



# Western and Southern Area Planning Committee

**Date:** Thursday, 19 October 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

For more information about this agenda please contact Democratic Services  
Meeting Contact: Joshua Kennedy [Joshua.kennedy@dorsetcouncil.gov.uk](mailto:Joshua.kennedy@dorsetcouncil.gov.uk) 01305 224710

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 - 50

To confirm the minutes of the meeting held on Thursday 7<sup>th</sup> September 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 17<sup>th</sup> October 2023.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

- |    |  |              |
|----|--|--------------|
| a) | Application P/FUL/2023/00384 Highlands End Holiday Park, Highlands End, Eype, DT6 6AR<br>Installation 300 ground mounted photovoltaic (Solar Panels) to provide carbon free electricity for Park.  | 51 - 72      |
| b) | Application P/RES/2023/03059 Land To The Rear Of 34-36A Canberra Road Weymouth<br>Erection of 4no. dwellings (reserved matters application to determine appearance and landscaping following the grant of Outline planning permission number WP/20/00015/OUT). | 73 - 86      |
| c) | Application P/FUL/2023/01319 Bonscombe Farm Bonscombe Lane Shipton Gorge Dorset DT6 4LJ<br>Conversion and change of use of an existing agricultural building to holiday let accommodation.   | 87 - 110     |
| d) | Application P/HOU/2023/03047 73 Woolcombe Road, Portland, DT5 2JA<br>Erect single storey front extension and bike shed to the side.  | 111 -<br>122 |

**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 exempt business scheduled for this meeting.**

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## WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 7 SEPTEMBER 2023

**Present:** Cllrs David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Kelvin Clayton, Susan Cocking (Left the meeting at 15:00), Nick Ireland, Paul Kimber, Louie O'Leary (Left meeting at 12.54), Sarah Williams and John Worth (Left the meeting at 15:00)

**Apologies:** Cllrs Dave Bolwell, Bill Pipe and Kate Wheller

**Also Present:** Cllr Carr-Jones

**Also present remotely:** Cllrs C Suttle and Wheller (In attendance from 11:30)

**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), Enrico Dimarino (Engineer (Development Liaison)), Joshua Kennedy (Apprentice Democratic Services Officer), Matthew Pochin-Hawkes (Lead Project Officer), Darren Rogers (Senior Planning Officer), Steve Savage (Transport Development Liaison Manager), Elaine Tibble (Senior Democratic Services Officer) and Thomas Wild (Senior Planning Officer)

31. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

32. **Minutes**

The minutes of the meeting held on 20 July 2023 were confirmed and signed.

33. **Planning Applications**

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

34. **Application P/FUL/2022/07710 Newlands Farm, Coldharbour, Chickerell**

The Senior Planning Officer presented the 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.

Members were shown an aerial view of the site and the proposed layout, which showed the proposed location of the storage containers and parking area within

the site. The application included a comprehensive landscaping scheme and there would be planting along the boundary of the site.

The Senior Planning Officer summarised the main planning issues of the application including, the principle of development, impact on the landscape and visual amenity, the impact on residential amenity and impacts on highways safety.

Public representation was heard from the agent for the applicant, Mr Tregay, who spoke in support of the application.

In response to questions from members the Senior Planning Officer and Engineer provided the following responses:

- The application met the government guidelines for the appropriate site lines and a minimal level of traffic was expected to be generated from the site.
- The SPO indicated highways-related works would be required within 3 months as the application was in part retrospective.
- The number of storage containers kept on the site would be limited to a maximum of 43 and would be used for miscellaneous household storage.
- There would be no record of what the storage units contained, however If any complaints received over alleged hazardous substances being stored this matter would be referred to the Environmental Health Officer or Environment Agency if appropriate

One member expressed concern over the operating hours of the business and the impact this could have on residential amenity and felt that the opening hours should be restricted at the weekends and on bank holidays.

Other members felt this restriction would have a detrimental impact on residential amenity, due to visits to the site being concentrated over a small period of time.

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

That the application be approved with the addition of a condition to limit the opening hours of the business.

On being put to the vote the proposal was lost.

Proposed by Cllr Williams and seconded by Cllr Ireland.

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

### **35. Application P/OUT/2021/05309 Land Adjacent Broadmead, Broadmayne**

The Lead Project Officer presented the application for the development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features. It was explained that this application had been heard at the previous committee meeting and the committee had been minded to approve the application subject to conditions.

The Lead Project Officer explained the planning conditions that were proposed and the Section 106 Heads of Terms. This included 45% affordable housing provision; an appropriate mix of affordable rented and intermediate affordable housing; the provision of a local play area and off-site highways works.

Oral representation in objection to the application was received from Mr Spenceley, Mr Youngs, Mr Cady, Cllr Tarr, Dorset Council Ward Member and Cllr Ellis on behalf of Broadmayne Parish Council. Their concerns included the unsustainability of the location, due to a lack of facilities and the size of the proposed development. Oral representation in support of the application was received from, Mr Jones, the applicant, Ms Yeates and Cllr Carr-Jones.

The Transport Development Liaison Manager addressed the committee on the highway's aspect of the application, noting that the applicant had agreed to complete off-site works to mitigate any impact on the highways.

In response to questions from members the Lead Project Officer explained that the management of the open spaces would be determined at a later date and any funding for this would come from the applicant. A viability assessment was not required for this application, as it provided a larger affordable housing contribution than required.

Several members expressed concern that the level of affordable housing proposed in the application may not be fulfilled. They also noted the fact that the development was located outside of the Defined Development Boundary and in an unsustainable location with a lack of access to public amenities.

Other members felt that this application provided an important contribution to housing in the area and would help in alleviating some of the housing shortage in Dorset.

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

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Legal Agreements and the conditions outlined in the appendix to these minutes.

**36. Application P/FUL/2021/0525 Land Adjacent Broadmead, Broadmayne**

The Lead Project Officer presented the application for the change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road.

Members were shown an aerial view of the site with the boundaries of the site highlighted, as well as photographs of the site in its current condition and the proposed masterplan of the SANG.

The Lead Project Officer summarised the key planning issues with the application, including the fact that the site was located outside of the Defined Development Boundary, however the SANG was required as mitigation for the residential

development. There were no objections from Dorset's AONB team, there was no adverse impact on amenity and there was considered to be an ecological benefit from improved biodiversity.

Oral representation was received from Mr Spenceley, Mr Youngs, Mr Cady, Cllr Ellis, on behalf of Broadmayne Parish Council and Cllr Tarr, DC Ward Member, who all expressed concern over the increased traffic this development may bring to the area. The applicant, Mr Jones, also spoke in support of the application.

The Transport Development Liaison Manager addressed comments about parking and highways.

In response to questions from members the Lead Project Officer stated there was a condition included to reuse any sand or gravel that was removed as part of the construction process, however this would be limited due to only the carpark requiring construction.

Several members felt that due to the approval of the adjacent housing development the SANG was necessary.

One member expressed concern over the impact on residential amenity from the development, due to increased traffic and noise.

12:36 - 12:48 Adjournment.

Proposed by Cllr Ireland and seconded by Cllr Cocking.

That the application be refused due to the adverse impact on residential amenity.

On being put to the vote the proposal was lost.

Proposed by Cllr Worth and seconded by Cllr Dunseith.

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement and the conditions outlined in the appendix to these minutes.

In accordance with procedural rule 8.1 a vote was taken to extend the duration of the meeting.

Cllr O'Leary left the meeting at 12:53

12:53 – 13:46 Lunch Break.

37. **Application P/OUT/2022/00852 Land at Newton's Road, Weymouth, DT4 8UR**

The Lead Project Officer presented the application for a mixed-use development consisting of 141 dwellings and a 60-bed care home.



Members were shown a map outlining the site location within Weymouth and the boundaries of the application site. The Lead Project Officer explained the history of the site and that most of the site was located within Flood Zone 1, however small portions of the site were in Flood Zones 2 and 3. There were also heritage constraints with the site, due to it being partly located within the Weymouth Town Conservation Area.

Members were shown various photographs of the site from different points, as well as photos of the site in its previous usage for the MOD and QinetiQ. The planning history of the site was also provided along with visualisations of the 2016 proposal, which had been approved previously.

The Lead Project Officer explained the details of the application and provided illustrative plans of the proposed development, showing the density of the development and the proposed height and scale.

A viability assessment had been submitted as part of the application, which determined that the scheme was only viable as a 100% open market development with an off-site affordable housing contribution of £48,000. It was considered that there were other benefits of this development that outweighed the lack of full affordable housing contributions.

The Lead Project Officer summarised the key issues with the application and noted that the World Heritage Trust had withdrawn their objection, the level of traffic and noise was not considered to be harmful and although there would be an impact on visual amenity, this was balanced against the benefits of the development.

Public representation was received from the applicant, Mr Dean and their agent, Mr Tarzey, who spoke in support of the application. Cllr Sutton, the Ward Member, also spoke and expressed concern over the lack of affordable housing contribution and suggested conditions to improve residential amenity.

The Transport Development Liaison Manager addressed the committee in regard to highways and parking issues. It was explained that the development was considered to be acceptable in terms parking provision and that traffic levels were predicted to be lower under this proposal than the previous proposal in 2016 or the previous usage of the site by the MOD and Qinetiq.

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

- A viability review at a later date wasn't considered to be appropriate, and the level of contribution would be tied down in the Section 106 agreement.
- Modelling had been completed as a part of the application to determine the effects of weather events and climate change on the site and the Environment Agency had no objections.
- Cliff stabilising protective works had been included as a condition to address any concerns over coastal erosion.

Members were in agreement that there were no issues with the development being proposed.

Proposed by Cllr Ireland and seconded by Cllr Cocking.

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement and the conditions outlined in the appendix to these minutes.

38. **Application P/FUL/2022/06311 West Bay Holiday Park, Forty Foot Way, West Bay, DT6 4HB**

The Senior Planning Officer presented the application for the siting of a converted catering shipping container in West Bay. Members were shown the location of the application site within West Bay, as well as an aerial view of the site. The exterior paved dining area outside of a café was indicated on the photograph, which was where the proposed container would be located. It was explained that the phone boxes currently in place would be removed as a part of the application.

The Senior Planning Officer provided an illustrative image of the proposed shipping container and explained the main planning issues with the application. The site was located within the Defined Development Boundary of West Bay and there were numerous other similar food kiosks located in the area, meaning the kiosk would not look out of place. The site was located in a Flood Zone 3 area, which was high risk, however the usage was categorised as less vulnerable and flood resilience measures had been set out by the Environment Agency. The applicant had also submitted details of an air filtration system to address any concerns over odour.

Members felt that this development would be suitable within the context of the area and as such was acceptable.

Proposed by Cllr Worth and seconded by Cllr Clayton.

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

15:00 – 15:10 Adjournment.

Cllrs Cocking and Worth left the meeting.

39. **Application P/FUL/2023/00384 Highlands End Holiday Park Highlands End Eype DT6 6AR**

The Senior Planning Officer presented the application for the installation of 300 ground mounted photovoltaic panels in the Highlands End Holiday Park in Eype. Members were shown the location of the site within Eype and the nearby footpaths and bridleways.

Photographs of the site were shown to the committee, as well as photos of the footpath running adjacent to the application site. The Senior Planning Officer explained that the development consisted of 7 tables comprised of 300 panels and

a plan was provided of the previous refused application, which showed a larger number of panels extending further up the hill side.

A landscaping plan had been submitted to mitigate the visual impact of the site, including hedgerows along the boundary of the site and orchard planting to obscure the view of the panels from the footpath. The landscape impacts of the development were still considered to be significant, given the site was located within the AONB and Heritage Coast. Dorset Councils AONB team and Landscape Officers had assessed the application and determined it would have a harmful impact on the landscape, which was not outweighed by the renewable energy benefits of the scheme. The applicant had also failed to demonstrate the suitability of any alternative sites for the development.

Oral representation in objection to the application were received from Ms Froy, Mr Mayers and Ms Boyze, noting the unsuitability of the location of the site. The applicant, Mr Cox and the agent Mr Carthy addressed the committee in support of the application.

Several members felt that a site visit to the application site was necessary in order to further understand the impact on landscape that the application would have.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

Decision: That the application be deferred for a site visit and be brought back to the next committee meeting.

40. **Application P/FUL/2022/06870 Meadow Barn Care Farm, Land west of Seaview Farm, Ash Lane, Salwayash, Dorset, DT6 5JA**

The Senior Planning Officer presented the application for the siting of a temporary rural worker's dwelling, the erection of an extension to an existing barn and change of use of land and buildings to a mixed use of agriculture and community education facility.

Members were shown a site plan, with the location of the site, as well as location of the access roads to the site and the area where the temporary accommodation would be located and the extension to the existing barn.

The Senior Planning Officer provided the background of the application site and explained that it was to be used partly for agricultural use, partly for educational purposes and to provide a space where children can learn within a rural setting. There would be a small commercial agricultural element, however usage of the site would be primarily for education.

The details of the proposal were outlined by the Senior Planning Officer, including the existing and proposed elevations of the barn extension and temporary dwelling; the floor plans of the proposed extension and dwelling and proposed planting.

An assessment of the site had been conducted by Reading Agricultural Consultants (RAC), who had concluded that there was no need for 24-hour presence on the site for its intended usage.

Oral representation was received from the agent for the applicant, Ms Harper, who spoke in support of the application, noting the Parish Council had provided their support and the rural location was necessary for the business.

Several members felt that the support from the Parish Council for this application ought to be given significant weight and that there was a need for the applicant to live on-site for the security of their business assets.

The meeting adjourned at 16:30 and reconvened at 16:45, for the planning officers to provide conditions for approval of the application.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the conditions being first agreed with the Chairman of the Committee

41. **Urgent items**

There were no urgent items.

42. **Exempt Business**

There was no exempt business.

43. **Supplement**

**Decision List**

**Duration of meeting:** 10.00 am - 4.49 pm

**Chairman**

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## Western & Southern Area Planning Committee 07 September 2023 Decision List

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

**Site Address:** Land And Buildings Known As Newlands Farm Coldharbour  
Chickerell

**Proposal:** Part full and part retrospective application for the change of use of land and buildings from agricultural use to storage (B8) and the siting of up to 43 storage containers.

**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 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.

**Informative:**

NPPF

Highways Informative

EA Informative

**Application:** P/OUT/2021/05309

**Site Address:** Land Adjacent Broadmead, Broadmayne

**Proposal:** Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only).

**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.

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. Provision of a 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 of the LAP, any allotments and any other publicly accessible open spaces 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 Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings. If legislation comes into force which no longer requires the proposed mitigation to be secured, members delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to amend and/or remove this planning obligation prior to completion of the S106 Agreement(s) in consultation with the Chair of the Western and Southern Planning Committee. In the event that the Section 106 Agreements are completed prior to new legislation being enacted the Section 106 Agreements shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.

And the conditions set out below.

**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:

**Decision:**

**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. Provision of a 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 of the LAP, any allotments and any other publicly accessible open spaces 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. If legislation comes into force which no longer requires the proposed mitigation to be secured, members delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to amend and/or remove this planning obligation prior to completion of the S106 Agreement(s) in consultation with the Chair of the Western and Southern Planning Committee. In the event that the Section 106 Agreements are completed prior to new legislation being enacted the Section 106 Agreements shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.

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](mailto: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).

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

**Site Address:** Land Adjacent Broadmead, Broadmayne

**Proposal:** Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road

**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).

**Decision:**

**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).

**Application:** P/OUT/2022/00852

**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)

**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.

**Decision:**

**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**

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**

1. 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**

2. 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.

3. The scale of buildings shall comply with the maximum storey heights shown on drawing 9464-P1 Rev K Parameters Plan and the following maximum AOD heights:

- Apartment Block 1A: 24.655m AOD
- Apartment Block 1B: 22.050m AOD
- Apartment Block 1C: 18.280m AOD
- Apartment Block 2A: 22.200m AOD
- Apartment Block 2B: 22.200m AOD
- Townhouses: 16.185m AOD
- Offices/Light Industrial Building: 16.345m AOD
- Care Home: 15.320m AOD

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

4. 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**

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

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



## **Use Classes**

6. 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).

7. 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**

8. 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**

9. 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.

10. 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; together with a Car Parking Management Plan identifying the designation of parking spaces 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.

11. 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**

12. 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.

13. 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**

14. 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 to 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 of 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.

15. 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.

16. 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**

17. 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.

18. 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**

19. 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**

20. 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**

21. 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:
1. construction vehicle details (number, size, type and frequency of movement)
  2. a programme of construction works and anticipated deliveries

3. timings of deliveries so as to avoid, where possible, peak traffic periods
4. a framework for managing abnormal loads
5. contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
6. wheel cleaning facilities
7. vehicle cleaning facilities
8. 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
9. a scheme of appropriate signing of vehicle route to the site
10. a route plan for all contractors and suppliers to be advised on
11. temporary traffic management measures where necessary
12. 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**

22. 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:
  1. Risk assessment of potentially damaging construction activities.
  2. Identification of "*biodiversity protection zones*".
  3. 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)).
  4. The location and timing of sensitive works to avoid harm to biodiversity features.
  5. 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.
  6. 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.

7. The times during construction when specialist ecologists need to be present on site to oversee works.
8. Responsible persons and lines of communication.
9. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
10. Use of protective fences, exclusion barriers and warning signs.
11. 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**

23. 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**

24. 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**

25. 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

26. 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**

27. 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**

28. 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**

29. 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**

30. 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**

31. 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**

32. 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**

33. 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).

**Application:** P/FUL/2022/06311

**Site Address:** West Bay Holiday Park Forty Foot Way West Bay DT6 4HB

**Proposal:** New converted shipping container catering unit

**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:  
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 Young, Reference 01C300055) including the following mitigation measures:

- 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 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:

- 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.

**Application:** P/FUL/2023/00384

**Site Address:** Highlands End Holiday Park Highlands End Eype DT6 6AR

**Proposal:** Installation 300 ground mounted photovoltaic (Solar Panels) to provide carbon free electricity for Park.

**Recommendation:** Refuse

**Decision:** Deferred for a committee site visit.

**Application:** P/FUL/2022/06870

**Site Address:** Meadow Barn Care Farm Land West Of Seaview Farm Ash Lane Salwayash Dorset DT6 5JA

**Proposal:** 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.

**Recommendation:** Refuse

**Decision:**

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to conditions to cover the following points, with the detailed wording of the conditions having first been agreed with the Chairman of the Southern and Western Planning Committee:

1. 3 years for commencement.



2. Approved plans list.
3. Limitations to the occupation of the mobile home.
4. Temporary permission.
5. Materials.
6. Willow planting.
7. Provision of access and hardstanding.

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## Officer Report

<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. The application was considered at the 7 September 2023 meeting of the Southern and Western Area Planning Committee, where members voted to defer the item to allow for a site visit to be completed.

**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.

## Officer Report

### 3.0 Reason for the recommendation:

- 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

<b>Issue</b>	<b>Conclusion</b>
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

## Officer Report

	the proposal would result in an unacceptable impact upon residential amenity.
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 198kW. 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**

## Officer Report

P/FUL/2021/03350 - Decision: REF - Decision Date: 18/03/2022

Install ground-mounted solar panel photovoltaic solar array

### 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
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## Officer Report

Town or Parish Council		x	<p>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 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.</p>
Ward Member(s)			<p>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.</p>
Highways Officer	x		<p>No objection subject to conditions</p>
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</p>

**Officer Report**

			<p>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 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		<p>A biodiversity plan has been agreed with the natural environment team.</p>
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>



## Officer Report

Building Control			No Comments.
Jurassic Coast Trust			No Comments.
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>

## Officer Report

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 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>
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### 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

## Officer Report

- 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
- 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.

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### 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 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

## **Officer Report**

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
- 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.

## Officer Report

### **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 generate around 225 MWh 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

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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.

- 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

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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 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



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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 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.

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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).

- 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 an 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.

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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 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

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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**

- 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

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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 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

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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.

### **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

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## Applications Report for Minor Development and Others

<b>Application Number:</b>	P/RES/2023/03059
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/RES/2023/03059">Planning application: P/RES/2023/03059 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	Land To The Rear Of 34-36A Canberra Road Weymouth
<b>Proposal:</b>	<b>Erection of 4no. dwellings (reserved matters application to determine appearance and landscaping following the grant of Outline planning permission number WP/20/00015/OUT)</b>
<b>Applicant name:</b>	Hamlin Property Developers Ltd
<b>Case Officer:</b>	Jo Langrish-Merritt
<b>Ward Member(s):</b>	Cllr Ferrari, Cllr O’Leary

### 1.0 Recommendation

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

### 2.0 Summary of recommendation:

Grant subject to conditions.

### 3.0 Reason for the recommendation:

The proposed development would be located within the development boundary of Weymouth and therefore the development of 4 dwellings in this location is deemed to be acceptable. The access, scale and layout were fully reviewed as part of the outline application (WP/20/00015/OUT) and were deemed satisfactory. The appearance and landscaping were reserved matters. The overall appearance of the development along with the proposed landscaping are considered to be acceptable. The impact on residential amenity, biodiversity and flood risk are also all considered to be acceptable. The proposal, subject to conditions, is therefore considered to be in accordance with the West Dorset and Weymouth Local Plan as a whole.

### 4.0 Key planning issues

Issue	Conclusion
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## **Applications Report for Minor Development and Others**

Principle of development	The proposed development would be located within the Defined Development Boundary and as such the principle of development is acceptable.
Impact on visual amenity	The proposed development would be in keeping with the scale proportions and overall design of the wider housing estate.
Impact on residential amenity	The dwellings have been designed to be side on to the existing dwellings thereby preventing any loss of privacy. Furthermore, the proposed dwellings would be considered to be an acceptable distance to prevent an overbearing impact.
Impact on biodiversity and trees	The existing trees and vegetation which would have to be removed prior to the development, make a limited contribution to the character of the wider area as such the proposed development along with the suggested planting scheme is considered to have an acceptable impact.
Impact on highways	A parking space per dwelling has been proposed along with 3 visitor spaces. Given the sustainable location of the dwellings the parking and access arrangements are considered to be acceptable.

### **5.0 Description of Site**

The application site comprises land to the rear of 36 Canberra Road, Weymouth. The application site forms part of Littlemoor. The dwellings which surround the site are predominantly two storey terraced dwellings almost all of which were constructed in the 1980s and display a high degree of uniformity in regard to design, scale and use of materials.

The application site is covered in vegetation, which includes a mix of shrubs and low quality trees that display little sign of regular maintenance; none of the trees are protected by a Tree Preservation Order. The site is accessed via Darwin Close and across a car park which serves the nearby existing dwellings.

The site is within the defined development boundary (DDB) of Weymouth.

### **6.0 Description of Development**

## **Applications Report for Minor Development and Others**

The proposed development is for the erection of 4no. dwellings (reserved matters application to determine appearance and landscaping following the grant of Outline planning permission number WP/20/00015/OUT).

### **7.0 Relevant Planning History**

07/00529/FUL - Decision: WIT - Decision Date: 28/09/2007

Conversion and extension to form 4 flats

07/00758/FUL - Decision: GRA - Decision Date: 23/11/2007

Conversion and extension to form 4 flats (resubmission)

WP/15/00570/OUT - Decision: WIT - Decision Date: 13/04/2016

Erect two houses at rear (accessed off Darwin Close)

WP/19/00234/OUT - Decision: GRA - Decision Date: 15/10/2019

Erection of 2 dwellings (Outline)

WP/20/00015/OUT - Decision: GRA - Decision Date: 27/05/2020

Outline application for the erection of 4no. dwellings

### **8.0 List of Constraints**

Landscape Chara; Urban Area; Weymouth Urban Area

Defined Development Boundary; Weymouth (Littlemoor Suburban Area)

Boundary; West Dorset District Boundary; West Dorset

Weymouth and Portland District Boundary; Weymouth and Portland

NPLA - Type: Neighbourhood Area; Name: Weymouth

High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar);

Risk of Surface Water Flooding Extent 1 in 1000

Dorset Council Land (Freehold): DT47255 - Reference 60224

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Area of Outstanding Natural Beauty (AONB): Dorset;

Site of Special Scientific Interest (SSSI) impact risk zone;

Radon: Class: 1 - 3%

ONR portland\_12km\_zone

### 9.0 Consultations

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

#### Consultees

##### 1. Ward Members

No comments

##### 2. Weymouth Town Council

No objection

##### 3. Highways Officer

The applicant is reminded to give due regard to Inclusive Mobility complying with the Equalities Act. The Highway Authority has NO OBJECTION, subject to the same conditions previously imposed upon the Outline approval and additionally the following condition.

#### **Cycle parking scheme to be submitted**

The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

**INFORMATIVE NOTE: Privately managed estate roads** As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

**INFORMATIVE NOTE: 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.

##### 4. Waste Management

No objections

##### 5. Aboricultural Officer

There are no Dorset Council maintained trees in this location.

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### **6. NET**

The Natural Environment Team (NET) had reviewed the Biodiversity plan and ecological report and requested additional provisions for bats and confirmation regarding additional grassland creation in accordance with DBAP net gain requirements. The Biodiversity plan was subsequently amended and NET are satisfied with the amendments and have certified the plan.

### **7. Third Parties**

No Third-Party representations have been received.

## **10.0 Relevant Policies**

### **Policies**

#### **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 And Sites Of Geological Interest
- ENV2 - Wildlife and habitats
- ENV5 – Flood Risk
- ENV 10 – The Landscape and Townscape Setting
- ENV12 – The design and positioning of buildings
- ENV15 – Efficient and appropriate use of land
- ENV16 – Amenity
- SUS1 – The level of economic and housing growth
- SUS2 – Distribution of development
- HOUS1 – Affordable Housing
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development
- COM10 – The provision of utilities service infrastructure

#### **Neighbourhood Plans**

Weymouth Neighbourhood Plan

### **Other Material Considerations**

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

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

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

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

Landscape Character Assessment (Weymouth & Portland)

Urban Design (2002)

DCC Parking Standards

West Dorset, Weymouth and Portland Community Infrastructure Levies 2016

Interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar – Dorset Council April 2020

### **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

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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'

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

### **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

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

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

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

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- 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. There is ramped access to two of the properties with only a shallow step to the others. All properties have level access on to the rear gardens. As such given that this is such a small development and 50% of the units have level access this is considered to provide sufficient opportunities for inclusive mobility for less mobile persons

### **13.0 Financial benefits**

Material considerations:

Employment created during the construction phase

Non material considerations:

None relevant

### **14.0 Climate Implications**

The site is in a sustainable location within an existing well established residential area. It is therefore likely that the occupiers or any visitors will walk or use public transport to access the site. The properties have been designed to include moderate levels of glazing while maintaining a highly insulated building fabric.

### **15.0 Planning Assessment**

#### **Principle of development**

The site is located within the defined development boundary for Weymouth and therefore the development in this location is considered to be sustainable, in accordance with Policies INT1 and SUS2.

The principle of developing the site for housing has already been established with the granting of outline permission in 2020 (WP/20/00015/OUT) where the matters of scale, layout and access were considered and approved. Having established the principle of development as being sustainable and in accordance with national policy, the other material considerations of landscaping and appearance are considered as part of this reserved matters application and are explored further below.



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### **Impact on visual amenity**

Policy ENV1 of the West Dorset, Weymouth & Portland Plan states that the area's exceptional landscapes and seascapes and geological interest will be protected, and development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Policy ENV10 states that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. ENV12 requires development that achieves a high quality of sustainable and inclusive design. ENV15 makes clear that development should optimise the potential of the site and make efficient use of land.

The proposed development would form a row of 4 terraced houses in a staggered formation. The dwellings are of a modest scale and proportion with simple lean-to porch canopies. The proposed dwellings would reflect the character and appearance of the dwellings in the western end of Canberra Close and Darwin Close. The dwellings would be constructed using yellow/buff bricks and interlocking concrete tiles again this would reflect the character of the existing wider estate.

The existing trees and vegetation, which would have to be removed prior to the development, make a limited contribution to the character of the wider area, with the trees being set to the rear of existing houses and having visibility that is largely limited to the homes which immediately overlook the site. The trees and vegetation are of poor quality and the grounds in which they are set are open with evidence of small-scale fly tipping. The proposed scheme includes the provision of a variety of practical ornamental shrubs and perennial planting with native wildlife friendly species at the rear of each property along with some additional planting along the eastern boundary. As two trees are to be removed the planting also includes a number of replacement trees such as hazel. To the western side of the properties an area of Wildflower grassland rich in wildflowers will be created. The addition of these areas of planting will act to both soften the overall appearance of the scheme and provide areas for wildlife and biodiversity. Subject to a successful hard and soft landscaping scheme, it is considered the erection of the four dwellings at the site would not cause harm to the visual appearance of the area and so would accord with Policies ENV1, ENV10, ENV12 and ENV15 of the of the Local Plan.

### **Impact on residential amenity**

ENV16 of the West Dorset, Weymouth & Portland Local Plan seeks to ensure that developments would protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants.

The proposed dwellings have been designed to be with their gables facing the existing properties along Canberra Road and Rockhampton Close which have an east west orientation whereas the proposed dwellings would have a north south orientation. The side elevations would be blank to avoid any overlooking. As such there is not considered to be any loss of privacy. The closest neighbouring property would be approximately 10m on the eastern side and 14m on the western side from the proposed development. There is also a change in ground levels across the site with the ground falling away to the north. Given the

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distance and the change in ground level the proposal is not considered to have an overbearing or overshadowing impact on neighbouring properties.

### **Impact on biodiversity and trees**

As previously mentioned, the existing trees and vegetation which would have to be removed prior to the development, make a limited contribution to the character of the wider area, with the trees being set to the rear of existing houses and having visibility that is largely limited to the homes which immediately overlook the site. The trees and vegetation are of poor quality and the grounds in which they are set are open with evidence of small-scale fly tipping. Subject to a successful hard and soft landscaping scheme, it is considered that the erection of the four dwellings at the site would not cause harm to the visual appearance of the area and so would accord with Policies ENV1, ENV10 and ENV12.

An ecological survey and biodiversity plan had been provided with the application which made recommendations to help ensure that wildlife and important ecological features are protected during the course of works and ecological enhancements are provided such as sparrow boxes. The Natural Environment Team had reviewed the Biodiversity plan and ecological report and requested additional provisions for bats and confirmation regarding additional grassland creation in accordance with DBAP net gain requirements. These amendments were subsequently made and the biodiversity plan and its recommendations has been assessed and certified by the Council Natural Environment Team.

### **Highways**

Parking and vehicular access is to be provided from the existing access and parking area. One parking space is to be provided for each of the new dwellings along with 3 visitor parking spaces. Given the sustainable location of the site and as there are existing bus and transport links close by the proposed highways and parking arrangements are considered to be acceptable.

Clarification was sought from the Highways Team regarding their comments about inclusive mobility. They have confirmed that there is a duty of care under the Equalities Act to have due regard for people with protected characteristics. The site is accessed from the public highway across a manoeuvring aisle for the car park leading to the site, as shown within the red line of the application area. As such, in general, a footway provision around the outside of the existing parking court may be beneficial.

Whilst it is recognised that inclusive mobility is an important consideration the matters of access and layout were determined at outline stage as part of (WP/20/00015/OUT). Therefore, whilst the Highways Authority's comments are noted and the applicant will be advised of their duty under the Public Sector Equalities Duty and Highway safety however no further considerations or conditions relating to that matter can now be sought at the reserved matters stage given that only landscaping and appearance are being considered. Furthermore, whilst the Highway Authority have recognised the importance of inclusive mobility for site, they continue to raise no objections to the proposals.

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In addition to the above the Highway Authority's request for a cycle parking provision on site is acknowledged but the issues of layout were considered at the outline stages and as such we cannot seek to condition the provision of cycle parking on site as part of this reserved matters application. Notwithstanding that the site is within a sustainable location with ample access to public transport and an informative note will be added to the permission reminding the applicant of the importance of providing cycle parking provisions on site

An informative note will be added to the permission informing the applicant that responsibility for maintenance of the parking and turning area will remain with the developer, residents or housing company.

### **Flood Risk**

The site is located within flood zone 1 and as such is at low risk of fluvial flooding. However, consideration must also be given to surface water flooding and the proposals are accompanied by a drainage scheme. The scheme has been designed to include an increase in finished floor level above external levels to prevent flood ingress, electrical sockets are 600mm above finished floor levels to increase flood resilience and sustainable drainage has been provided which allows for flood events. Furthermore, there is to be no overnight accommodation at ground floor. As such these mitigation measures are considered to improve the flood resilience of the properties in the event of a flood and would not increase the risk of flooding elsewhere in accordance with policy ENV5 of the West Dorset Weymouth and Portland Local Plan and section 14 of the NPPF.

### **16. Conclusions**

The proposed development would be located within the development boundary of Weymouth and therefore the development of 4 dwellings in this location is deemed to be acceptable. The access, scale and layout were fully reviewed and were deemed satisfactory at the outline stage. The appearance and landscaping are considered to be acceptable and would be in keeping with the character of the wider area. The impact on residential amenity, biodiversity and flood risk are also all considered to be acceptable. The outline application subject to conditions is therefore considered to be in accordance with the West Dorset and Weymouth Local Plan.

### **17.0 Recommendation**

Grant subject to conditions:

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

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

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

Location plan and site plan 20.01 RevC

Site Plan floor plan and elevations 16/241/001

Drainage scheme 2305/77/001 RevA

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

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

4. The soft landscaping works detailed on approved drawing 16/241/001 must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) (ref. DBAP23238NH) certified by the Dorset Council Natural Environment Team on 20th September 2023 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/ the LEMP) 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.

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

### **Informatives:**

#### **1. Informative: National Planning Policy Framework Statement**

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

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

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

In this case:

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

**2. INFORMATIVE NOTE: Privately managed estate roads** As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

**3. INFORMATIVE NOTE: 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.

#### **4. INFORMATIVE NOTE: Biodiversity plan**

The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan or LEMP to Dorset Natural Environment Team in order to comply fully with requirements of condition 6.

#### **5. INFORMATIVE NOTE: Cycle Provision**

The applicant is reminded that appropriate cycle parking provision should be made within the application site to encourage sustainable modes of transport. The proposed cycle parking provision must be constructed to a suitable standard, prior to the development being occupied, maintained thereafter and kept free from obstruction.

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## Officer Report

<b>Application Number:</b>	P/FUL/2023/01319		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2023/01319">Planning application: P/FUL/2023/01319 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Bonscombe Farm, Bonscombe Lane, Shipton Gorge, Dorset, DT6 4LJ		
<b>Proposal:</b>	Conversion and change of use of an existing agricultural building to holiday let accommodation		
<b>Applicant name:</b>	Mr and Mrs Eric and Helen Benedict		
<b>Case Officer:</b>	Charlotte Loveridge		
<b>Ward Member(s):</b>	Cllr Roberts		
<b>Publicity expiry date:</b>	4 April 2023	<b>Officer site visit date:</b>	22 June 2023

**1.0** Application being referred through Scheme of Delegation procedure due to Shipton Gorge Parish Council's support of the application being contrary to officer recommendation to Refuse.

**2.0 Summary of recommendation:**

Refuse planning permission.

**3.0 Reason for the recommendation:**

- The existing building is of little visual merit or quality and not considered to be worthy of retention in how it relates to local character as it is not a traditional vernacular stone farm building of the area or with any architectural or historical merit.
- The appearance of the proposed scheme would be so altered by increasing the roof height and the insertion of a considerable amount of fenestration that the result has little reference to it being a former agricultural building but reminiscent of a suburban park home dwelling.
- The proposal is considered to create harm to the character, special qualities, dark skies and natural beauty as well as the sense of tranquillity and remoteness of the Powerstock Hills landscape character area within the Dorset AONB.
- The location is not considered to be sustainable as the proposal is not sensitive to its surroundings in its design and general visual impact.
- There are no minor amendments that could be made within the scope of this application to make the proposal acceptable.

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### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Policies SUS2, SUS3, ECON6 & ECON8 of the West Dorset, Weymouth & Portland Local Plan (2015) support the principle of adaptations and re-use of existing buildings outside defined development boundaries for tourism uses and as diversification of land-based rural businesses subject to being in keeping with the rural character.
Scale, design, impact on character and appearance	Policy SUS3 supports the adaptation and re-use of rural buildings <i>if</i> the existing building makes a positive contribution to local character and if their proposed form, bulk and design will make a positive contribution to the local character. ENV10 states that development should be informed by the character of the site and its surroundings whilst ENV12 requires the siting, alignment, design, scale, mass and materials to complement and respect the surroundings and be in harmony with the area as a whole. The proposed development is considered to be in conflict with these three policies.
Impact on amenity	There are no adverse impacts on neighbouring amenity so accords with ENV16.
Impact on landscape within the Dorset AONB and landscape character area	The proposed conversion is in an isolated position in the open countryside and is considered that its development would harm the character, special qualities and natural beauty as well as the sense of tranquillity and remoteness of the Dorset AONB contrary to policies ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraphs 176 to 178 of the NPPF (2021& 2023) & Dorset AONB Management Plan policies.
Impact on flooding of the site & surroundings	The first part of the access track off Bonscombe Lane lies within an area with a susceptibility to groundwater flooding and fluvial flooding. Considered acceptable if used as a holiday let.



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	As such the scheme complies with policy ENV5.
Impact on Biodiversity & Ecology	The approved BMP and Appropriate Assessment means the scheme complies with policy ENV2 of the West Dorset, Weymouth & Portland Local Plan (2015) and para. 180 of the NPPF (2021 & 2023).
Economic benefits	A limited addition to the rural economy, but contrary to para.84(c) of the NPPF.
Public Right of Way	The proposal would not make a positive contribution to the character of the countryside and would detract from the quality of views from the public right of way that passes to the south of the site.
Access and Parking	The site can accommodate adequate access and car parking and there are no highway objections to accord with COM9.

### 5.0 Description of Site

- The disused piggery building is located in an isolated position over 300metres south west of Bonscombe Farmhouse.
- The site would be accessed from Bonscombe Lane and then by following a trackway (yet to be constructed) in a south westerly direction along the edge of the fields to reach the building.
- The existing building has a footprint of about 107m<sup>2</sup>, and is just under 20m long.
- It is constructed of concrete blockwork with a concrete render with an cement (possibly asbestos) fibre sheet roofing.
- The building sits on a level area of ground where the land gently slopes away to the north east out to an open vista with views towards Eggardon Hill 3.4miles away.
- There are areas of concrete hardstanding away from the north east elevation where there was previously another structure (still there in Sept 2020 aerials, gone by July 2021 & 2023).
- The site is surrounded by agricultural land.
- There are mature field hedgerows along the south western and south eastern boundaries of the site, and partially on the north east and north eastern boundaries which also has post and pig-net fencing along some of it.
- There are a number of mature trees on and around the site.
- Within 100m to the north is a tree covered area at the foot of Bonscombe Hill which has strip lynchets running along it.
- The edge of development in Shipton Gorge is 500m to the east ('Rockway').

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- The closest public right of way is approached from Burbitt Lane which departs the main village road of Shipton Road in a westerly direction. The W15/23 footpath then takes you in a north westerly direction diagonally across the field to the south of the piggery building where the roof of the building can be seen above the hedgeline. The open views looking south easterly from this footpath are over Shipton Gorge and the surrounding hills.
- The site lies within the Powerstock Hills landscape character area, which is described as having one of the most distinctive and intimate landforms of the AONB landscape. It has a unique pattern of small conical hills with wooded sides that surround a branching network of deep, intimate river valleys. Along the valleys floor, dense hedgerows and small-scale irregular pastures add to the intimate quality. The complex network of narrow incised winding lanes is a real feature of this tranquil landscape. The area has an undeveloped character with impressive views from largely open hill tops. There is a gentle transition to the surrounding hills with a marked contrast to the more flat and open character of the Brit Valley further west.
- The area has retained its strong undeveloped rural character, with associated characteristics of tranquillity, remoteness and dark nights skies.

### **6.0 Description of Development**

The proposal is to convert the disused rural building into a holiday let with an added entrance porch, 2 double-bedrooms with en-suites, a kitchen/dining/living area with bifold doors out to a terraced area on the rear (south western) elevation. There would also be a gravel driveway, 2 parking spaces and a private waste treatment plant installed in the proposed garden area on the south western side of the building with soakaways for surface water.

### **7.0 Relevant Planning History**

**1/W/03/001633** - Decision: GRA - Decision Date: 25/05/2004  
Change of use from storage/annex building to 1 No unit of holiday accommodation

**1/D/10/000701** - Decision: REF - Decision Date: 12/07/2010  
Two storey extension

**1/D/10/001651** - Decision: GRA - Decision Date: 12/11/2010  
Single & two storey extension to dwelling. Change of use from agricultural land to residential garden

**1/D/10/001918** - Decision: GRA - Decision Date: 21/12/2010  
Certificate of lawfulness of land as residential garden associated with the dwelling known as Bonscombe Farm

**1/D/11/000951** - Decision: GRA - Decision Date: 28/07/2011  
Single and two storey extension & alterations to dwelling. Change of use from agricultural land to residential garden

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**WD/D/18/002815** - Decision: RES - Decision Date: 14/12/2018  
Pre- application consultation - Change of use and conversion of an agricultural barn to a holiday let unit. *(there is no record of a written response of the advice given)*

**WD/D/20/002856** - Decision: RES - Decision Date: 15/12/2020  
Erection of Agricultural building and construction of farm track. *(the prescribed 28 day period for determination passed before a response was issued so works as set out and described can commence)*

### **8.0 List of Constraints**

ENV 1; Area of Outstanding Natural Beauty; Dorset - Distance: 0

SUS 2; Land Outside DDBs; NULL - Distance: 0

Shipton Gorge CP - Distance: 0

PROW - Right of Way; Bridleway W15/24; - Distance: 45.34

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

Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 0 *(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)*

Higher Potential ecological network - Distance: 0

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 2483.5

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Minerals and Waste Safeguarding Area - ID: 6827; - Distance: 0

Minerals and Waste - Building Stone - Name: 783; - Distance: 0

Radon: Class: 3 - 5% - Distance: 0

### **9.0 Consultations**

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

#### Consultees

#### **1. DC - Rights of Way Officer**

No response received.

#### **2. DC - Highways**

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No objection subject to a turning/manoeuvring and parking construction condition.

### **3. DC - Minerals & Waste Policy**

The safeguarded mineral underlying the site is expected to be Inferior Oolite. The Mineral Planning Authority accepts that, although the mineral is safeguarded, we can confirm that in this case the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.

### **4. DC - Dorset Waste Team**

No response received.

### **5. P - Bothenhampton and Walditch Parish Council**

No comment (parish boundary within 100m)

### **6. DC - Economic Development and Tourism**

No response received.

### **7. W - Chesil Bank Ward**

No response received.

### **8. DC - Building Control West Team**

No response received.

### **9. P - Shipton Gorge PC**

ALL councillors responded and supported this application. This application is fully supported by Shipton Gorge Parish Council. Turning a derelict farm building into a holiday let will have minimal impact on the environs of the village. The present building cannot be seen from either the foot path or from other sites in the village. In addition, it will give employment and support businesses in the local area.

### **10. Dorset Wildlife Trust**

No response received.

### **11. Ramblers Association**

No response received.

### **12. Natural England**

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No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Your appropriate assessment concludes that your authority can ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question by compliance in line with the named mitigation measures. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

### Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

### 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 Policies

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

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- SUS3 - Adaptation and re-use of buildings outside defined development boundaries
- ECON6 - Built tourist accommodation
- ECON8 - Diversification of land-based rural businesses
- HOUS6 - Other residential development outside

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- 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.

### **Emerging Neighbourhood Plans**

#### **National Planning Policy Framework (2023):**

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.

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- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-80 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.

### **National Planning Practice Guidance**

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

##### All of Dorset:

Dorset AONB Landscape Character Assessment (*Powerstock Hills*)

Dorset AONB Management Plan 2019-2024 (*Policies C1, C2, C4*)

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WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset) (*Powerstock Hills para.18.5 – Detrimental features: visual impact of agricultural buildings*)

### **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.

Having regard to the information provided in the current application, as well as policy Construction of the proposed conversion would be subject to Building Control legislation which sets standards for the design and construction of buildings addressing various matters including accessibility and which help ensure that new buildings are safe, healthy and high-performing.

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

### **14.0 Financial benefits**

Material considerations:

Employment created during the construction phase

Small element of employment created through servicing of holiday let

Revenue to the rural economy

Holiday makers support of local businesses

Non material considerations:



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CIL contributions  
Business rates

### **15.0 Environmental Implications**

The proposal will contribute to additional CO<sub>2</sub> emissions from the conversion and use of the building. The only realistic way to access the building will be by motor vehicle.

### **16.0 Planning Assessment**

#### **Principle of development & planning history**

##### **Planning history**

The owners of Bonscombe Farm bought this additional area of land adjoining their existing land a few years ago. They have previously carried out the conversion of a traditional stone built storage/annex building at the main house complex into a unit of holiday accommodation under a 2003 planning application. This is now known as 'The Wheelhouse'.

The land is in agricultural use (approx. 10ha/23ac which is split between sheep grazing and apple farming). The proposed conversion of the redundant piggery building is intended to directly support that established use.

A 2020 prior approval notification for an agricultural building was submitted under WD/D/20/002856 for the erection of an agricultural building and construction of a farm track. The proposed agricultural building would be 10m x 8m, 5m to the eaves and 6.5m to the ridge and constructed of dark green sheet metal. It would be located on the existing concrete hardstanding areas 28m north east of the proposed piggery conversion. The trackway (compacted gravel) and agricultural storage building have not yet been constructed. It has been mentioned that if they are able to convert the piggery building to a holiday let then they would look to put the storage barn somewhere else so that it doesn't spoil the view from the holiday let.

##### **Pre-application advice**

A pre-application consultation was submitted under WD/D/18/002815 for "*Change of use and conversion of an agricultural barn to a holiday let unit.*" This was to assess the possibility of converting the piggery building. It is unfortunate that no written record of the response was issued; and having asked the officer that dealt with the application if they recall what their response was, they advised that they were enthused about a positive outcome subject to normal policy considerations and that if it were being promoted as a farm diversification project then it would need to be tied via a S106 legal agreement to the wider farm holding. They did also comment on viewing the plans that they were expecting it to be more visually improved than has been applied for.

It is also noted that the pre-application consultation site visit was in March 2019 which was 4 years ago, during which time some policies and guidance have

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changed. Pre-application advice is caveated that it is based on current legislation, planning policy and guidance available at that time and given without prejudice to any future application.

Therefore only limited weight can be given to the anecdotal pre-application advice given.

### **Principle of development**

Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of development outside of defined development boundaries for farm diversification including tourism related development but states:

*iii) "development will be strictly controlled, having particular regard to the need for protection of the countryside and environmental constraints."*

Policy SUS3 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of the adaptation and re-use of rural buildings outside defined development boundaries. The first part of SUS3 at i) states that the adaptation and re-use of buildings will be permitted where *"the existing building is of permanent and substantial construction, makes a positive contribution to the local character, and would not need to be substantially rebuilt or extended; and their proposed form, bulk and design will make a positive contribution to the local character;"*

The SUS3 supporting text also says *"It is however important to consider whether the building is worthy of retention (in terms of its structure and how it contributes to local character), the impact on the surroundings that may arise from the changes necessary to enable the re-use..."* It is considered in this instance, that the building is not worthy of retention. It is a building of around 50 years old (it isn't shown on the 1937-1961 OS maps) made of concrete blockwork with a cement render and a cement fibre sheeting roof. The build is utilitarian but certainly not of a high quality although it is acknowledged that a structural support has been submitted that states *"...the structure is more than capable for habitable conversion."*

It is noted that the planning statement submitted says that the building would *"...not need substantially rebuilding or extended."* It is proposed from the plans that the ridge height would be increased by 0.65m; the majority of the width of the existing building is 4.9m whereas it is wider at 5.5m on the north western end due to some blockwork additions. The proposed plans show that the entire width of the converted building would be 5.5m which means that the majority of the north western walls would be removed and moved out by 0.6m. A nearly 3m wide opening would be made in the north east elevation to insert the largely glazed porch. Two double and two single nearly full length window openings would also be added on this elevation. On the rear (south western) elevation there would be a window either end to service the en-suites, then two sets of patio doors – one for each bedroom; with a large 6.15m opening in the middle for two sets of triple bi-fold glazed doors.

Given there would be a new (and higher) roof, a new wall on the north western elevation, multiple openings for lots of glazing it starts to become a rebuild rather than a conversion given that there would not be much original fabric of the building

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left. There is an appeal decision APP/W3520/W/17/3188380 (Mid Suffolk District Council) for the proposed change of use of an agricultural building to a dwellinghouse and for associated operational development; whilst that proposal is assessing if a proposal is permitted development under Class Q of the GPDO it still remains relevant as the Inspector concludes *“Consequently, very little of the existing building would be utilised and I consider this to go beyond a conversion and would be considered reasonably necessary for the building starting afresh, with only a modest amount of help from the original agricultural building.”*

The building has little visual merit, and it is a disused agricultural building that is of its age and typical in a rural scene and by that virtue sits relatively innocuously with the vegetation growing up around it with ivy going up the walls as it gets subsumed into the landscape. It is not of visual merit but neither is it of visual harm currently and like many rural buildings and by virtue of its limited height, scale and lack of utilities, sits unobtrusively without detriment to the peace, tranquillity and natural beauty of the fields that surround it. It is not a traditional stone built barn in the local vernacular that is characterful and worthy of retaining as making a positive contribution to the landscape or with any historical or architectural merit or neither is it of such harm to the AONB that it merits replacement to restore the AONB. As such the proposal is contrary to policy SUS3 i) given that policy states in its opening line that in order to achieve support, the building has to make a positive contribution to local character but as mentioned, it does not other than being so low profile that it has no effect at all currently.

With regards to SUS3 ii), the supporting text for this policy states that *“The re-use of buildings for open market housing and built tourist accommodation will be supported in and adjoining established settlements with a population of 200+....as these tend to have some local facilities.....Outside these locations an exception may be made where a building adjoins existing serviced residential buildings (such as a farmhouse) and can be tied to the wider holding/main property.”* Shipton Gorge is a settlement with a population of 200+, and the holiday let could be tied to the wider holding.

However, the proposal is some distance from the main part of the village, which itself has few services or facilities other than the New Inn pub. The site is separated from the village by fields, and can be accessed only by narrow, undulating and enclosed country lanes (or footpaths) without lighting. There is no reason to doubt that the area forms part of the wider community of Shipton Gorge, but despite this, the site would generally be distant and far away from other places, buildings and people. It is therefore considered that the site's location would be isolated.

Whilst SUS3 ii) only needs to be applied if SUS3 i) has been met (which it hasn't), for completeness it is laid out below to show that SUS3 ii) will support development if it is for one of the following:

- employment; - **Not applied for,**
- community uses, where the buildings are accessible and immediately proximate to the community served; - **Not applied for and would not meet the criteria,**

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- affordable housing, where the proposal is capable of meeting an identified, current, local need which cannot otherwise be met; - **Not applied for,**
- essential rural workers' dwellings' - **Not applied for,**
- open market housing or built tourist accommodation adjoining a settlement with a defined development boundary, or within or adjoining an established settlement of more than 200 population. In all cases only where the building/s was in existing in 2011; - **Considered to be too isolated to be adjoining an established settlement of more than 200 population,**
- open market housing or built tourist accommodation where the building adjoins an existing serviced residential building, and will be tied to the wider holding/main property where the building/s was in existence in 2011; - **Whilst the building could be tied to the wider holding, it does not adjoin an existing serviced residential building,**
- other tourism uses, where there is a justifiable need for a rural location; - **Not applied for,**
- or, where the building is a designated heritage asset and none of the above are possible, the optimal viable use to secure its long term future. - **Not applicable as not a designated heritage asset.**

The proposal would therefore conflict with Policy SUS3, and the Development Plan, read as a whole. The site is isolated and that the proposal would not enhance the setting of the building.

Whilst it can be considered that paragraph 80 of the NPPF (2023) now supersedes policy SUS3 of the adopted local plan, in relation to the criteria of paragraph 80:

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; - **Not applied for.**
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; - **Not applicable.**
- c) the development would re-use redundant or disused buildings and enhance its immediate setting; - **It will re-use a redundant/disused building but not enhance its setting given the low & inconspicuous nature of the existing building and how it will morph ultimately into something more visual with greater impact.**
- d) the development would involve the subdivision of an existing residential building; or – **Not applied for.**
- e) the design is of exceptional quality, in that it:
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. – **The design is not considered to visually enhance the site but nevertheless the entire 'conversion/rebuild' is not sensitive to the dark skies AONB and visually isolated location within the Landscape.**

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As such, paragraph 80 of the NPPF (2023) is also not complied with, with impact to the AONB discussed further herein.

Policy ECON6 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of built tourist accommodation through the re-use of an existing building. ECON6 i) states that new built tourist accommodation will be supported:

- Within an established settlement of more than 200 population; - **It is not within an established settlement of more than 200 population, but isolated from it**
- Through the re-use of an existing building; - **It would be the re-use of an existing building**
- Through the replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site. – **The proposal would not improve the quality and appearance of the accommodation and site.**

ECON6 ii) and iii) do not need to be applied as they relate to larger hotel/guesthouse developments.

The supporting text for ECON6 states *“Permanent built tourist accommodation is likely to be occupied all year round. If allowed in locations away from existing settlements this could lead to a significant level of development in open countryside, weakening patterns of sustainable development. There may be cases where built holiday accommodation may be justified in a more rural location, for example through the conversion of existing buildings.”* But importantly it does also say that *“...provided there is no significant harm and development would be consistent with the other policies of this plan.”* The re-use of an existing building is supported where it would improve the quality and appearance of the accommodation and site. The proposal is not considered to comply with ECON6 with further consideration of impact on AONB further herein.

Policy ECON8 of the West Dorset, Weymouth & Portland Local Plan (2015) supports the principle of diversification of land-based rural businesses through the re-use of existing buildings, but this is *“...provided they are in keeping with the rural character.”* The proposal is considered to fail to comply with this policy as it is not considered to be in keeping with the rural character of the area and will harm the natural beauty of the AONB again discussed further herein. As the scheme is being recommended for refusal, the applicant has not been pursued on details of the farm holding or securing a S106 to tie the new accommodation to the farming enterprise.

As such, there is no established in-principle policy support for this scheme for the reasons stated. Therefore, it fails policies SUS2, SUS3, ECON6 & ECON8 of the West Dorset, Weymouth & Portland Local Plan (2015) and Paragraph 80 of the NPPF (2023).

### **Scale, design, impact on character and appearance and visual amenity**

Given the existing disused building's current utilitarian appearance and relatively poor quality, it provides no meaningful contribution to the visual amenity of its countryside location and the wider AONB and is not worthy of retention. The

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proposed conversion and extensions would create a non-descript building, alien to its surroundings that would not make a positive contribution to local character but would relate better to a cul-de-sac or beachside type development.

A recent appeal decision APP/D1265/W/22/3300903 for the Old Milking Barn at Bettiscombe was dismissed in November 2022. The Inspector notes *“The appeal building is in gently sloping and attractive countryside reflective of its AONB designation. The existing block and render building is single storey, with a mono-pitch roof and a small footprint. It has a utilitarian form that is clearly identifiable as having once been in agricultural use. A utilitarian appearance is not unusual for buildings in the countryside, but its form does not make a positive contribution to the character and appearance of the area.”*

The Inspector continues: *“Moreover, the proposal would have the appearance of a modest wooden holiday chalet. As such, this design would have little relationship with that of its previous agricultural use, and nor would it particularly reflect the design of buildings nearby. As a result, the domestic nature of its chalet form would appear out of place with the rural appearance of the area.”* Whilst the proposal for that scheme was not wholly the same as for this one, it is relevant and comparable because of the existing block and render build style and the resulting absence of a relationship of its previous agricultural use as is the proposal with the piggery building.

Policy ENV12 requires that:

*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. This means that:*

- *The general design should be in harmony with the adjoining buildings and the area as a whole;*
- *The position of the building on its site should relate positively to adjoining buildings, routes, open areas, rivers, streams and other features that contribute to the character of the area;*
- *The quality of the architecture is appropriate to the type of building with particular regard to its architectural elegance, symmetry and rhythm, and richness of detail;*
- *Materials are sympathetic to the natural and built surroundings and where practical sourced locally;*
- *Any alterations to or extensions of buildings should be well related to, and not overpower, the original building or neighbouring properties, unless they achieve significant visual enhancement to both the building and surrounding area;*

Para.130 of the NPPF (2021 & 2023) requires that developments *“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;”* The design and appearance of the proposed conversion and extension is such that it will not add to the overall quality of the area over its lifetime as it is not sympathetic to local character and history including the built environment and landscape setting.

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Para.134 of the Framework states that *“development that is not well designed should be refused.”*

A physical curtilage definition will further ‘suburbanise’ the proposal given the inevitable paraphernalia associated with domestic occupation of parked vehicles, washing lines, play equipment, garden furniture etc along with an incongruent gravel driveway to the front which will all have an impact on the appearance and not enhance the character of the open countryside.

The proposals would not contribute positively to the maintenance and enhancement of local identity and distinctiveness, and nor are they informed by the character of the site and its surroundings. The incongruous design and external appearance of the unsympathetic proposals to the simple agricultural character of the building would be unacceptable and would fail to satisfy the high-quality design standards advocated by the National Planning Policy Framework.

### **Impact on neighbouring amenity**

The isolated location means there are no neighbouring properties to impact, so it accords with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Impact on landscape within the Dorset AONB and landscape character area**

NPPF paragraph 176 sets out that ‘great weight’ should be given to conserving *and* enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, ‘which have the highest status of protection in relation to these issues’.

The site lies within an area identified as being of high landscape value to which Policy ENV1 of the local plan applies. This requires development not to detract from the area’s special character and to pay particular attention to its landscape qualities. The area is one of enclosed fields, with isolated agricultural buildings, such as the building subject of this application, being characteristic of the rural landscape.

The building is separated physically and visually from the nearest surrounding properties, and as such is relatively inaccessible. The building falls alone within an open, level field. It is a lone building without surrounding contextual development. The landscape here is principally characterised by a patchwork of good-sized fields and undulating hills. As with the piggery building, fields tend to be bounded by hedgerows. Combined with the broadly level topography, that lends the area a characteristic sense of openness and tranquillity. There are often expansive views across fields to distant hills and wooded horizons, notably north eastwards to Eggardon Hill, and east to Shipton Hill. Conversely there are distant views into the site from these prominent areas.

Buildings serving functional requirements of agriculture, are accorded some flexibility in statute. Rural buildings such as this are therefore consistent with landscape character. That is not so true of isolated dwellings. The proposal would result in a more residential appearance to what is presently a barn of essentially functional

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design. In particular the feature of extensive glazing and leaving no real indication of its previous use as an agricultural building.

Domestic use of a building, as opposed to agricultural use, is also highly likely to result in greater illumination. In combination with the design of the proposal, that would draw attention to the proposal and its incongruity in the landscape at certain times.

The remoteness and dark night skies are one of the features of the Powerstock Hills landscape character area. By introducing a residential dwelling in an area of undulating open countryside it is foreseeable that the occupation of the site during hours of darkness will result in a much more conspicuous feature than is presently the case, both from the lighting within the building itself and vehicle headlights across open fields using the access track to get to and from the development.

As such it would perceptibly change the undeveloped character of the countryside, particularly during hours of darkness, when lighting from within the property would introduce a new feature within the presently unlit site, at a good distance from the nearest buildings and developments spilling light. Whilst this could be controlled to some extent by condition for external lighting, once occupied light pollution from the holiday unit could not be eradicated. This was similarly put forward as part of a refusal for the conversion of an agricultural building at Summer Dairy, Catherston Leweston under P/FUL/2022/04456.

At present the piggery building is consistent with a rural aesthetic and in keeping with its rural surroundings. The proposal would result in a very domestic and suburban appearance to the building, which would not be mitigated to an appropriate extent. The fact that the building may largely be well screened does not make this development in the countryside any more acceptable.

The scale of change will also be viewed and perceptible from public right of way W15/23 in terms of the increased scale of the building and associated noise aspects from holiday accommodation (car doors, cars etc. manoeuvring, music, chatter, outdoor activities) in complete contrast to the relative peace of the site currently. At the time of the site visit, the footpath was well trodden and several dogwalkers were passed in that short space of time, so it appears to be a well used public right of way. The tranquillity when accessing this public right of way will be diminished again not preserving or enhancing the natural beauty of the AONB.

Furthermore, the purpose of landscaping is not to conceal a harmful development; this is an argument that can be used too often, leading to cumulative erosion of the landscape quality of the AONB and protected landscapes. The proposals do not conserve or enhance the character and natural beauty of the AONB, and this is regardless of whether it can easily be seen from public rights of way or not. Views both into and out of the AONB landscape are relevant in terms of the visual effect of any development.

The public staying at the holiday let would be viewing the building within the context of the wider AONB landscape. So whether or not it can be seen by the public or



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there is visual harm, does not necessarily mean that it can be regarded as not being harmful to the intrinsic character of the countryside.

The proposal also generates notable conflict with the following Dorset AONB Management Plan policies:

- Policy C1a: “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.”
- Policy C4a: “Remove existing and avoid creating new features which are detrimental to landscape character, tranquillity, and the AONB’s special qualities.”
- Policy C4c: “Protect and where possible enhance the quality of views into, within and out of the AONB.”

The AONB’s Management Plan also provides the following policies that are relevant to the balancing exercise:

- Policy C2d: “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.”
- Policy C2e: “The conservation and enhancement of the AONB’s special qualities will be a significant consideration in the planning balance.”
- Policy C2f: “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.”

Therefore, none of the considerations are sufficient to outweigh the harm that the development would cause to the character and natural beauty of the area of exceptional landscape quality AONB and the proposal nonetheless conflicts with the relevant provisions of policy ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and NPPF (2023) paragraph 176.

### **Impact on flooding of the site & surroundings**

The first 100m or so of the access track leading off Bonscombe Lane lies within an area with a susceptibility to groundwater flooding. A consultation with the council’s Flood Risk Management team concluded that this was considered acceptable if used as a holiday let. However, if it were to be used for permanent residential use then this would need to be reconsidered. As such the scheme complies with policy ENV5 of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Impact on Biodiversity & Ecology**

The Natural Environment team has issued a Certificate of Approval for the Biodiversity Mitigation Plan which includes mitigation measures which would have to be carried out. This included the provision of two house sparrow nest boxes and one

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swift brick on the building and the provision of a log wall with planting on top, 6 new trees to be planted and a financial contribution for off-site compensation.

An Appropriate Assessment was undertaken by Dorset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6(3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. It was concluded that, discounting any mitigation, the application will have a likely significant effect on Chesil and the Fleet European wildlife sites (including RAMSAR sites). Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid unacceptable impacts upon the Chesil and the Fleet European Site; and the funding to deliver this is taken from Dorset Council's CIL pot.

As such, the scheme complies with policy ENV2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the NPPF (2021 & 2023).

### **Economic benefits**

The proposal would provide short-term economic benefits during the construction. Longer term it would provide limited economic benefits both to the existing farm business and wider local economy including some employment to service the holiday let; and tourists supporting businesses in the local economy.

Whilst the NPPF, NPPG and Local Plan all encourage farm diversification and tourism use, the potential economic benefits of the proposals are limited and do not outweigh the harm that would be caused to the quality and character of the Dorset AONB by allowing the creation of the holiday unit contrary to relevant policies of the Development Plan.

### **Public Right of Way**

Although the applicant and parish council contends that there would be no adverse impact on the character of the local landscape, due to its well contained location within the site curtilage and hedgerow lined setting, the raised roofline of a domestic building as proposed would not make a positive contribution to the character of the countryside and as such would detract from the quality of views from the public right of way that passes in the field to the south of the site.

As already mentioned, it is considered that the tranquillity perceived by users of the public right of way currently will be diminished by this scheme given the increased visual scale of the building, the changes to noise and use of the site and the impact from lights and noise further into evenings.

Therefore, whilst the public right of way is not physically altered or impacted, users of the public right of way and its clear rural tranquillity at this stretch of W15/23 is impacted considerably.

### **Access and Parking**

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Access to the proposed holiday let will be achieved by way of the new farm track permitted by way of the prior approval notification WD/D20/002856 for the purposes of accessing the new agricultural storage building for farm equipment and apples under the same notification (both yet to be constructed).

The site can accommodate adequate access and car parking and there are no highway objections, subject to a condition for turning/manoeuvring and parking construction.

### **17.0 Conclusion**

Local Plan policies and paragraph 80 of the NPPF (2021 & 2023) provide generic support for the re-use of rural buildings. However, this is subject to various provisions which the proposal does not meet. A careful balance has to be struck in only allowing development within unsustainable areas if it meets the criteria for being of benefit which in this case, it does not.

Due to the sensitivity of the site and its unsuitability as a location for a dwelling the proposals do not accord with local plan policies and the Dorset AONB Management which seek to conserve or enhance the Dorset AONB, the protection of which is afforded great weight in Section 15 of the NPPF.

Whilst the proposal would provide limited economic benefits to the wider farm holding and the local economy these do not outweigh the harm that it would cause to the quality and character of the AONB.

As the agent has pointed out in correspondence in the course of the application, *“Local planning authorities should approach decisions on proposed development in a positive and creative way....Decision makers at every level should seek to approve applications for sustainable development where possible.”* However, as it currently exists the building is of poor quality but it does not look out of place in its setting and in the planning balance, the limited benefits that the new holiday unit would provide to the wider farm holding and the local economy are not considered to outweigh the harm to the quality and character of the AONB.

### **18.0 Recommendation**

REFUSE for the following reason(s):

The existing building proposed to be converted is visually poor and likely to continue to fall into disrepair; however, its impact is currently mitigated by its understated utilitarian design with no windows, limited scale/low height and degree of blending in with the soft landscape that screens some of it (and would screen should it degrade further). It is considered that the existing building is not worthy of retention and whilst there are doubts that this is realistically a conversion and not more like a new build, the proposed conversion scheme would also be out of keeping in its isolated rural setting. The general design is not in harmony with the tranquil rural area as a whole and the quality of the architecture is not appropriate to the building as it will not retain any legibility of its previous use as an agricultural building but will instead introduce an incongruous standard suburban element to the open countryside by virtue of its basic design/bungalow appearance more appropriate to a cul-de-sac or

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beachside location and extent of glazing. The overall effect and design of the proposed development would detract from and cause harm to the character, special qualities and natural beauty of the Powerstock Hills landscape character area within the Dorset Area of Outstanding Natural Beauty.

Furthermore, there will be additional harm to both the AONB & peaceful amenity to users of the adjacent public right of way from both the visual physical changes to the building (increased height, spread of light within dark skies AONB) but also the new use of the site (car doors, music, manoeuvring, voices etc.). There will also be an increase in cars/deliveries etc. crossing open fields (and at night with headlights) to get to the visually isolated building which also spreads the degree of harm in allowing this barn to become a dwelling in relation to AONB impact and dark skies.

As such, the proposed conversion of the agricultural building is considered to cause intrinsic and unjustified landscape and visual harm to the character of the Powerstock Hills landscape character area and the Dorset Area of Outstanding Natural Beauty, resulting in the introduction of inappropriate development within a sensitive location as well as an erosion of the sense of tranquillity and remoteness contrary to amenity within the AONB policies ENV1 & ENV10 of the West Dorset Weymouth & Portland Local Plan (2015) and Para 176 of the NPPF (2021 & 2023) which states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The special circumstances listed in para.80 of the NPPF required to justify the proposed development do not exist to outweigh the harm which does not conserve and enhance the AONB which is contrary to policies SUS2, SUS3, ENV1, ENV10, ENV12, ECON6 & ECON8 of the West Dorset, Weymouth and Portland Local Plan (2015); Sections 5, 6, 12 & 15 (in particular paras.80, 84, 130 & 176-178 ) of the National Planning Policy Framework (2021 & 2023); and policies C1a, C2d, C2e, C2f, C4a & C4c of the Dorset AONB Management Plan 2019-2024.



South western elevation – as existing



Officer Report



South eastern elevation – as existing



North eastern elevation – as existing



North western elevation – as existing

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<b>Application Number:</b>	P/HOU/2023/03047		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	73 Woolcombe Road Portland DT5 2JA		
<b>Proposal:</b>	Erect single storey front extension and bike shed to the side.		
<b>Applicant name:</b>	Mr Steven Hicks		
<b>Case Officer:</b>	Toby Hibbs		
<b>Ward Member(s):</b>	Cllrs Cocking, Hughes & Kimber		
<b>Publicity expiry date:</b>	24 August 2023	<b>Officer site visit</b>	3 August 2023
<b>Decision due date:</b>	21 July 2023		
<b>No of Site Notices:</b>	1		
<b>SN displayed reasoning:</b>	Proposed extension & bike shed situated to the front of the property only and the site notice was erected prominently at the front of the property within the street scene to notify neighbours affected.		

**1.0** Application referred to committee at the request of the Service Manager for Development Management and Enforcement following the scheme of delegation process as the officer recommendation was contrary to the view of Portland Town Council.

**2.0 Summary of recommendation:**

Grant subject to conditions.

**3.0 Reason for the recommendation:**

- Residential extensions and ancillary buildings are supported in principle by policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015).
- Precedent is set for other ancillary sheds and front extensions within this street scene albeit all of different type and finish.
- Planning permission is not required for the wall enclosing the front store given the wall does not exceed 2m in height and is not 'adjacent' to the highway but over 1m away. Therefore, neighbouring amenity concerns are fully understood but cannot be resolved.
- The proposed single storey front house extension and store are both considered to be modest in scale and appearance being subservient to the main dwelling.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Supported by policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015).
Scale, design, impact on character and appearance	Scale, design, impact on character and appearance all considered modest and acceptable in compliance with policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on amenity	It is considered that amenity impact from what has been applied for (not the wall enclosing the store) is acceptable and in accordance with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on landscape or heritage assets	The site is enclosed by residential development and not seen in the wider context of the landscape or setting of heritage assets. As such, there is a neutral impact in compliance with policies ENV1, ENV4 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015).
Economic benefits	There will be economic benefit in the short-term employment of a construction firm to build the front single storey extension (if not undertaken by the applicant themselves).
Access and Parking	No change proposed to access & parking.

## 5.0 Description of Site

Number 73 Woolcombe Road is one of a terrace of properties situated on the southern side of Woolcombe Road. The house is two storey, finished in render and reconstituted stone with its front/side garden enclosed by blockwork of varying degrees. The site lies within the Defined Development Boundary, the Chesil & Fleet SPA/SAC/RAMSAR impact risk zone and within the area of archaeological importance that covers all of Portland.

## 6.0 Description of Development

This scheme is part retrospective in that it seeks planning permission for the detached metal shed/garage within the eastern part of the front garden and seeks to build a front single storey elongated flat roof extension facing onto Woolcombe Road.

## 7.0 Relevant Planning History

04/01041/FUL - Decision: GRA - Decision Date: 01/02/2005

Proposed porch

07/00141/FUL - Decision: GRA - Decision Date: 10/04/2007



Erect rear conservatory

**Neighbouring scheme:**

11/00988/FUL - Decision: GRA - Decision Date: 02/02/2012

Erection of a pair of semi detached houses (revised scheme)

**8.0 List of Constraints**

LP - SUS2; Defined Development Boundary; Easton - Distance: 0

LP - Boundary; Weymouth and Portland District Boundary; Weymouth and Portland - Distance: 0

LP - ENV4; Area of Archaeological Potential; Portland - Distance: 0

LP - ENV 1; Regionally Important Geological and Geomorphologic; The Isle of Portland, Weymouth and Portland - Distance: 0

LP - Landscape Chara; Limestone Plateau; Portland - Distance: 0

NPLA - Type: Neighbourhood Plan - Made; Name: Portland NP; Status 'Made' 22/06/2021; - Distance: 0

PAR - Portland CP - Distance: 0

WARD - Portland Ward - Distance: 0

DESI - Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1686.12

DESI - Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

DESI - Minerals and Waste - Minerals Consultation Area - Name : Stonehills, Portland ; - Distance: 0

DESI - Minerals and Waste - Minerals Consultation Area - Name : Portland Quarries (incl Admiralty, Broadcroft, Coastal Strip, Perryfield) ; - Distance: 0

DESI - Minerals and Waste - Minerals Consultation Area - Name : Bowers Mine Extension ; - Distance: 0

RAD - Radon: Class: Less than 1% - Distance: 0

DESI - ONR portland\_12km\_zone - Distance: 0

**9.0 Consultations**

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

**Consultees**

Consultation Responses	No Objection	Object	Brief Summary Of Comments
Portland Town Council		x	Original application does not include wall which is now in situ and having significant impact on neighbouring amenity by blocking their light. Application is also contrary to Portland Neighbourhood Plan ENV7 paragraph 55 which states 'successful integration of new development with their surrounding context is an important design objective'
Enforcement Officer	--	---	Existing wall would be permitted development and would not require planning permission.  Breach of planning control in this instance is the erection of the outbuilding.
Highways Officer	x		No objection subject to the bike shed constructed in accordance with the plans submitted. To be maintained, kept free from obstruction and available for the purposes specified.

### **Representations received**

Four objection letters have been received with the following concerns:

- Unclear plans, suggest that a structure in front of the front door and house but the information provided implies a lean to roof on current wall that is built up.
- Applicant states work has been completed however front porch has yet been built.
- Development is front of the building line.
- Single block construction with no reinforcement which could be life threatening when considering Portland winds.

The wall built 6 foot high is about a metre away from kitchen window in front and in line of sight.

No clear indication or justification why 6-foot wall close to kitchen window is needed- provides no shelter for motor bike. Greatly impacting neighbouring amenity through loss of light, noise and privacy.

- Party wall act should apply.

-Shed located in an inappropriate position, should be flush with the host building which provide a less obtrusive view for neighbour.

- Not in keeping with rest of neighbourhood.
- Dropped kerb license should be sought if intended for motorbike storage. Application states no altered vehicular access required but motorbike would need to pass public footpath to access the shed.

## **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**

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

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

- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 – Wildlife and habitats
- ENV4 – Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings
- ENV16 - Amenity
- INT1 - Presumption in favour of Sustainable Development
- SUS2 - Distribution of Development
- COM7 – Safe & efficient transport network

### **Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021):**

- Policy No. Port/EN4 Local Heritage Assets
- Policy No. Port/EN6 Defined Development Boundaries
- Policy No. Port/EN7 Design and Character
- Policy No. Port/EN0 Protection of European sites

## **Material Considerations**

### **National Planning Policy Framework (2021 & 2023):**

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 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 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).

Footnote 68: Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

**Other material considerations:**

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

## **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**

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

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

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

13.2 The design proposals provide for a safe and suitable access to the application site and well located parking. Construction of the proposed extension would be subject to Building Control legislation which sets standards for the design and construction of buildings addressing various matters including accessibility and which help ensure that new buildings are safe, healthy and high-performing.

13.3 Having regard to the information provided in the current application, as well as policy requirements, consultation responses received, the regulatory requirements of the building regulations and the recommended conditions; it is satisfied that the proposed development would have no material adverse impact on individuals or identifiable groups with protected characteristics.

## **14.0 Financial benefits**

Material considerations:

Employment created during the construction phase

## **15.0 Environmental Implications**

Construction of the scheme will involve the use of plant, machinery and vehicles. These will generate emissions including greenhouse gases. However, this has to be

balanced against the benefits of providing a home suitable for future living for the applicant. The extension although small scale will be built to building control standards which ensure thermal efficiency and overall improvements for the environment.

## **16.0 Planning Assessment**

### **16.1 Principle of development:**

Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and Port/EN6 of the Portland Neighbourhood Plan supports extensions and alterations to dwellings, including new curtilage buildings, in principle subject to other material planning considerations. As such, principle support for this scheme is established.

### **16.2 Impact on neighbouring amenity:**

In 2011 planning permission was granted for the erection of a pair of semi-detached dwellings directly east/south-east of this current application site. Unfortunately, during the consideration of that application permitted development rights belonging to number 73 Woolcombe Road (this application site) were not taken into consideration and removed; so in effect the wall that now encases the area behind the shed/garage that can be seen in place as proposed, is permitted development. It is permitted as it does not exceed 2m in height or positioned within 1m of the highway or causing highway obstruction. As such, the wall does not feature as part of this application because it does not require permission even though it quite clearly has a significant effect on the main outlook of the neighbour at 73b Woolcombe Road because of its height & extent directly in front of their kitchen street facing ground floor window. Therefore, whilst a number of concerns have been raised on this point, its construction, party wall act and the impact to this neighbour, the Local Planning Authority are unable to control the wall (including matters of its construction/party wall act) or indeed bring it to a lower height with consideration only being given to what has been applied for.

16.3 When considering the impact of the shed/garage itself to neighbouring amenity, it is clear that the rear wall blocks any associated impact to the nearest neighbour 73b even though that wall clearly has an effect. Had the wall not been there, the modest height and scale, set in positioning away from the neighbouring boundary and limited fenestration of the shed/garage would have meant that even though it remains quite close to the neighbour's kitchen window, it would be far enough away and low enough to on balance, be acceptable to amenity and not have such a significant effect to warrant refusal. However, the fact remains that the wall in place and permitted by permitted development legislation, reduces impact from the actual shed/garage and does appear to improve privacy for 73b in that users of the garden area cannot look directly into their kitchen window although it is overbearing in height and proximity. It is also clear that the wall will help to block any noise concerns although the shed/garage is modest in scale in that noise intrusion would not be expected to be significantly more than the garden area being used generally in any event.

16.4 In regards to the front single storey extension, the limited depth and height as well as the distance from neighbouring windows ensures there is no significant neighbouring amenity impact. As such, overall, the scheme (which does not include the walling) does comply with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

#### **16.5 Impact on visual amenity within the street scene:**

Whilst there are other examples of sheds and various curtilage buildings seen within the surrounding street scenes, it is acknowledged that the metal shed/garage type put forward in this scheme and now seen on site is different to the normal timber type structures elsewhere. However, consideration has to be given to what harm having something visually different is to the street scene. The rear walling that encloses the shed/garage goes some way to conceal its full extent when moving along the street but ultimately, whilst its appearance is modern/shiny and unageing, it is considerably low scale, will not require significant maintenance and wont visually age and become any eyesore in future. It does utilise an area of relatively unused and non-private front garden area which makes effective use of the land and whilst it appears different and quite utilitarian, it is not overwhelmingly out of place in the context of surrounding modern development to be harmful. Had it been larger, then a different view may have been taken. Its position extending forward of the building line, but not as forward as the single storey extension, is acceptable given its not setting precedent.

16.6 The front single storey extension to the main house will appear like many others within the surrounding streets (including next door) and even though it does extend off of the front wall of the house, it is modest in scale, does not extend over the full width of the house and will be contained within the established front garden area (set in from the line of the existing low front boundary wall to be removed).

16.7 As such, it is considered that both aspects of this scheme (the shed/garage and front single storey extension) are acceptable and comply with policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and Port/EN7 of the Portland Neighbourhood Plan.

16.8 Given it is surrounded by other densely populated residential development, the scheme will not be seen from a wider landscape perspective and therefore, there is a neutral landscape impact in accordance with policy ENV1 of the West Dorset, Weymouth & Portland Local Plan (2015).

#### **16.9 Impact on highway safety:**

The applicant has applied for a shed/garage which does not automatically require vehicular access in itself and even if used for a motorbike, these can be wheeled on and off of the highway without immediate concern. The highways team has raised

no objections and therefore, it is considered that policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) is complied with.

#### **16.10 Other matters:**

All of Portland falls within an area of archaeological interest; however, given the shed/garage is now placed on the land and is in situ and the small scale nature of the single storey house extension and limited excavations overall; this scheme has not been commented on by the archaeology team nor raises concerns in this regard.

16.11 The site does fall within SSSI impact risk zone with Portland being generally protected for ecological interests; however, again given the urban context and the proposals being within the residential curtilage, there are no concerns raised in regards to impact on protected species, European protected sites or ecology generally.

#### **17.0 Conclusion**

Whilst the concerns raised in regards to neighbouring amenity are fully acknowledged, unfortunately the main component of this impact is outside of the LPA's control and therefore, when considering the shed/garage and front single storey extension as required, both aspects are considered appropriate in scale, mass, design, siting and appearance, in accordance with policies SUS2, ENV1, ENV10, ENV12, ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015) and policies Port/EN0, EN6 & EN7 of the Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021).

#### **18.0 Recommendation**

**GRANT planning permission** 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 PP-12118855v1

Proposed elevations / floor / site plans: Drawing No. 2904:507/001 A

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the south elevation of the shed/garage building hereby approved.



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

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