is fully evident. However, while they seeking to make best use of an existing plot of land owned by Kelci's parents there are several limitations to the site for it to become a sustainable full-time care farm.*
- *The agricultural elements relating to the need to live on site, both financially and the management of the animals, are subsidiary to the principal purpose of the enterprise, being an educational establishment. The numbers and financial returns are too small on their own to justify an agricultural dwelling in accordance with the NPPF, Local Plan and guidance within the PPG.*
- *The proposed budgets only show one year projection but nevertheless, if the budgets were illustrative, as suggested of the established business, they are reliant on a significant proportion being private income. Without this private income the business would not be financially sustainable or viable.*

**16.10 Given the above assessment, RAC conclude that the dwelling is not justified.**

#### **16.11 Applicants agents response to RAC Assessment**

16.12 The applicant's agent has responded to the essential need for the dwelling in response to RAC's assessment. They have pointed out that :

#### Other Accommodation

*As regards the relationship, or lack thereof, with Kelci's brother next door. No accommodation has been offered to the applicants, and there are concerns about whether an offer, if made and if the conversions proceed, would be reasonable. In a conversation with me following his email to the council, he stated he had no concerns with them living on site if the council were satisfied, but that was verbal only. We confirmed to case officer that there is no connection with the neighbouring holding, and that this proposal would operate entirely separately.*

#### Formal Lease

*There is currently a lack of formal agreement between the applicants and the landowners, as you have stated. All parties are willing to enter into a formal tenancy agreement and we suggested to the case officer an initial term of 3 years to fit in with a temporary planning permission but would appreciate RAC's opinion on whether you consider that offers suitable security. The reality is that the landlords would provide whatever term you felt suitable, so please advise.*

#### Budget

*The figures that have been provided in the budget require some clarification. The wages/salaries row provides an allowance for Kelci's salary, supported by local volunteers, so this figure is not for paying external labour. The private income shown is what Craig expects to earn from his external contracting work fitting around his responsibilities on the holding. The grants and funding row is also extremely light as there is no allowance for the SEN funding expected from the council which is calculated on a per head basis; Kelci is providing more information on this expected income to help demonstrate the business proposal is viable. Unfortunately the council will not assess their provisions and give a clear forecast of funding from their SEN budget until the site has suitable consent.*

#### Agricultural Business v. Rural Business

*Your report is clearly assessing an agricultural need and we agree with many of the statements you make. Our concern is that we have specifically applied for a temporary dwelling in connection to a rural business (rather than strictly agricultural, as you allude to in your report) and wonder whether the assessment should be amended accordingly. The agricultural element is secondary in nature to the care and education provision, which itself relies on the agricultural element and rural location for it to be successful. We hope that the council will consider the application accordingly but would welcome any clarification from you on how the assessment would alter. The applicants have intentions to increase numbers of agricultural livestock, to improve their financial efficiency, but it is expected that the care and education element will still provide the bulk of the income.*

16.13 In light of the above additional information RAC has reassessed the proposal and have provided the Council with the following response:

#### Other Accommodation

*The agent has identified the adjoining landowner/applicant's brother's holding is separate and that he does not propose to offer accommodation to his sister (the applicant). Regarding the offer of accommodation this may well be the position but there is a letter on the planning portal to the contrary from the applicant's brother which within it states: "There are also currently two dwellings at Seaview Farm that have been offered on a rental basis to the applicants".*

*Further clarity could be obtained to determine whether this accommodation was still available, but from the information the agent has provided it seems unlikely.*

### Formal Lease

*RAC's understanding is the 1 ha site is owned by the applicant's parents and there is no formal agreement between the applicant and her parents for her long-term use of the land. All the rest of the land is either rented locally from private individuals with no formal agreements or through her parents renting land from Dorset Council.*

*In determining the opportunity for the proposed business to have a sustainable area of land, it would be useful for them to provide a plan showing where all the land is located along with details of all agreements showing the term, rents paid and the type of agreement.*

*While the agent has indicated that all landowners are willing to grant long-term agreements, I cannot imagine this would be offered in relation to the land rented from the Council, which is the most important area to clarify, as this adjoins the application site.*

### Budget

*The applicant's financial budget shows a sum of £18,000 p.a. as wages, and we are now advised this is solely a wage for the applicant. However, when I met the applicant, I was advised that she intended to employ a full-time worker in addition to the support from her parents and other volunteers. It is difficult to imagine that the business could operate on a full-time basis without additional paid labour.*

*However, I note the applicant's business plan advises: "Craig and Kelci will jointly be responsible for the day to day running of the business with help and support from family members until in a financial position to employ other members of staff to work various hours supporting the young people."*

*However, it also identifies there will be staff costs stating:*

#### "Daily running costs

- *Staff wages"*

*I also highlighted in my appraisal that the applicant's budgets included an income of £30,000 for private work to be undertaken by Craig, the applicant's partner. The agent has confirmed this to be correct. I would therefore maintain this sum should be ignored in determining the potential viability of the enterprise.*

*I note the agent confirms the applicant is going to provide further financial information, therefore I would suggest the budgets are re-produced to show expected growth over a three-year period and beyond. All off-holding income should be excluded. Clarity should be provided on the salary drawn/paid labour, but if the business relies on additional staff then detail needs to be provided as to how they will be funded. Other discrepancies, identified in my appraisal relating to animal sales/expenses, should also be addressed.*

### Agricultural Business v. Rural Business

*I believe we are all in agreement that the agricultural element to the proposal is secondary to the proposed land based educational/care facility. This is also demonstrated in the budget accounts showing the agricultural elements as non profit-making.*

*I considered the scale of the agricultural activities did not justify a 24-hour on site presence.*

*With regard to determining the opportunity for success as a full-time care facility, I would not doubt the applicant's enthusiasm but reviewing the practical position; the building space is very limited with no indoor facilities, access is severely restricted and the bus or tractor and trailer rides from the village hall unrealistic on a regular basis, there is a lack of detailed commitment relating to funding from schools or the Council, and the notion that the applicant can run the site on her own, with no paid labour expecting whole school classes to attend, is unrealistic.*

***On this basis, I do not consider it is a viable proposal and one that can justify a temporary rural dwelling.***

### **16.14 LPA Conclusion on the need for the dwelling**

16.15 As RAC explain above it would appear that the agricultural element of the proposal is secondary to the educational and care facility aspirations of the applicant however laudable they are. However, RAC also conclude that the scale of the agricultural activities does not justify a 24-hour on-site presence by way of the dwelling. It is also notable that the applicants currently live around a mile away from the application site in a rented mobile home. While no doubt the applicants consider it would be preferable to have a dwelling of their own land instead of rented accommodation nearby, it is the needs of the agricultural and rural business which drives the need for such accommodation and in this case RAC on the Council's behalf do not consider that in this particular instance a dwelling is justified and that conclusion is shared by the case officer.

### **16.16 Visual Impact of the Barn Extension on the AONB.**

16.17 Policy ECON9. (New Agricultural Buildings) states

*i) The development of new agricultural buildings, or extension of existing buildings, will be permitted where the development is necessary for the purposes of agriculture on the unit or locally where facilities are to be shared, and there are no existing buildings on the unit which are capable of re-use. The scale, siting, design and external appearance of the buildings should be designed to minimise adverse impact on the landscape character and residential amenity.*

As such the barn extension will be constructed from materials to match the existing building using the same agricultural materials - timber cladding to match the existing agricultural building - and is in principle supported. In addition the site lies with a designated AONB and lies within close proximity of existing public rights of way. 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.

16.18 Para 176 of the NPPF also explains that (my emphasis in bold)

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and **Areas of Outstanding Natural Beauty** which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. **The scale and extent of development within all these designated areas should be limited**, while development within their setting should be sensitively located **and designed to avoid or minimise adverse impacts on the designated areas**”*

16.19 The Council’s adopted Local Plan ENV1 (Landscape, Seascape and Sites Of Geological Interest) states in part (my emphasis in bold)

*i) **The plan area’s exceptional landscapes** seascapes and geological interest **will be protected, taking into account the objectives of the Dorset AONB Management Plan and World Heritage Site Management Plan. Development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty or Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted.***

*ii) **Development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character.** Proposals that conserve, enhance and restore locally distinctive landscape features will be encouraged. Where proposals relate to sites where existing development is of visually poor quality, opportunities should be taken to secure visual enhancements. **Development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted.***

*iii) **Appropriate measures will be required to moderate the adverse effects of development on the landscape and seascape.***

16.20 In addition the Dorset AONB Management Plan 2019-2024 and the Landscape Character Assessment February 2009 (West Dorset) are also material planning considerations as regards landscape impact.

16.21 The Dorset AONB Management Plan 2019-2024 has a number of objectives namely (my emphasis in bold):

*Objective C1 The AONB and Its Setting Is Conserved And Enhanced By Good Planning And Development*

*a). **Support development that conserves and enhances the AONB, ensuring sensitive siting and design respects local character. Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest.** Major development decisions need to include detailed consideration of relevant exceptional circumstances.*

**c). High quality design, materials and standards of workmanship are required of developments within the AONB. Good design and material use does not have to be a cost burden, however where this requirement affects development viability, consideration will be given to the balance between the public benefits of a proposal and the significance of its landscape and visual effects. When the landscape and visual effects of a development cannot be fully addressed through primary design measures, appropriate and robust secondary mitigation measures that can be delivered, enforced and maintained will be required.**

**d). Developments will be required to make a positive contribution to the overall green infrastructure and ecological networks. All aspects of green infrastructure, e.g. sustainable drainage, also require good design that respects local character and must also make an appropriate contribution to landscape ecology. The net result of these contributions should be landscape gain.**

**h). The landward and seaward setting of the AONB will be planned and managed in a manner that conserves and enhances the character and appearance of the AONB. Views into and out of the AONB and non-visual effects, such as noise and wider environmental impacts, will be appropriately assessed**

Objective C2 Landscape Assessment & Monitoring Is Effective And Supports Good Decision-Making

**a). Proposals affecting the AONB will be assessed to a high standard.**

**b). Landscape and seascape character assessment will be used to consider the effects of proposals on the character and appearance of the AONB.**

**d). The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty.**

**e). The conservation and enhancement of the AONB's special qualities will be a significant consideration in the planning balance.**

**f). Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered.**

Objective C3 Necessary Development Is Supported

**a). Support appropriate farm diversification schemes, particularly where these contribute to the conservation, enhancement and sustainable development of the AONB.**

Objective C4 Development Which Has Negative Effects On The Natural Beauty Of The AONB, Its Special Qualities, Ecosystem Flows And Natural Processes Is Avoided

**c). Protect and where possible enhance the quality of views into, within and out of the AONB.**

***d. Protect the pattern of landscape features, including settlements, that underpin local identity.***

***e. Avoid and reduce the impacts of development on biodiversity. Require development to follow the hierarchy of avoid, mitigate and compensate and to achieve a net gain for biodiversity.***

16.22 Given the above policy backdrop, the proposed lean too extension to the existing agricultural building would, it is considered, be a modest addition to that existing building. It would also be seen against the backdrop of the existing building and the other buildings that lie to the east of the application site at Sea View Farm. It would be constructed from materials to match the existing building using the same agricultural materials - timber cladding to match the existing agricultural building. The barn extension would comprise a large agricultural area with a kitchen, toilet and animal feed store. In itself and if this were an application solely for the extension of the existing agricultural building, it is not considered that this aspect would be so harmful to the character and appearance of the Area of Outstanding Natural Beauty to warrant a refusal of planning permission. In this respect this aspect of the development is considered to be acceptable.

#### **16.23 Visual Impact of the Dwelling on the AONB.**

16.24 The log cabin to be used for the dwelling has a similar scale and dimensions to a mobile home, but as the applicants point out, its design with a timber finish would make it less prominent and more in-keeping with the existing agricultural building. It would also be located just to the northwest of the existing agricultural building and close to the existing access track which provides access to this site of Ash Lane.

16.25 As such if the need for the accommodation was justified it is considered that its siting, design and appearance would be acceptable in this location it having a negligible impact on the wider AONB. There are for example no nearby or close public rights of way whereby the application site could be viewed.

#### **16.26 Highways**

16.27 There are no highway objections to the application given that there is an existing access off Ash Lane that leads to this site and there is more than adequate car parking area at the application site that could accommodate parking for both the applicants and the educational visits as proposed. The applicants have explained in their submission that the road network around the property comprises quiet country roads and the applicants have set up an arrangement with the village hall in Salwayash to act as a drop off point when groups are expected. The group will then be transported to site in a single journey on a tractor and trailer which adds to the experience and reduces the number of vehicle movements on the road. For individual sessions there is ample space on site for vehicle parking and turning, to ensure all vehicles can leave the site in a forward gear. An area of hardstanding, made up of recycled road scalplings, is proposed between the existing building and proposed cabin to allow for vehicle parking and turning.

#### **16.28 Ecology**

16.29 The applicants have submitted an Ecological Appraisal. This has been the subject of consultation with our Natural Environment Team (NET) as regards the need for a Certificate of Approval under the Dorset Biodiversity Appraisal Protocol. However as yet a Certificate of Approval has yet to be issued by NET but provided that a

condition were attached to carry out the Ecology recommendations on any planning permission granted, then matters associated with Ecology would be satisfied.

### **16.30 Impact on neighbour's amenity**

16.31 The adopted local plan policy ENV 16 states in part:

*i) Proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided:*

- They do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy;*
- They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker;*
- They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and*
- 

16.32 Para 130 (f) of the NPPF also sets out that developments should 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.

16.33 With the above in mind the proposed dwelling would be acceptable as regards its impact on neighbouring occupiers. The site would be separated from Sea View Farm such that there would be no adverse impact on any other neighbouring dwelling. Although the use would include an educational element and would likely to lead to additional comings and goings to and from the site to educate school children, these would be along the rural lane and the site is somewhat isolated and away from residential property – the nearest dwellings not associated with agriculture are to the west in Salwayash circa 1 mile to the west and adjoining sites are in agricultural use. As such the proposal is considered to be acceptable with regards to its impact on the amenity of adjoining neighbours.

## **17.0 Conclusion**

17.1 In light of the above considerations the proposal is considered to be unacceptable on the grounds that there is no justifiable essential agricultural need for a dwelling at the site given the conclusions of the Council's consultants Reading Agricultural Consultants. Furthermore nor is it considered that the non-agricultural activities proposed for the site would require a person to live on site on and as such there the proposal does not comply with Policy HOUS6 of the adopted local plan and the advice contained in paragraph 80 of the NPPF.

## **18.0 Recommendation**

Refusal for the following reason:

The Council considers that there is no essential need to live on the land to support the agricultural and non-agricultural activity proposed and as described in the application. As such, the proposal is considered to be contrary to the provisions of



Policies SUS2, and HOUS6 of the West Dorset, Weymouth and Portland Local Plan (2015); and the advice contained in Paragraph 80 of the National Planning Policy Framework, 2021.

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