



Western and Southern Area Planning Committee

Date: Thursday, 20 June 2024
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

Dave Bolwell (Chair), Chris Kippax (Vice-Chair), Belinda Bawden, Simon Christopher, Neil Eysenck, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

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

For more information about this agenda please contact Democratic Services
Meeting Contact: 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.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Agenda

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

3. MINUTES 5 - 36

To confirm the minutes of the meeting held on 18 April 2024.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#).

The deadline for notifying a request to speak is 8.30am on Tuesday 18 June 2024.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- | | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| a) | Application P/MPO/2023/03270 Phases 2-4 Curtis Fields Land south of Chickerell Road Weymouth DT4 0TR
Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description). | 37 - 50 |
| | (The committee report for this item from the 18 April 2024 meeting has been added as an appendix). | |
| b) | Application P/HOU/2023/06594 18 Osbourne Road, Bridport, Dorset, DT6 3AN
Erect residential annexe. | 51 - 62 |
| c) | Application P/LBC/2024/001189 Weymouth Seafront, The Esplanade, Weymouth
Installation of 6 downlighters to each of the 7 Victorian shelters along the Esplanade. | 63 - 70 |
| d) | Application P/LBC/2024/01599 9 The Esplanade, Weymouth, DT4 8EB
Modifying internal basement layout; relocation of bathroom and kitchen; creating utility/laundrette; creating access through doorway to coal shed from kitchenette; changes to electrical lines and water pipes. | 71 - 78 |
| e) | Application P/FUL/2024/01216 Charmouth Road Car Park, Charmouth Road, Lyme Regis
Erect 15m mast for CCTV. | 79 - 86 |

- f) Application P/ADV/2024/01585 Fence on land running adjacent to the entrance to Bradford's Building Supplies, Sea Road South, Bridport, DT6 3DW 87 - 94
Display a non-illuminated vinyl banner on a hard backed board advertising Bridport Leisure Centre and what it offers - Swim, Gym, Classes. It will display the Centre logo along with what exit to take at the approaching Crown Roundabout.
- g) Application P/FUL/2023/02429 Part of Tout Quarry, Prior Road, Portland 95 - 108
Enhancement of existing aggregates pathway in the Tout Quarry Sculpture Park & Nature Reserve with geological interpretation spaces & erection of Portland stone archway to be relocated from Grade II listed building at 81 Fleet Street, London.

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.

This page is intentionally left blank



WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 18 APRIL 2024

Present: Cllrs David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Kelvin Clayton, Nick Ireland, Paul Kimber, Louie O'Leary (Left the meeting at 16:10), Kate Wheller (Left the meeting at 13:09) and Sarah Williams

Apologies: Cllrs Dave Bolwell, Susan Cocking, Bill Pipe and John Worth

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

Penny Canning (Lead Project Officer), Ann Collins (Area Manager – Western and Southern Team), Mike Garrity (Head of Planning), Joshua Kennedy (Democratic Services Officer), James Lytton-Trevers (Lead Project Officer), Hannah Massey (Lawyer - Regulatory), Robert Parr (Planning Officer), Matthew Pochin-Hawkes (Lead Project Officer), Elaine Tibble (Senior Democratic Services Officer), Katrina Trevett (Development Management Team Leader), Thomas Whild (Senior Planning Officer) and Nicola Yeates (Conservation and Design Officer)

92. **Declarations of Interest**

Cllr Wheller declared that she knew the applicant for item 5d, but that their relationship was strictly professional and did not impact her ability to take part in the deliberation of the item. Cllr Wheller also declared that she grew up near the application site of item 5b, but was not predetermined on the application and also that she would not take part in determining items 5 h, l & f as she hadn't attended the previous committee meetings for those items.

Cllr O'Leary declared that he would not take part in the debate or vote for item 5d, as he knew the owner of the Rugby Club.

Cllr Shortell declared that he hadn't been present at the previous committee meeting for item 5h, however he had since read the committee papers and watched the video recording of the meeting and therefore, would take part in determining that application.

93. **Minutes**

The minutes of the meeting held on 14 March 2024 were confirmed and signed.

94. **Planning Applications**

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

95. **Application P/FUL/2023/06544 Lakeside Superbowl St Nicholas Street Weymouth Dorset DT4 8AD**

The Lead Project Officer presented the application for the demolition of an unused bowling alley in Weymouth and the construction and temporary siting of a car park. The proposal included the demolition of the entirety of the existing building, which was no longer in use and the creation of a 57-space car park, accessed via the existing car park.

Members were shown the location of the site within Weymouth and photographs of the exterior of the existing building and surrounding area.

The key planning issues were summarised by the Lead Project Officer and it was explained that this was an interim stage in the possible future development of the site and that it would likely be proposed to be developed further in the future.

There was public representation received from Mr Christian, the agent for the application, who spoke in support of the proposal, stating that the demolition of the unused building would be a positive contribution to the area.

In response to a question from one member the Lead Project Officer informed the committee that there weren't concerns over harming archaeological finds on the site as the building would only be demolished to slab level and as such wouldn't impact anything under the surface. A condition requiring a programme of Archaeological works would further safeguard any minor intrusions that may occur from drainage works.

Having had the opportunity to discuss the proposal, members were in agreement that the removal of the vacant building from Weymouth town centre would be a positive contribution to the area and looked forward to the potential redevelopment of the site in the future.

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

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes and as per the update sheet attached to the agenda.

96. **Application P/MPO/2023/03270 Phases 2-4 Curtis Fields Land south of Chickerell Road Weymouth DT4 0TR**

The Lead Project Officer presented the application for the variation of a legal condition on a previously approved application, to reduce the affordable housing requirements from 30% to 26.24%. It was explained that a report had been produced by the independent District Valuer, which had determined that due to abnormal costs that had arisen during the development, the full affordable housing requirement of 30% was no longer viable and the alternative of 26.24% had been proposed. This equated to a loss of 18 affordable homes from the development.

Cllr Northam, a representative of Weymouth Town Council, spoke in objection to the application, stating that there was a serious need for affordable homes in the area and reducing the requirement could set a precedent for other developers to seek to reduce their contribution.

Having had the opportunity to discuss the application members expressed concerns over reducing the affordable housing requirement from the development, particularly due to the view that the applicant did not do their due diligence when estimating their costs initially. Members felt that approving this application could set a precedent for reducing affordable housing requirements, which they were reluctant to do and were minded to defer the application to allow officers to review the application with the applicant to explore whether there were any other options that the applicant could propose that would not result in a reduction of affordable housing provision

Adjournment 11:23 – 11:42

Proposed by Cllr Wheller and seconded by Cllr Williams.

Decision: That the application be deferred until a later meeting.

97. **Application P/VOC/2024/01066 4 Verne Road Weymouth DT4 0RX**

The Senior Planning Officer presented the application for the variation of condition to allow the planning permission to apply to the land rather than the applicant, following Dorset Council acquiring a former hostel. The application had been brought to committee for determination because Dorset Council was the applicant.

Members were shown the location of the application site, as well as photographs of the building and the surrounding area. The condition linking the planning permission to the applicant rather than the land had been carried over from consent granted in 1991. The Senior Planning Officer explained that there was no specific justification for tying the consent to the applicant rather than the land and the condition fails the test of being necessary and reasonable, as such it was recommended to grant approval.

Vikki Jeffery spoke as the applicant, in support of the application, noting the building had been recently purchased by Dorset Council to be used as a hostel.

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

Decision: That the application be granted.

98. **Application P/FUL/2024/00504 Weymouth Rugby Club Monmouth Avenue Weymouth DT 3 5HZ**

Cllr O'Leary left the Council Chamber at 12:05.

The Senior Planning Officer presented the application for the change of use of the Rugby Club car park to a café. An application for the site had been previously

refused at the February 2024 committee and had returned with the kiosk being situated in a different part of the car park, further away from the neighbouring residential properties, to address issues around noise and odour.

Members were shown the location of the application site and an aerial view of the site, with the location of the current kiosk and seating area highlighted, as well as photographs of the kiosk and seating area and the proposed area where the kiosk would be relocated to.

The main planning issues were summarised by the case officer and it was explained that previous concerns over the noise and odour produced by the café had been addressed by the relocation of the kiosk.

Public representation was received from the agent, Mr Williams, who spoke in support of the application.

In response to a question from one member, the Senior Planning Officer explained that the area where the kiosk and seating is currently located would be returned to car parking.

Proposed by Cllr Kimber and seconded by Cllr Ireland.

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

Cllr O'Leary returned to the Council Chamber at 12:19.

99. **Application P/FUL/2023/07288 Charmouth Road Park and Ride Car Park Charmouth Road Lyme Regis**

The Senior Planning Officer presented the application for the erection of a café, new vehicular access and the installation of 10 electric vehicle charging stations in the Charmouth Road Park and Ride car park. This application had come to the committee for determination because the application site was on land partially owned by Dorset Council.

Photographs of the existing Park and Ride site were provided to members, as well as various views from around the site and access to the site. The case officer provided plans for the proposal and indicated where the café building and car chargers would be located.

The main planning issues were summarised and it was explained that the scale of the facilities being proposed were considered to be disproportionate when considered against other facilities that served larger settlements and that insufficient evidence had been provided to demonstrate that the building is needed for the use of the park and ride. The application site also fell within the National Landscape, for which the council has the duty to enhance the natural beauty of the landscape and this application would introduce a permanent structure onto the site to service a seasonal park and ride.

Public representation in support for the application was received from Mr Cope, the agent for the application, Mr Green a representative of Lyme Regis Town Council and Cllr Bawden, the Ward Member.

The committee voted in favour of extending the meeting past 3 hours.

In response to questions from members the Senior Planning Officer explained that the Electric Vehicle charging stations had been considered as part of the application and were considered acceptable, but their benefit was outweighed by the harm caused by the erection of the café building. Members were also reshown a photograph of the existing site, showing the proximity and size of the neighbouring residential buildings.

Having had the opportunity to discuss the merits of the application, members felt that the facilities provided by this application were important to help facilitate the park and ride for the future and provide economic benefits to ensure its sustainability. In addition, they held the view that the café building wouldn't have a negative impact on the landscape, particularly when compared to the existing buildings nearby. The application also had support from the Town Council and the Ward Member.

The meeting adjourned to allow for planning officers to draft a set of conditions for the approval of the application. 13:09 – 14:00

The Senior Planning Officer presented the set of conditions and summarised them for members. The proposer and seconder agreed to the proposed conditions.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

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

Cllr Wheller left the meeting at 13:09

100. **Application P/FUL/2023/07162 Land Adjacent Round Hill Coppice Mythe Hill Quarry Entrance Mapperton To Junction Twinways Lane Melplash**

The Senior Planning Officer presented the application for the retrospective planning permission for the conversion of a barn to residential usage. It was explained that due to a revised National Planning Policy Framework, the requirement to demonstrate a 5-year housing land supply had been reduced to 4-years and the tilted balance would not apply to this application.

Members were shown the location of the site and an aerial photograph of the area, showing the building and surrounding land. Elevations of the building and floorplans were provided, as well as photographs, to give members an idea of the scale and design of the building.

The Senior Planning Officer summarised the main planning issues related to the application, noting that the application site fell outside of the Defined Development

Boundary and the justification provided by the applicant, of it being a rural workers dwelling was not considered sufficient as evidence for this had not been provided.

Public representation in support of the application was received from Ms Sturrock, Mr Winterson, the applicant Mr Tolkovsky, Cllr Rogers representing Netherbury Parish Council and Cllr Alford the Ward Member. Within their statements they highlighted the sustainable construction of the barn and the need for the rural location for the woodworking and education business ran by the applicant.

The Senior Planning Officer reiterated that the applicant had not provided details to justify the need for a rural workers dwelling and it was not clear that there was a need for accommodation on the site, as the business had previously been run from a different location.

Having had the opportunity to discuss the merits of the application, members felt that the application did not pose significant harm to the landscape and expressed concerns over security, due to there having been 3 instances of theft from the site in the past.

The meeting adjourned from 15:33 – 15:48.

Based on the evidence presented by the public speakers and within the officer's report, members felt that there were significant security concerns due to the isolated location of the business that would require the siting of on-site accommodation.

Planning conditions that were required, should members approve the application were presented to members. The proposer and seconder agreed the conditions presented.

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

Decision: That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the conditions as set out in the appendix to these minutes.

101. **Application P/LBC/2024/00492 The Warwick Guest House The Warwick 9 The Esplanade Weymouth DT4 8EB**

The Conservation and Design Officer presented the application for listed building consent to relocate the main SSN electricity service line cut-out board from the ground floor to the first floor. The application had come to committee for determination because Dorset Council was the landowner.

Members were shown the location of the application site within Weymouth. The case officer summarised the proposal and explained that the proposed location would allow for better access and prevent any damage from damp issues. The application was not considered to cause any harm to the heritage asset.

Proposed by Cllr Williams and seconded by Cllr O’Leary.

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

102. **Application P/FUL/2023/01319 Bonscombe Farm Bonscombe Lane Shipton Gorge Dorset DT6 4LJ**

Cllr O’Leary left the meeting at 16:10.

Cllr Kimber and Cllr Shortell confirmed that they had read the report from the October 2023 meeting of the committee, where they were not present.

The Development Management Team Leader presented the application for the conversion and change of use of an existing agricultural building to holiday let accommodation. It was explained that although this application had been determined previously by the committee in October 2023, since then there had been various changes in relation to material planning considerations, so the application was being brought back to committee to determine if these changes impacted the decision of the committee.

The changes in material planning considerations were highlighted to members and it was explained that the revised statutory duty to AONB’s was the relevant change to the application. The revised duty requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the AONB (National Landscape),

The application was summarised by the case officer, with detailed plans provided including elevations and floorplans, as well as photographs of the site.

Public representation was received from the applicant, Ms Benedict, who stated that the repurposing of an old derelict building would enhance the landscape and provide important economic benefits.

Proposed by Cllr Ireland and seconded by Cllr Clayton.

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

103. **Application P/FUL/2023/04091 Dower House Parnham House Parnham Beaminster DT8 3LZ**

The Lead Project Officer presented the application, it was explained that officers had sought to agree the terms of the S106 agreement since the committee had resolved to grant approval of the application at the February 2024 committee meeting, however the applicant had advised that the terms of the S106 agreement would prohibit them from acquiring funding for the works due to a legal agreement tying the proposed holiday let to the wider Parnham estate.

The application was summarised by the case officer, who provided plans of the development and photographs of the application site. It was explained that the application sought to tie the proposed holiday let to the Dower House and other land within the same title and commits the applicant to landscape management of the grounds and early restoration work to the historic gates and driveway.

The main planning issues were summarised and it was highlighted that the application was in conflict to policy ECON6, as the holiday let could be sold off separately, so there was a risk of fragmentation of the estate. There were however, heritage benefits from the landscape management and restoration works.

Public representation was received from the agent for the applicant, Mr Grant, who highlighted the need for the applicant to acquire funding for this part of the development and hoped that the agreement to carry out other works would help offset the change to the proposed legal agreement.

Having had the opportunity to discuss the merits of the application, members felt that the application would provide economic benefits to the area. They felt that the application would also facilitate the restoration of the rest of the estate, by providing a revenue stream for the applicant. Furthermore, it was considered that the heritage benefits of the restoration of the historic gates and landscaping works would outweigh the harm done by not tying the holiday accommodation to the wider Parnham Estate.

The Lead Project Officer presented the draft conditions to members and the proposer and seconder confirmed that they accepted the conditions.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

Decision: That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a legal agreement under section 106 of the Town and County Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure:

- i. Landscape management and maintenance within the title plan, including the tree lined avenue, to ensure the development would improve the quality and appearance of the site and part of the Estate.
- ii. Tying the proposed holiday-let to the existing Dower House and associated title (including entrance and access drive) so that it cannot be sold off separately.

And subject to conditions set out in the appendix to these minutes.

104. **Application P/HOU/2023/04785 3 Pump Cottages West Road, Bridport Dorset DT6 6AE**

The Planning Officer presented the application to retain and alter an ancillary building. The committee were reminded of the update on the application, which

was a representation from a neighbour objecting to the application based on impact on character and impact on privacy due to overlooking.

Members previously considered the application in November 2023 and resolved to delegate authority to the Head of Planning to grant subject to the completion of a legal agreement and were now asked to consider an amended scheme, the only difference being the decking area.

The location of the application site within Bridport was highlighted and an aerial photograph of the property and garden was shown to members. A photograph of the existing building and raised decking area was provided, in addition to a floor plan of the building. The Planning Officer summarised the key planning issues and noted that the proposal was considered to be acceptable in planning terms.

Public representation was received from Mr Tuck, who opposed the application because of the increased size of the decking area, which he felt would lead to an unacceptable level of overlooking on neighbouring gardens. Mr Ludgate, the agent for the application, spoke in support of the application.

Having had the opportunity to discuss the merits of the application, members felt that the application was acceptable and didn't pose any issues.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

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

105. **Urgent items**

There were no urgent items.

106. **Exempt Business**

There was no exempt business.

107. **Update Sheet**

Decision List

Duration of meeting: 10.00 am - 5.08 pm

Chairman

.....

This page is intentionally left blank

Western & Southern Area Planning Committee 18 April 2024 Decision List

Application: P/FUL/2023/06544

Site Address: Lakeside Superbowl St Nicholas Street Weymouth Dorset DT4 8AD

Proposal: Demolition of existing building and restoration of the site through the construction of a temporary surface car park.

Recommendation: GRANT subject to conditions.

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

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

Location Plan, drawing no. 23.039.001

Demolition Plan, drawing no. 23.039.002

Site Layout Plan, drawing no. 23.039.010

Proposed General Arrangement Plan, drawing no. 60704201-ACM-WB-XX-DR-C-0100 Rev P02

Temporary Car Park Drainage Strategy, drawing no. 60704201-ACM-WB-XX-DR-C-0500 Rev P02

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

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

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

3. This permission for use as an additional car parking area shall be limited to the period ending 30th April 2027. At the end of this period the use of the additional car parking area shall cease, and the land restored in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The agreed restoration scheme shall be completed by 30th July 2027.

Reason: To exercise control over the temporary use and to enable review of the potential redevelopment of the site, and in the interests of securing biodiversity enhancements.

4. Prior to commencement of development (including demolition works) an updated Construction and Environmental Management Plan (CEMP) based on the submitted CEMP shall first be submitted to and agreed in writing by the Local Planning Authority. The updated CEMP shall include provisions as set out within the submitted Ecological Impact Assessment and Biodiversity Plan. Thereafter, development shall proceed in strict accordance with the submitted CEMP, as has been agreed, for the full duration of the construction period.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and in the interests of safeguarding the residential amenity of the site and Biodiversity.

5. The car park extension hereby approved shall not be first brought into use until the demolition works have been completed in full, in accordance with the submitted Demolition Site Layout Plan as shown on Drawing 23.039.010.

Reason. To ensure the proper and appropriate demolition of the site.

6. Prior to commencement of development (including demolition works), a scheme showing the precise details of the design, specification and position of wheel washing facilities must be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the wheel washing facilities as have been agreed shall be maintained in full working order for use throughout during the demolition, excavation, site preparation and construction stages of the development.

Reason: To prevent the likely deposit of loose material on the adjoining highway.

7. The car park extension hereby approved shall not be first brought into use until the accesses, geometric layout, turning and parking areas shown on drawing 'Proposed General Arrangement' plan, drawing P02, have been constructed in accordance with the drawing. Thereafter, the parking area must be maintained, kept free from obstruction and available for the purposes specified.

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

8. Prior to commencement of development (including demolition works), a programme of archaeological work in accordance with a written scheme of investigation shall first be submitted to, and approved in writing by, the Local

Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. Thereafter, the development shall proceed in strict accordance with the approved scheme.

REASON: In the interests of safeguarding the heritage value of the site.

9. The development hereby approved (including demolition works) shall be carried out in strict accordance with the submitted Biodiversity Plan dated 28 Feb 2024.

REASON: In the interests of safeguarding protected species.

10. The car park extension hereby approved shall not be first brought into use until details of the surfacing finish, levels, and boundary treatments shall have first be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

Reason: In the interests of preserving the character of the Conservation Area, in the interests of Inclusive Mobility, and to ensure off-site flood risk is appropriately minimised.

11. The car park extension hereby approved shall not be first brought into use until the surface water drainage scheme shall have been fully installed in accordance with drawing 60704201-ACM-WB-XX-DR-C-0500 P02, and until a Drainage Maintenance and Management Plan has been first submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be maintained in accordance with the Drainage Maintenance and Management Plan as has been agreed.

Reason: To ensure appropriate site drainage and its maintenance.

12. 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 which covers contamination and the risk of unexploded bombs. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases/or unexploded bombs when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use. On completion of the

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

Reason: To ensure potential land contamination is addressed.

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

Reason: To ensure risks from contamination are minimised.

14. The car park hereby approved shall not be first brought into use until a more detailed Flood Warning Plan and means of implementation shall first have been submitted to and approved in writing by the local planning authority. This shall include details of the relevant actions and procedure following a flood alert, including implementation timeframe; means of warning car park users; and timescales and method for full closure/reopening. Thereafter the development shall be carried out and maintained in accordance with the agreed details.

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

15. The car park extension hereby approved shall not be first brought into use until the cycle facilities as shown on drawing 60704201-ACM-WB-XX-DR-C-0100 P02 shall have been installed on site. Thereafter, the cycle facilities shall be retained and kept available for their intended use.

Reason: In the interests of Inclusive Mobility.

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.

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

3. Prior to demolition, the applicant is advised to obtain any necessary consent required under Section 61 of the Control of Pollution Act 1974 having regard to noise from demolition.

4. The proposed retaining wall will require the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980 and the applicant / developer is required to submit plans, sections and specifications of the retaining wall for approval, prior to construction works commencing

Application: P/MPO/2023/03270

Site Address: Phases 2-4 Curtis Fields Land south of Chickerell Road Weymouth DT4 0TR

Proposal: Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description).

Recommendation: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to the completion of a deed of modification of the s106 dated 17th August 2016 to secure 26.24% affordable housing.

Decision: That the application be deferred until a later meeting.

Application: P/VOC/2024/01066

Site Address: 4 Verne Road Weymouth DT4 0RX

Proposal: Renewal of permission for change of use to hostel (permanent approval requested) - Variation of condition 2 of planning permission 4/91/0110T to allow the use to apply to the land rather than the applicant.

Recommendation: Grant

Decision: That the application be granted.

Informative Notes:

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 application was acceptable as submitted and no further assistance was required.

Application: P/FUL/2024/00504

Site Address: Weymouth Rugby Club Monmouth Avenue Weymouth DT 3 5HZ

Proposal: Change of use of a sector of the Rugby club car park to a cafe with seating area.

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:

001 Site Location Plan

CS 2024 002 Proposed Site Plan Floor Plan and Elevations

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

3. The premises shall not be open to customers outside the hours of 09:00 to 18:00 Monday to Saturday and 09:00 to 12:00 on Sundays.

Reason: In the interests of the amenities of adjoining and nearby residential properties.

Informative Notes:

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: 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.

3. It is the applicant's responsibility to ensure that foul water is disposed of appropriately and legally, and with any appropriate permission from Wessex Water which may be required.

Application: P/FUL/2023/07288

Site Address: Charmouth Road Park and Ride Car Park Charmouth Road Lyme Regis

Proposal: Erect public toilets/cafe and form a new vehicular access. Install ten electric vehicle charging stations.

Recommendation: Refuse.

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:

C2313.04 Highways Access Plan
C2313.01A Location Plan
C2313.02A Block Plan
C2313.03A Elevations and Floor Plans
C2313.05 Gate & EV charging details

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

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. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to

be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 5 March 2024 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.

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

6. Before the development is occupied or utilised the first 20.00 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 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.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number C2313.02A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

8. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number C2313.04 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.

9. Before the development is occupied or utilised the Entry Only/Exit Only accesses, geometric highway layout, turning, parking areas and associated signage shown on Drawing Number C2313.02A must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure safe entry and exit to and from the site onto the highway and to ensure the proper and appropriate development of the site.

10. Before the development hereby approved is occupied or utilised any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

11. The café and toilet building hereby approved shall not be open to the public except when the park and ride is in operation.

Reason: The justification provided for a cafe in this location is reliant upon the ongoing support that it would provide for the park and ride.

12. The café and toilet building shall not be utilised until the EV Charging facilities have been provided in accordance with the approved plans.

Reason: to ensure that the EV charging facilities are provided in a timely manner.

13. No flood lighting or security lighting shall be installed until details of a scheme to control glare or stray lighting has been submitted to and approved in writing by the local planning authority; the scheme shall include timings of use of the artificial lights, shielding and angle of the head to reduce glare and light intrusion on land that it is not owned by the development as appropriate. Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.

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

14. Prior to the commencement of development above ground level details of a scheme for the prevention of crime shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the risks to the site from crime are appropriately managed.

Application: P/FUL/2023/07162

Site Address: Land Adjacent Round Hill Coppice Mythe Hill Quarry Entrance
Mapperton To Junction Twinways Lane Melplash

Proposal: Retain conversion of barn to residential use.

Recommendation: Refuse.

Decision: That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to planning conditions the wording of which shall have first been agreed in writing by the chairman and the following conditions.

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

23/150/01 Site location and block plan
JH 11/23 Plans and elevations

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

2. The occupation of the dwelling hereby approved shall be limited solely to the applicants and any of their dependents and shall only be occupied while the business, operated from the site by the applicant, is trading.

Reason: The site is in a location where new housing would not normally be supported and is justified on the basis of the applicant's individual circumstances.

3. The turning, manoeuvring and parking shown on the submitted plans must be permanently maintained kept free from obstruction and available for the purposes specified.

Reason: to ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

4. Any gates at the entrance to the site must be set back a minimum distance of 5.00 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter, the gates must be retained at their approved position, maintained and kept free from obstruction.

Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic.

5. The visibility splay areas shown on the submitted plans must be maintained and kept free from all obstructions exceeding 0.6m above the relative level of the adjacent carriageway and maintained as such thereafter.

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

6. No lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed operated and maintained in accordance with the agreed details.

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

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

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

Application: P/LBC/2024/00492

Site Address: The Warwick Guest House The Warwick 9 The Esplanade Weymouth DT4 8EB

Proposal: Relocation of main electricity service line cut-out board by SSEN from lower ground floor to first floor of the property adjacent to already existing electricity board.

Recommendation: Grant subject to conditions.

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

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The works hereby permitted shall be carried out in accordance with the following approved plans:
PP-10374087v1 Location plan
FBS577 1 Detail Drawing- Scottish & Southern Electricity Networks

Reason: To preserve the architectural and historical qualities of the building.

Informative Notes:

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 application was acceptable as submitted and no further assistance was required.

Application: P/FUL/2023/01319

Site Address: Bonscombe Farm Bonscombe Lane Shipton Gorge Dorset DT6 4LJ

Proposal: Conversion and change of use of an existing agricultural building to holiday let accommodation

Recommendation: Members are requested to consider the revised material considerations and resolve whether they change the resolution of the 19 October 2023 Western and Southern Area Planning Committee to approve planning permission subject to planning conditions and a S106 legal agreement.

Decision: That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 agreement to tie the holiday accommodation to the agricultural holding such that they cannot be sold separately and the following planning 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:

P-001 – Site Location Plan

P-005 – Proposed Plans

P-006 – Proposed Elevations and Section

P-003 – Proposed Site Plan and Section A-A

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

3. Notwithstanding details already submitted within the Structural Inspection Report P0131w0001, Planning Statement and approved plans; no development shall be commenced until a method statement for the conversion works to the barn has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the existing fabric of the original building that will be retained, such that the building shall be converted and not rebuilt. The development shall thereafter be carried out only in accordance with the approved method statement.

Reason: To ensure that development is a conversion of the existing building and not a re-build/new building.

4. The dwelling hereby approved shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of the dwelling and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure that the approved dwelling is not used for permanent residential occupation as the development is in an area where a new unfettered dwelling would be contrary to the adopted local plan.

5. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls, roof and doors/windows 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 and the Dorset AONB.

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

Reason: To safeguard the character, visual amenity and dark night skies of the Dorset AONB.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the area and visual amenity of the Dorset AONB.

8. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To safeguard the character, visual amenity and dark night skies of the Dorset AONB.

9. 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 01/03/2023 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:

- i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan or LEMP have been completed in full, unless any modifications to the approved Biodiversity Plan or 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
- ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan/the LEMP 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.

10. Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be first agreed in writing with the Local Planning Authority. The scheme shall include

provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years and the maintenance and replacement of the planting shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard the character and visual amenity of the Dorset AONB.

11. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plan P-003. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

12. Prior to the commencement of any development hereby approved above damp course level, details of all proposed means of enclosure, boundary walls and fences to the site, including details of materials and height, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details and the means of boundary treatment retained.

Reason: To safeguard the character and visual amenity of the Dorset AONB.

Application: P/FUL/2023/04091

Site Address: Dower House Parnham House Parnham Beaminster DT8 3LZ

Proposal: Erection new dwelling. Construct swimming pool and pool plant house. Alterations and extensions to Dower House to provide enhanced internal accommodation; part demolition including existing boiler room, utility room, conservatory, garage, walling, structures within courtyard and detached outbuilding. Reinstatement of carriageway, gates and piers and boundary enclosure; erection of bike stores.

Recommendation: Refuse planning permission.

Decision:

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

- i. Landscape management and maintenance within the title plan, including the tree lined avenue, to ensure the development would improve the quality and appearance of the site and part of the Estate.

- ii. Tying the proposed holiday-let to the existing Dower House and associated title (including entrance and access drive) so that it cannot be sold off separately.

And subject to the following planning conditions:

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

241392-PUR-04-00-DR-A-1000 P03 Site location plan

241392-PUR-04-GF-DR-A-2110 P03 Proposed Ground Floor plan - Dower House extension

241392-PUR-04-01-DR-A-2111 P02 Proposed First Floor plan Dower House extension

241392-PUR-04-RF-DR-A-2112 P02 Proposed Roof Plan Dower House extension

241392-PUR-04-ZZ-DR-A-2210 P03 Proposed Elevations Dower House extension

241392-PUR-04-00-DR-A-2000 P03 Proposed Site Location plan

241392-PUR-04-00-DR-A-2001 P03 Proposed Site Block plan

241392-PUR-04-RF-DR-A-2002 P03 Proposed wider Roof plan - New Dower Houses

241392-PUR-04-GF-DR-A-2100 P03 Proposed Ground Floor plan - Mirrored Dower House

241392-PUR-04-01-DR-A-2101 P03 Proposed First Floor plan Dower House

241392-PUR-04-RF-DR-A-2102 P03 Proposed Roof plan - New Dower Houses

241392-PUR-04-ZZ-DR-A-2200 P03 Proposed North & East Elevations New Dower House

241392-PUR-04-ZZ-DR-A-2201 P03 Proposed South & West Elevations New Dower House

241392-PUR-04-ZZ-DR-A-2202 P03 Proposed East & West site Elevations Dower Houses

241392-PUR-04-ZZ-DR-A-2300 P01 Proposed Pool House Floor & elevations

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

2. The development to which this permission relates must be begun not later than 14 February 2026.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended). The reduced time limit aligns with the latest implementation date of other built tourist accommodation at

Parnham Park (i.e. P/FUL/2021/05746) and is required to ensure the development intensifies and improves accommodation at Parnham Park in accordance with West Dorset, Weymouth and Portland Local Plan (2015) Policy ECON6.

3. The new dwelling hereby approved and shown on approved drawing 241392-PUR-04-00-DR-A-2001 Rev P3 shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

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

4. Prior to development of the new dwelling or extension of the existing dwelling hereby approved above damp proof course level, details and samples of all external facing materials for the walls and roofs 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.

5. Prior to the installation of any windows or external doors in the new dwelling or extension of the existing dwelling hereby approved, a schedule and detailed drawings (elevations at 1:10 and sections at 1:5) of all new windows and external including cross references to their positions on the plans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed.

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

6. Notwithstanding the approved plans, details and drawings of the final design of the gates, finials and piers (including how the new gate piers will match the existing in materials and mouldings) are to be submitted and approved in writing by the Local Planning Authority prior to of development of the new dwelling hereby approved above damp proof course level. Thereafter, the works shall be carried out in accordance with the agreed details and the gates, finials, piers and carriageway leading towards Parnham House shall be completed prior to occupation of the new dwelling hereby approved.

Reason: In the interests of visual amenity and the setting of the heritage assets.

7. All new and replacement rainwater goods shall be constructed of half round profile cast metal and painted in a colour to be agreed in writing by the Local Planning Authority prior to installation. Thereafter, the development shall be carried out in accordance with the agreed details.

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

8. Prior to the commencement of any development hereby approved, above damp course level, full details of hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years. The approved soft landscaping proposals shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and the setting of the heritage assets.

9. Prior to commencement of development, an updated Arboricultural Method Statement (AMS) and associated Tree Constraints Plan, Tree Removals Plan and Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. The submitted information shall:
 - a) Identify the retention of T5 (London Plane Tree) and establish appropriate management measures to ensure retention.
 - b) Provide details for the protection of the Root Protection Areas (RPA) of trees numbered T4, T4, T19–T22, T23-T25 and T28-T31, including timescales for the installation and removal of protection.
 - c) Specify no access through the RPAs of trees numbered T4, T4, T19–T22, T23-T25 and T28-T31 for any construction activities. AMS to specify details of the re-alignment of any tree protective fencing to facilitate the new access tracks. This is to include recommendations for a phased approach to installing tracks and parking.
 - d) Identify recommendations for works to large area of laurel alongside A3066.

Thereafter, the development shall proceed in strict accordance with the approved details and a site meeting with the Local Planning Authorities' Tree Officer shall take place prior to commencement of works (including site clearance and demolition).

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase and in the absence of up-to-date details at the planning application stage.

10. Prior to commencement of development a scheme must be submitted to the Local Planning Authority to show how the secondary access drive leading to Parnham House from the new dwelling hereby approved will be permanently obstructed to prevent use by motor vehicles other than in emergencies. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development hereby approved is occupied or utilised and, thereafter, must be permanently maintained for the purpose specified.

Reason: To ensure no net increase in vehicles using the access and prevent other vehicles other than those associated with the emergency services using the access onto the A3066.

11. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking areas shown on Drawing Number 241392-PUR-04-00-DR-A-2001 P03 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

12. Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

13. Before the development commences a scheme showing precise details (including the technical specification) for the provision of the electric gate(s) must be submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before any part of the development hereby permitted is occupied or utilised. Thereafter, the electric gate(s) must be maintained and available for the purpose specified.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

14. Before the development hereby approved is occupied or utilised any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

15. Prior to commencement of development a Biodiversity Plan (BP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the BP certified by the Dorset Council Natural Environment Team 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:

i) the mitigation, compensation and enhancement/net gain measures detailed in the approved BP has been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and

ii) evidence of compliance in accordance with section J of the approved BP 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.

16. Prior to occupation of the extensions to the existing dwelling hereby approved, the proposed Air Source Heat Pump shown on the approved drawings shall be installed and made available for use.

Reason: In the interests of sustainability and to ensure sufficient public benefits to overcome the identified less than substantial harm to heritage assets.

Application: P/HOU/2023/04785

Site Address: 3 Pump Cottages West Road Bridport Dorset DT6 6AE

Proposal: Retain and alter ancillary building.

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:

- Block/Roof & Location Plan – Dwg No. 22/067/10
- Proposed Floor Plan and Elevations – Dwg No. 22/067/12 Rev: B

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

2. The development permitted shall not be occupied or used at any time other than for purposes ancillary to the use of the residential dwelling known currently as No. 3 Pump Cottages.

Reason: The development is in an area where a separate dwelling would be contrary to the adopted local plan.

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.

Reference No: P/MPO/2023/03270

Proposal: Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description)

Address: Phases 2-4 Curtis Fields Land South of Chickerell Road Weymouth DT4 0TR

Case Officer: James Lytton-Trevers

Ward Members: Cllr Fuhrmann & Cllr Hope

1.0 Reason application is going to committee:

This application is being reported to the planning committee following deferral of the item at the meeting of the planning committee on 18 April 2024 for officers to explore with the applicant what other options there could be to make the scheme viable while still delivering 30% affordable housing instead of the 26.24% which is now sought.

The committee report from the April 2024 meeting is attached at appendix 1 below.

2.0 Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to the completion of a deed of variation of the s106 dated 17th August 2016 to secure 26.24% affordable housing.

3.0 Update

3.1 An approach was made to the applicant to consider the request of the planning committee to consider what other options had been considered to make the scheme viable as it seemed appropriate for the Council to give the applicant that opportunity to respond before a decision is taken by the Committee and to ensure that Members are satisfied that all avenues have been explored.

3.2 The applicant has responded that in terms of negotiation, *‘during the consultation stage of this application, Chesters Commercial and the District Valuer (DV) met to negotiate the costs the applicant presented. At that stage the DV would not accept the reduction the applicant originally specified but after lengthy discussion agreed that a reduction to 26.24% was necessary given the unexpected costs Betterment were faced with.’* The applicant puts forward that this was a negotiation and therefore other options to increase the viability and therefore for the percentage of affordable housing have already been carried out.

3.3 The applicant states that *‘this Application is not aimed at avoiding the provision of Affordable Homes, it is simply an Industry standard and NPPF compliant procedural request for the S106 terms to be reconsidered and modified to reflect unforeseen and abnormal development costs. It would be helpful if Officers could remind Members that Betterment Properties (BP) has already delivered a large number of Affordable Homes at Curtis Fields and has made substantial payments to fund other community benefits. None of this would be possible without BP’s*

investment, which also makes a significant contribution to the Council's Housing supply target. In this instance, as the DVS has advised the Council, a modest reduction in the Affordable Housing quota is demonstrably valid and reasonable. BP, like any other Developer, simply expects a reasonable return for that initiative, endeavour and risk and should not be required to offer 'options'.

3.4 We are grateful that you acknowledge that this Application has already been informed by negotiations between Chesters and the DV who produced, for the Council's benefit, two reports on the matter. In the circumstances we consider that BP should not have to widen the scope of this specific Application – it should be determined in line with the demonstrably reasonable, evidence based, independent assessment that concludes that the Curtis Fields scheme can deliver a quota of 26.24% Affordable Homes along with all the other benefits reserved in the S106.'

4.0 Conclusion

4.1 Officers in April 2024 recommended that the application should be approved and the S106 modified to secure the reduced percentage of affordable housing provision. The information supplied by the applicant following the deferral at the April meeting does not alter that recommendation. The proposal would only be able to viably make provision for 26.24% affordable housing instead of 30%. Provision of the housing would still be on the development site as opposed to off-site or through a financial contribution. The proposal would be able to meet all other financial obligations contained within the s106. A deed of modification of the s106 would need to be prepared to make the adjustment to the amount of affordable housing provision. The proposal is considered to be in accordance with Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 58 and 64 of the NPPF (2023).

5.0 Recommendation

5.1 Recommendation: Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to approve the modification of the S106 agreement dated 17th August 2016, subject to a deed of modification to secure 26.24% affordable housing having been satisfactorily completed.

Officer Report

Reference No: P/MPO/2023/03270
Proposal: Modify section 106 agreement dated 17 August 2016 - Relating to Phases 2-4 at Curtis Fields (WP/14/00777/OUT) - to modify a portion of the affordable housing requirements from 30% to 26.24% following receipt of independent viability report (revised description)
Address: Phases 2-4 Curtis Fields Land South of Chickerell Road Weymouth DT4 0TR
Recommendation: Grant
Case Officer: James Lytton-Trevers
Ward Members: Cllr Taylor and Cllr Hope

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

2.0 Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to the completion of a deed of modification of the s106 dated 17th August 2016 to secure 26.24% affordable housing.

3.0 Reason for the recommendation:

- The principle of the reduction in affordable housing is acceptable as the development is no longer viable to make full provision.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Affordable housing & financial obligations	The proposal would only be able to make provision for 26.25% affordable housing instead of 30%. The proposal would be able to meet all other financial obligations contained within the s106.

5.0 Description of Site

5.1 The application forms part of a large allocation for housing to the south of Chickerell Road, known as Curtis Fields. The site is being brought forward in phases and this modification would apply to phases 2 - 4 of the development. These phases lie to the southern side of the site and would link with Lanehouse Rocks Road and

Officer Report

the existing built-up part of Curtis Fields at Curtis Way. The first phase of development under the original outline planning permission is nearing completion. Of phases 2 – 4 the following dwellings have been completed:

Curtis Fields Phase	Dwellings Permitted	Dwellings Completed as at May 2023	Dwellings Under Construction as at May 2023	Dwelling Not Started as at May 2023
Phase 2B	99	65	23	11
Phase 4	68	7	29	32
Phases 2A, 3A and 3B	298	0	0	298
Curtis Fields Phase	Social or Affordable Rent Completions as at May 2023		Intermediate Rent Completions as at May 2023	Total Affordable Completions as at May 2023
Phase 2B	17		8	25
Phase 4	3		2	5
Phases 2A, 3A and 3B	0		0	0

6.0 Description of Development

6.1 The proposal has been revised following receipt of an independent viability report by the District Valuer, commissioned by the Council, and now no longer seeks to modify all affordable housing requirements and financial contributions specified therein. It now only seeks to reduce the provision of affordable housing from 30% to 26.24% in line with the recommendation of the District Valuer.

6.2 The outline permission (WP/14/00777/OUT) secured the affordable housing by means of a section 106 agreement (s106) dated 17 August 2016 which set out the requirements for the provision of the affordable housing. This application would result in the modification of the s106 to reduce the provision of affordable housing from 30% to 26.24%.

7.0 Relevant Planning History

There is a substantial planning history related to the area, but only the most relevant decisions are recorded here which directly involve the application to modify the s106.

Application No.	Proposal	Decision	Decision Date

Officer Report

WP/14/00777/OUT	Outline planning permission (with all matters being reserved including access) for the development of approximately 500 residential dwellings in 3 phases (phases 2 to 4)	Permission Granted	24 August 2016
WP/18/00467/NMA	Amendment to planning permission WP/14/00777/OUT: Variation of conditions 7 and 13 of outline planning permission Ref: WP/14/00777/OUT relating to the provision of the Spine Road and a comprehensive Drainage Strategy for the whole site. Variation to wording of conditions 1,5,17 and 18 to include the words 'on any phase' and ' for that phase' to reflect and clarify the relationship of these conditions to the title of the outline planning permission for a phased development of the site.	Grant of Non-Material Amendments	31 July 2018
WP/18/00749/RES	Application for approval of reserved matters for access and layout of outline application WP/14/00777/OUT (<i>This did not include the route of the road through phase 2b</i>)	Approved	20 March 2019
WP/19/00635/RES	Application for approval of reserved matters (Phase 4) for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT (68 dwellings).	Approved	28 May 2021
WP/19/00693/RES	Application for approval of reserved matters (Phases 2A, 3A and 3B) for Access, Appearance, Landscaping, Layout and Scale, of outline application WP/14/00777/OUT (Amended scheme)		21 October 2022
P/MPO/2022/03912	Modification of planning obligations of a S106 agreement dated 17 August 2016 of planning approval WP/14/00777/OUT (This substituted the current Mortgagee Exclusion Clauses (MEC) for one that meets the lending requirements of Approved Providers. This will allow the affordable homes on the site to be acquired by an established Registered Provider).		19 December 2022

Officer Report

	Other Relevant Decisions relating to Phase 1 (development now complete on adjacent site)		
WP/14/00591/OUT	Outline Application for residential development (approx. 62 dwellings)(revised scheme)		15 July 2016
WP/17/00916/RES	Application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale in relation to Outline approval WP/14/00591/OUT		3 May 2018

8.0 List of Constraints – None relevant to the consideration of this application to modify the S106 agreement.

9.0 Consultations

Note: The proposal has been revised and the application re-advertised. The following are the responses received after re-consultation where stated.

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

S106 Officer – Support (as revised).

Housing enabling officer – Support (as revised).

Ward members –

Cllr. Taylor: Although the s106 was agreed in 2016 all costs have increased. Much development by this company across Weymouth and Portland has been done at a time of rising house prices and hence increased profits therefore it is not acceptable that viability is being used on this site to remove the affordable housing elements of this development. We have a dire need for affordable properties in Weymouth and the need for affordable housing far outweighs a company's profits.

Neighbouring Ward Members-

Cllr. Heatley: The developers are asking to be relieved of all the affordable housing obligations. Their case essentially is that various assumptions made in the original viability assessment have now changed, for example there turned out to be asbestos on site, building costs have increased and house prices are expected to decline. The detail of this is set out in a new and highly technical viability assessment.

Is it right for a developer to seek to change the viability assessment after the planning permission has been given? The whole point of employing a private developer is that they take the risk of higher or lower profits. Even if modifying the original viability assessment is permissible, the assessment is inevitably complex. It is entirely possible to come to different conclusions based on the same broad guidance principles set out by the professional body. Accordingly, the Council should seek an independent viability assessment before submitting this variation of

Officer Report

conditions to the Planning Committee; this application is too important to be subject to delegated decision.

Cllr. Sutton: The developer's case rests on their new viability assessment. Whilst the discovery of asbestos, increased building costs and a likely fall in property prices may have an impact on profit margins, surely this is the risk which all developers run and it is not the role of the planning system to provide a 'cushion' against this. If it were, surely it would be appropriate for this to be balanced with a form of planning 'levy' if profit margins rise substantially?! To in effect relieve the developer of affordable housing obligations on these grounds, especially when affordable housing is so sorely needed, cannot in my view be the correct course of action. If there is any likelihood of this being the outcome, at the very least, this application must NOT be delegated.

Weymouth Town Council – Objection (as revised)

On the basis that previous profits have not been considered, that the sensitivity analysis shows that with only small changes in costs or selling prices 30% might be possible, Betterment Homes should be held to their commitment to 30% (140 units). The basis for approval of this site was on the basis of affordable homes being included. Weymouth has a shortage of affordable homes and can't afford to lose this promised commitment.

Representations received

Made on the original submission and in response to the revised assessment.

Objection:

Denies opportunity for buyers to enter the property ladder.
The developer has made profits leaving the affordable last.

Comment:

Pleased with the increase in the amount of affordable provision since the revised assessment.

Support:

There is affordable housing not being occupied and private buyers should be able to buy these houses.

Total - Objections	Total - No Objections	Total - Comments
2	1	1

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

Officer Report

West Dorset, Weymouth and Portland Local Plan

HOUS1 – Affordable Housing

National Planning Policy Framework

5. Delivering a sufficient supply of homes

Paragraph 58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

Officer Report

affordable housing provisions is not considered to have any impact on persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	122 dwellings
Market housing	343 dwellings
Contributions	£4,526,964.00 (see below for breakdown)
Non-Material Considerations	
Council Tax	To be decided
New Homes Bonus	To be decided

14.0 Climate Implications

None relevant to this application.

15.0 Planning Assessment

Principle of Development

15.1 The outline permission (WP/14/00777) was for approximately 500 dwellings. This breaks down for applications made for reserved matters as follows:

Phase 2B – 99 dwellings

Phase 4A – 68 dwellings

Phases 2A, 3A, 3B – 298 dwellings

TOTAL 465 dwellings.

The total number of dwellings is therefore below the maximum allowed under the outline permission.

The permission was subject to a s106 agreement to secure 30% affordable housing and financial obligations as set out in the table below.

s106 Recreation Contribution (paid, inc. indexation)	£348,540
s106 Transport Contributions (paid, inc. indexation)	£332,312
s106 Ecology Contribution (paid, inc. indexation)	£8,270
s106 Education Contribution (paid, inc. indexation)	£1,090,924
s106 Education Contribution (outstanding)	£1,838,362

Indexation will apply to the outstanding education contribution, and this is provisionally calculated as £667,306. An additional contribution towards travel plan is understood to amount to £116,250 and is not subject to indexation. It is understood

Officer Report

that the developer is also required to provide a Neighbourhood Equipped Area for Play (NEAP), and Multi Use Games Area (MUGA).

Affordable Housing & financial obligations

15.2 The applicant initially sought removal of all financial obligations and provision of affordable housing and provided their own viability review to support their case. This was then referred to the District Valuer under the instruction of the Council and the District Valuer issued a final review in November 2023 after discussion with the applicant and the council.

15.3 The review by the District Valuer has reported that phases 2 – 4 are viable to deliver a portion of the affordable housing requirements, reduced from 30% to 26.24%, which equates to 122 affordable homes on this site, 84 rented and 38 shared ownership (compared with 140 originally). The District Valuer also considered that all the financial obligations could still be met. The applicant has not further challenged the findings of the District Valuer. The report of the District Valuer should be read in full and is available on the Council's website. However, pertinent extracts from the report are included below and in reaching these conclusions, the District Valuer considered the following (in italics):

15.4 Developments are expected to meet the policy provision as prescribed in the Local Plan. In this case the planning requirements are set out in a s106 agreement, and the scheme has commenced. The application under consideration proposes modification of the s.106 requirements. The applicant's agent states that scheme financial viability has been compromised, and states that 'during work preparations for the ensuing phases and more detailed site investigations it became apparent that parts of the site are heavily contaminated with asbestos and that considerably more ground retaining works than were expected are required. Due to these unforeseen circumstances, the costs of developing the site is significantly in excess of those that were anticipated when the Section 106 terms were agreed.'

15.5 The VOA database contains details of sales of residential properties including accommodation details, age of property, number of bedrooms, reception rooms, age, floor areas and so forth as well as transactional information such as new build sales, part exchange, shared ownership or connected party sales etc. We also have access to Energy Performance Certificates which enables analysis. We have also considered sales information about current and forthcoming schemes. All of this enables the valuer to confirm or dispute the applicant's evidence.

15.6 Further to my investigations and research, particularly in regard to the most recently available sales data on this scheme, I have a differing view in regard to most of the projected completed residential unit values.

The development costs and the following cost inputs have not been accepted as reasonable:

- *Plot build costs and external works*
- *Abnormal site costs*

Officer Report

15.7 My observation is that the issues relating to the majority of these costs appear commensurate with the site, and narrative relating to site conditions. It is somewhat surprising however that additional unforeseen costs relating to asbestos and ground conditions (cut and fill, retaining walls and groundworks) have come to light at this stage of the development, especially in the context of the site being previously undeveloped. It is reasonable to assume that appropriate due diligence would have been carried out in the early stages of the project, and detailed ground investigations undertaken.

15.8 The abnormal costs are however a potentially significant factor affecting the viability of the scheme.

15.9 In the light of my most recent experience of development proposals of this nature, particularly in the county, I have rather adopted 17.5% of market residential GDV in my assessment as a reasonable target profit level. It is also noted that this target is indicated as reasonable in your Council's input assumptions document underpinning policy requirements. In regard to the affordable element, I have also adopted a target profit level of 6% as is widely adopted and reflecting reduced risk on the basis of a forward sale to a Registered Provider

15.10 Appraisal 1 can be found at **Appendix (i)** reflects the combined policy requirements of 30% on site Affordable housing and s.106 contributions of £4,526,964 (financial and build obligations), and fixes developer's profit of 17.5% on market GDV and 6% on affordable GDV.

Based on the inputs I have outlined above the residual output presented as the amount available for land which is then compared to the valuer's opinion of the BLV to determine the viability of the scheme.

As detailed in this report, I have a difference of opinion regarding revenue and construction costs. The cumulative effect of these changes is that my viability appraisal generates a residual land value of £4,217,349, which is below the BLV of £5,532,000.

It is my independent conclusion that the consented scheme with associated planning obligations is not financially viable.

15.11 As the scheme cannot meet full policy requirements, I have considered the maximum contributions that the scheme could viably provide. Through a series of iterations to the appraisal I have established that the maximum planning policy that can be delivered is 26.24% affordable housing (122 units) together with £4,526,964 in other s106 contributions.

Appraisal 2 - which can be found at appendix (ii) reflects a scheme with these reduced policy requirements and a fixed developer's profit of 17.5% on market GDV and 6% on affordable GDV. The appraisal generates a residual value for land of £5,536,085, which is marginally above the BLV of £5,532,000.

It is my independent conclusion this scheme can support 26.24% affordable housing and £4,526,964 in other s.106 policy requirements.

15.12 Further to my conclusion above and the advice that your Council's full planning policy requirements will not be met; a review clause might be appropriate as a condition of the permission, in line with paragraph 009 of the PPG Review

Officer Report

mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.

15.13 The applicant states that during work preparations for these phases and more detailed site investigations it became apparent that parts of the site were heavily contaminated with asbestos and that considerably more ground retaining works than were expected are also required. The costs of these additional works are included in the applicant's report which the District Valuer reviewed. In consideration of the outline application, contamination was not raised as a known issue.

15.14 The NPPF at paragraph 58 states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. In this case the applicant has submitted a viability assessment post decision and some 9 years after the adoption of the local plan citing the reasons set out above with regards to abnormal costs. Policy HOUS1 of the adopted local plan states similar to the NPPF in that applicants seeking to justify a lower level of affordable housing will be expected to provide an assessment of viability, which the applicant has done in this case. The policy then goes on to say that "A lower level of provision will only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought". The development already has consent and is partially built out and to continue with the development would enable much needed open market and affordable housing to be brought forward in this sustainable location in Weymouth. The information submitted by the applicant and the subsequent assessment review by the DVS explains why the applicant considers the development is not viable with 30% provision of affordable housing, but it would be viable with the provision of 26.24%.

15.15 It is noted that representations have been received suggest past profits made by the applicant have been sidelined but given the length of time that has elapsed since permission was granted, it is to be expected that costs will fluctuate and unforeseen costs may be encountered, as has been the case here. It is also not a function of the planning system to impose levies on developers for past profits. Furthermore, in respect of the representation that says that affordable housing provides less for open market buyers, this does not acknowledge that the provision of affordable housing is a policy requirement based on an evidence base and detailed analysis to set the right amount that should be provided. In this case 30% was considered to be the requirement at the time of granting the outline permission.

15.16 The District Valuer indicates that a review clause could be considered by the Council if permission is granted. There is currently no local plan policy to support this stance and as such could not be justified as part of the modification to the S106 agreement.

16.0 Conclusion

16.1 The proposal would only be able to make provision for 26.24% affordable housing instead of 30%. Provision of the housing would still be on the development

Officer Report

site as opposed to off-site or through a financial contribution. The proposal would be able to meet all other financial obligations contained with the s106. A deed of modification of the s106 would need to be prepared to make the adjustment to the amount of affordable housing provision. The proposal is in accordance with Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraphs 58 and 64 of the NPPF (2023).

17.0 Recommendation

17.1 Recommendation: Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to approve the modification of the S106 agreement subject to a deed of modification secure 26.24% affordable housing having been satisfactorily completed.

This page is intentionally left blank

Application Number:	P/HOU/2023/06594
Webpage:	Planning application: P/HOU/2023/06594 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	18 Osbourne Road Bridport Dorset DT6 3AN
Proposal:	Erect residential annexe
Applicant name:	Mr & Mrs Robert & Karen Wright
Case Officer:	Toby Hibbs
Ward Member(s):	Cllr D Howell, Cllr B Howell, Cllr Williams

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

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation:

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development to erect a residential annexe is accepted. Initial concerns regarding neighbouring amenity are considered to be resolved.
Design (visual amenity) and impact on the character and appearance of the Conservation Area.	The scale and design is considered to be acceptable, given the location of the annexe in the rear garden of 18 Osbourne Road effectively obscured within any public visibility and no wider visual impact is perceived regarding the Conservation Area and Dorset National Landscape.
Neighbour amenity	No adverse impact on neighbouring amenity.

5.0 Description of Site

5.1 Osbourne Road is a well-established bungalow estate, characteristic of many settlements within Bridport's suburban area of Coneygar. The topography of the site and its surroundings gradually inclines towards the east, culminating in Coneygar Hill approximately 120 metres southeast. Consequently, the rear gardens of properties on the east side of Osbourne Road are situated at a slightly elevated position compared to their respective dwellings.

5.2 These predominantly 2-bedroom detached bungalow dwellings are fairly uniform in character and design, constructed with brickwork walling and featuring hipped roof designs, comprising of large driveways, integrated garages, and small front gardens. Unique to the site of number 18 Osbourne Road is a parcel of land that extends eastwards beyond the boundaries of neighbouring properties and is purportedly the original boundary of this dwelling's curtilage. Aerial photography dating back to 2002 (earliest record kept) confirms this.

6.0 Description of Development

6.1 The proposal seeks to construct a detached single-storey annexe on the northeast section of the garden at 18 Osbourne Road, intended for ancillary accommodation which shall replace an existing garden room. An alternative proposal to locate the annexe on the southeast section of the garden was considered but later amended due to concerns about overlooking onto the neighbouring property of number 16 to the south as it was anticipated to have an unduly prominent and overbearing appearance, exacerbated by the inclining nature of the rear gardens at Osbourne Road. Therefore, the proposal has reverted to its original northeast location. The annexe will be constructed with timber cladding and will feature an EDPM flat roof with anthracite grey framed glazing.

6.2 It is worth emphasising that this application seeks to erect an annexe for residential use for a family member and is not seeking permission to change the use of land or create a self-contained dwelling whose use would not be ancillary to that of the bungalow.

7.0 Relevant Planning History

WD/D/20/000975 - Decision: GRA - Decision Date: 30/09/2020

Erection of single storey extension (demolition of garage)

P/HOU/2022/03952 - Decision: GRA - Decision Date: 27/09/2022

Loft conversion and installation of 3 dormer windows

8.0 List of Constraints

Bridport Conservation Area

Dorset National Landscape (AONB)

Land Outside DDBs

Land within DDBs

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

Legal Agreements S106

Radon: Class: Class 2: 1 - 3%

Within the Bridport Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

1. **Bridport Town Council:**

Objection (received 05/12/2023 and 25/04/2024)

- Proposed development outside Defined Development Boundary.
- Adverse impact on Dorset National Landscape and Conservation Area.
- Non-compliance with Local Plan policies ENV1, ENV4, HOUS6, SUS2.
- Intended use as holiday accommodation conflicts with residential extension claim.
- Negative effect on neighbouring residents.
- Revised plans worsen impact on landscape, Conservation Area, and local Green Space.
- Applicant's contradictory comments weaken case.
- Approval could set harmful precedent for area's environment.

2. **Dorset Wildlife Trust** - no comment received.

3. **Ramblers Association** - no comment received.

4. **Bridport Ward Member 1** - no comment received.

5. **Bridport Ward Member 2** - no comment received.

6. **Bridport Ward Member 3** - no comment received.

7. **Rights of Way Officer** – no comment received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
2	0	0

Summary of comments of objections:

Impact on conservation area and Dorset National Landscape	<ul style="list-style-type: none"> - Ongoing pressure to build behind properties on the eastern side of Osbourne Road. - The proposed site is within an Area of Outstanding Natural Beauty (Dorset National Landscape). - Construction would lead to further erosion of protected land, contrary to conservation objectives. - Construction would set an unwelcome precedent for further development.
Principle of development	<ul style="list-style-type: none"> - The proposed residence extends beyond the development boundary of Bridport. - Contravenes local plan policies, undermining the established development plan. - Sets an unwelcome precedent if permission is granted.
Potential use as Holiday let	<ul style="list-style-type: none"> - Potential use of the residence as an ancillary holiday let. - Concerns about the impact on neighbours, with holidaymakers potentially being less respectful.
Neighbouring amenity	<ul style="list-style-type: none"> - Disturbance through noise cannot be mitigated, impacting the quiet garden area. - Noise generated in the residence would have a detrimental impact on the tranquil garden space. - No feasible way to mitigate the noise impact. - The proposed residence is located at the rear of neighbouring properties, directly impacting their outlook.

Highways	- Increased pressure on parking in Osbourne Road due to non-residents seeking parking spaces.
----------	-----------------------------------------------------------------------------------------------

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 considerations indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990-Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

11.0 Relevant Policies

Development Plan

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

- Policy D1- Harmonising with The Site
- Policy L1- Green Corridors, Footpaths, Surrounding Hills & Skylines (AONB)
- Policy D8 -Contributing to The Local Character
- Policy L3- Local green Spaces

West Dorset Weymouth and Portland Local Plan 2015

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

- INT1 - Presumption in favour of Sustainable Development
- ENV10 -The landscape and townscape setting
- ENV 12 -The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- HOUS6 - Other Residential Development Outside Defined Development Boundaries

Material considerations

Emerging Local Plans:

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

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

- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

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

National Planning Policy Framework

The following policies of the National Planning Policy Framework (2023) are considered to be relevant for this proposal:

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

Relevant NPPF sections include:

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

- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

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

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

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

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 proposed development would not adversely impact on persons with protected characteristics.

14.0 Financial benefits

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

15.0 Environmental Implications

15.1 The proposal will contribute to additional CO2 emissions from the construction materials and build stage.

16.0 Planning Assessment

Principle of development

16.1 The proposal is located on Osbourne Road, Bridport which lies within the Dorset National Landscape (AONB). While most of the site’s curtilage is not within a conservation area, the extended parcel of land in the rear garden is. The host

dwelling lies within the Defined Development Boundary (DDB). However, this site is unique in that it is the only property in the vicinity with a garden curtilage that extends beyond the parameters of the DDB. As a result, the proposed location for the annexe is outside the DDB, but the existing dwelling within the DDB. However, as the proposal is for an annexe it is treated as effectively an extension to the existing property which would be supported in principle via Policy SUS2 if the site were in the DDB and Policy HOUS6 if outside of the DDB.

Visual amenity and impact on Dorset National Landscape and Conservation Area

16.2 The proposed annexe would occupy a similar footprint area with comparable proportions to the existing garden room located on the northeast section of the rear garden, which at present resembles a harmonious and subordinate building within the garden curtilage. The annexe would not be visible from the street scene of Osbourne Road, or any other public viewpoints given it would be set back a considerable distance from the nearest highway and concealed by the host building and surrounding built environment. It is considered that as a subservient garden outbuilding with an appropriate external finish it would have no adverse impact on the character and appearance of the Conservation Area, the Conservation Area being preserved and no harm being created to it as a designated heritage asset. It would also have a neutral impact on the Dorset National Landscape and would thus comply with policies ENV1, ENV4, ENV10, and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015), as well as Policy D1 (Harmonising with the site), Policy D8 (contributing to the Local Character) and Policy L3 (Local green spaces) of the Bridport Neighbourhood Plan (2020).

Neighbouring amenity

16.3 An alternative proposal was submitted, relocating the annexe from the northeast corner to the southeast corner of the curtilage, during the life of the application. However, following a site visit to the neighbouring property of number 16 it was deduced that the downward sloping topography of the rear gardens of these properties would have effectively positioned the annexe at an elevated level directly behind the neighbour's curtilage boundary, which was anticipated to have an unduly prominent and overbearing impact from within their garden increasing the likelihood of direct overlooking from the annexe's frontage (west) main aspect window. The application has since reverted the annexe's original position to the northeast corner of the garden.

16.4 The outlook from the front of the repositioned annexe (facing west) on the northeast section of the garden would be contained within the applicant's curtilage and would not directly overlook the neighbouring occupant of number 20. It is also worth noting that the outbuilding would be well screened in this location, as mature vegetation surrounds the proposed annexe on the northwest boundary. To further alleviate any overlooking concerns, the windows facing the north elevation and on the left-hand side window on the annex's frontage (west) would be obscure glazed and this would be conditioned. Moreover, now that the annexe has reverted to its original position, it is now considered to be more appropriately situated in the applicant's garden rather than the southeast corner of the property, which previously

occupied an area directly behind number 16. As such, it is now considered to be suitably distanced away from the neighbouring occupants of number 16 to alleviate any overbearing or overlooking concern regarding this neighbour.

16.5 Furthermore, due to its modest scale and proportions, and considering the degree of screening on the northwest boundary it would not be considered an overbearing structure and would not result in a significant loss of light for the neighbouring occupants of number 20.

16.6 Given its modest size designed for a single family member, there is not anticipated to be significant noise disturbance that would warrant a refusal of planning permission. The proposal is considered to have an acceptable impact on neighbouring amenity under policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Bridport Town Council and third-party comments

16.7 Three letters of objection have been received for this proposal, one from the Bridport Town Council and two from third party representatives. In these letters it is stated that given that the extended garden is outside of the DDB, a separate residency should not be supported as it would be contrary to policy HOUS6 of the adopted local plan. However, given this proposal seeks to erect an annexe which shall be intrinsically linked with number 18 as the site is practically restricted to having only one access onto the property, it is not considered to form a separate dwelling and the use of the building as an annexe would be controlled by a planning condition.

16.8 The Town Council state the building is intended as holiday accommodation which contradicts claims that it is to be a residential extension, however the applicant has made clear the annexe is to be used solely for a family member.

16.9 While concerns have been raised in representations about the potential harmful impact of the resultant structure on the Dorset National Landscape and Conservation Area, the modest size, appearance, siting, and obscurity within the street scene and wider public domain contribute to the conclusion that there is no significant impact arising on the wider visual amenity of the area, character and appearance of the Conservation Area and the landscape character of the Dorset National Landscape.

16.10 Concerns were raised regarding parking congestion on Osbourne Road. However, since the annexe would be used ancillary to the dwelling the parking situation is not likely to change significantly. Additionally, given the ample availability of off-street parking, the proposal is not anticipated to have a significant impact on the parking situation or transport network.

16.11 One third party voiced concern that the proposed development would create a precedent for future development outside the DDB. However, each application is considered on its own merits and in the case of this application the proposals are considered to accord with the development plan for the reasons set out in this report.

Potential use of Annexe

16.12 While acknowledging the applicant's mention of the annexe's potential future use as a holiday let and the implications it may have on neighbouring amenity, such

as noise disturbance and general nuisance, it is recognised that the scope of this scheme being a householder planning application focuses solely on considering the proposed annexe as an ancillary building to the main dwelling, which is considered acceptable. Therefore, the scope of this planning application does not consider its use as a holiday let. Consequently, a condition shall be attached, ensuring that the resultant annexe is used for purposes ancillary to the main dwelling only.

17.0 Conclusion

This proposal is judged to comply with the policies of the Bridport Neighbourhood Plan (2020), West Dorset, Weymouth & Portland Local Plan (2015) and the National Planning Policy Framework (2023) for the reasons set out in this report. Regard has also been had to the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72.

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:

Block Plan Rev 7 - 05/06/2024

Floorplan, Elevation and Roof Drawings Rev 07 - 05/06/2024

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

3. The development permitted shall not be occupied at any time other than for purposes ancillary to the residential dwelling known currently as 18 Osbourne Road.

Reason: The accommodation is not considered suitable as a separate dwelling, because of the relationship with adjacent dwelling(s), the single point of access to the site and its location outside of a defined development boundary.

4. Prior to first occupation of the development hereby approved, the windows in the north elevation and west elevation that are illustrated as being obscure glazed on the elevation plan titled Floorplan, Elevation and Roof Drawings Rev 07 - 05/06/2024 shall obscure glazed to a minimum Pilkington glazed obscurity level of 3 and shall be retained as such thereafter.

Reason: To protect residential amenity.

Informative:

Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating 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.

This page is intentionally left blank

Application Number:	P/LBC/2024/01189
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=403867
Site address:	Weymouth Seafront, The Esplanade, Weymouth
Proposal:	Installation of 6 downlighters to each of the 7 Victorian shelters along the Esplanade
Applicant name:	Deborah Juile Anne
Case Officer:	Nicola Yeates
Ward Member(s):	Cllr Orrell

1.0 This application has been brought to committee as the structures to which the application relates are owned by Dorset Council.

2.0 Summary of recommendation: Grant subject to conditions.

3.0 Reason for the recommendation: The proposal would create less than substantial harm to the Listed structures however this level of harm would be offset by the wider public benefit.

4.0 Key planning issues

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area.	Impact offset by wider public benefit.

5.0 Description of Site

The application sites are 7no. seafront shelters located along the promenade to the east of The Esplanade. All of the shelters are individually Grade II Listed. As noted within the Conservation Area Appraisal, the seafront shelters are examples of late Victorian cast iron technology, with overhanging roofs and glazed screens to provide shelter from inclement weather.

The significance of these shelters is derived from their architectural, historical and group value and make a positive contribution to the seafront scene and wider Conservation Area.

6.0 Description of Development

The proposal seeks to install 6no. downlighters within the ceiling of each of the 7no. shelters.

7.0 Relevant Planning History

89/00005/HIST - Decision: DEF - Decision Date: 23/10/1989

Non illuminated wall mounted local information map.

P/PAP/2023/00708 - Decision: RES - Decision Date: 30/11/2023

Improvements to Esplanade Lighting, Weymouth.

8.0 List of Constraints

Grade II Listed PROMENADE SHELTER TO EAST OF NUMBER 135 HE Reference: 1328298 *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

Grade II Listed PROMENADE SHELTER APPROXIMATELY 55 METRES NORTH OF THE JUBILEE CLOCK TOWER HE Reference: 1328299 *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

Grade II Listed PROMENADE SHELTER APPROXIMATELY 65 METRES SOUTH OF THE JUBILEE CLOCK HE Reference: 1328301 *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

Grade II Listed PROMENADE SHELTER OPPOSITE NUMBER 88 (NUMBER 88 NOT INCLUDED) HE Reference: 1328297 *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

Grade II Listed PROMENADE SHELTER OPPOSITE CHESTERFIELD PLACE HE Reference: 1328303 *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

Grade II Listed PROMENADE SHELTER OPPOSITE BOND STREET HE Reference: 1328302 *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

Grade II Listed PROMENADE SHELTER OPPOSITE EDWARDES STATUE HE Reference: 1328305 *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

Within the Weymouth Town Centre Conservation Area *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

9.0 Consultations

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

Consultees

1. **Environment Agency:** no comment received.
2. **Weymouth Town Council:** no objection.
3. **Melcombe Regis Ward Member:** no comments received.
4. **Historic England:** refer to LPA.
5. **Natural England:** no comments received.
6. **DC - Asset & Property:** no comments received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
1	0	This is not in keeping with the original historic design of the shelters and a surface mounted conduit no matter how it is boxed in will look out of place. A lot of time and effort was spent prior to the Olympics to restore these shelters sympathetically and in keeping, to fit down lighters is not in keeping.

10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

11.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

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

- ENV4 - Heritage Assets

Neighbourhood Plans

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

Other Material Considerations

Supplementary Planning Documents/Guidance

- Weymouth Town Centre Conservation Appraisal (2012)

Emerging Local Plans:

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

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).

National Planning Policy Framework

Relevant NPPF sections include:

- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para

205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The proposal will not impact on people with protected characteristics.

14.0 Financial benefits

None.

15.0 Environmental Implications

None.

16.0 Planning Assessment

Impact on Heritage Asset, Setting and Conservation Area

- 16.1 The proposal seeks to install downlighters within each of the 7no seafront shelters with the aim to enhance the use of these seating areas, especially during the evenings. As noted within the submitted Planning and Heritage Statement, uplighters were previously installed within the pavement around the shelters however these are now no longer functioning. As further noted within the statement and discussed during the pre-application meeting, the replacement of the existing uplighters and their underground wiring is not considered to be practical, the logistics surrounding the replacement of the existing separate cable runs is considered by the applicant to be problematic in terms of repair of the existing and the future maintenance.
- 16.2 The proposed downlighters would be located within the existing ceiling of the shelters with a total of 6no. downlighters per shelter. The existing ceilings have a flat finish and are painted white. The proposed downlighters would be flush fitting and white in colour.
- 16.3 Each set of downlighters would have a single cable run from the nearest supply point and would have a concealed cable run into the ceiling void.
- 16.4 It is considered that the proposed location, design and colour of the downlighters would enable a discrete addition and is considered to avoid any harmful visual impact on the setting of the listed structures and the wider Conservation Area.
- 16.5 The proposed downlighters and cable run, as detailed on drawing 2024-03-03, would cause harm to the historic fabric of the shelters however it is considered that this would be less than substantial harm.
- 16.6 The proposal would improve lighting for the shelters and the wider promenade, particularly during the evenings, enhancing the appearance and encouraging the use of these facilities. Therefore, it is considered that the less than substantial harm identified would be offset by the wider public benefit of the proposal.
- 16.7 Having regard to all of the above it is considered therefore that the development accords with Policy ENV4 of the adopted local plan and the NPPF.

17.0 Conclusion

It has been concluded that the proposal would not be detrimental to the setting of the neighbouring Listed buildings and the Weymouth Town Centre Conservation Area. Furthermore, it is concluded that the proposal would cause less than substantial harm to the Listed building however this harm would be offset by the wider public benefit. In reaching this conclusion the proposal has been assessed with regard to the duties

under sections 16 of the NPPF (2021) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18.0 Recommendation: Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2024 03 01 Location site plan
2024 03 02 Location site plan, floor plan and elevations
2024 03 03 Proposed details plan

Reason: To preserve the architectural and historical qualities of the building.

Informative Notes:

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 was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

This page is intentionally left blank

Application Number:	P/LBC/2024/01599
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=404357
Site address:	9 The Esplanade, Weymouth, Dorset DT4 8EB
Proposal:	Modifying internal basement layout; relocation of bathroom and kitchen; creating utility/laundrette; creating access through doorway to coal shed from kitchenette; changes to electrical lines and water pipes.
Applicant name:	Dr Vinod Gupta
Case Officer:	Nicola Yeates
Ward Member(s):	Cllr Orrell

- 1.0** This application has been brought to committee as the building to which the application relates is owned by Dorset Council.
- 2.0 Summary of recommendation:** Grant subject to conditions.
- 3.0 Reason for the recommendation:** The proposal would not have a detrimental impact upon the Listed building, the setting of the neighbouring Listed buildings and the Conservation Area.
- 4.0 Key planning issues**

Issue	Conclusion
Impact on Heritage Asset, Setting and Conservation Area.	No adverse impact.

5.0 Description of Site

No.9 Esplanade, The Warwick Guest House, is Grade II* Listed, a group listing with No.7-12 known as Pulteney Buildings. No.9 is a mid-terrace 3 storey property with a lower ground floor and attic space. The front façade faces towards the beach and Weymouth Bay whilst the rear elevation faces Weymouth Harbour. Immediately to the rear of the property is a two storey gabled extension, a single storey lean-to store and a courtyard.

The properties within this terrace have architectural significance with Georgian architectural detailing. Furthermore, the properties have historic significance and as noted within the listing description, the terrace, in conjunction with the neighbouring

Devonshire Buildings, provides a worthy starting group for the long Esplanade stretching to the north.

The site is part of a prominent group of buildings located within the Weymouth Town Centre Conservation Area.

6.0 Description of Development

The proposal seeks to modify the internal lower ground floor layout by relocating the bathroom and kitchen, creating a utility / launderette and creating a doorway access to the coal shed from the kitchenette. The proposal includes changes to the electrical lines and water pipes.

7.0 Relevant Planning History

97/00121/LBC - Decision: GRA - Decision Date: 13/05/1997

Partition and alteration to form en-suite bathroom accommodation, including external waste pipes and fan outlets.

93/00505/LBC - Decision: GRA - Decision Date: 11/01/1994

Rear Porch.

95/00442/LBC - Decision: GRA - Decision Date: 11/04/1996

Rendering of rear elevations (No.1-11 Esplanade).

96/00110/LBC - Decision: GRA - Decision Date: 26/03/1996

Canopies over front doors and externally illuminated wall mounted advertisements (No.1-11 Esplanade)

93/00504/FUL - Decision: GRA - Decision Date: 11/01/1994

Rear porch.

96/00109/ADV - Decision: GRA - Decision Date: 26/03/1996

Externally illuminated wall mounted advertisements (No.1-11 Esplanade)

95/00488/LBC - Decision: GRA - Decision Date: 04/12/1995

ROOFLIGHT TO REAR ELEVATION.

94/00041/LBC - Decision: GRA - Decision Date: 09/02/1994

Ensuite facilities.

08/00461/LBC - Decision: GRA - Decision Date: 22/10/2008

New enlarged window to the south east elevation, reinstatement of window to north east elevation and internal alterations to first floor to create en-suite bathrooms.

11/00880/LBC - Decision: GRA - Decision Date: 21/11/2011

Alterations to convert an existing bathroom to the second floor into two new en-suite shower rooms to the existing bedrooms and formation of a new opening in the existing wall through to one of the new en-suite shower rooms.

P/PAP/2022/00022 - Decision: RES - Decision Date: 09/03/2022

Proposed rear extension and roof terrace.

P/FUL/2022/01834 - Decision: REF - Decision Date: 28/07/2022

Demolish single storey rear extension and erect rear single storey extension with roof terrace and proposed front entrance to basement hotel.

P/LBC/2022/01835 - Decision: REF - Decision Date: 28/07/2022

Demolish single storey rear extension and erect rear single storey extension with roof terrace and proposed front entrance to basement hotel. Internal alterations includes walls to be removed, new stud work partitions and door openings with addition of external staircases leading down to the rear.

P/LBC/2024/00492 - Decision: GRA - Decision Date: 01/05/2024

Relocation of main electricity service line cut-out board by SSEN from lower ground floor to first floor of the property adjacent to already existing electricity board.

8.0 List of Constraints

Grade II* Listed PULTENEY BUILDINGS (TERRACE), 7-12, ESPLANADE HE
Reference: 1145965 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

Within the Weymouth Town Centre Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

9.0 Consultations

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

Consultees

- 1. Weymouth Town Council:** no objection.

2. **Melcombe Regis Ward:** no comment received.
3. **Historic England:** refer to LPA.
4. **National Amenity Societies:** no comment received.
5. **Archaeology:** no comment received.
6. **Asset & Property:** no comment received.

Representations received – None.

10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

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

- ENV4 - Heritage Assets

Neighbourhood Plans

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

Other Material Considerations

Supplementary Planning Documents/Guidance

- Weymouth Town Centre Conservation Appraisal (2012)

Emerging Local Plans:

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

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).

National Planning Policy Framework

Relevant NPPF sections include:

- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The proposal will not impact on people with protected characteristics.

14.0 Financial benefits

None.

15.0 Environmental Implications

None.

16.0 Planning Assessment

Impact on Heritage Asset, Setting and Conservation Area

16.1 The lower ground floor of No.9 is currently occupied as private accommodation for the guest house owners. The proposal seeks to relocate the existing bathroom from the rear of the building to the front of the building in a space currently used for storage. The proposal would not see the alteration to any walls or doors but would require the addition of sanitaryware and associated services. The submitted existing and proposed floor plans note that the water supply would come from the ground floor mains and as discussed during my site visit, the waste would connect to an existing drainage route.

16.2 The proposed new bathroom would not have a window however this is not uncommon and there is an existing vent above the door. Further ventilation would be via a dehumidifier. If in the course of the works, it is considered that further ventilation is required and this would involve any vents or flues on the external walls, a further application would be needed.

- 16.3 Furthermore, the proposal would then seek to relocate the existing kitchen into the space freed up by the relocation of the bathroom. Again, this would not see the alteration of any walls or doors and the existing services would be adapted to facilitate the new fittings. If in the course of the works, it is considered that further ventilation or flues are required which would involve any vents or flues on the external walls, a further application would be needed.
- 16.4 It is considered that the proposed alterations to room uses would not see the loss of any historic fabric nor alter the historic façade and therefore there is no objection to the proposal.
- 16.5 Once the kitchen is relocated, the proposal seeks to use the existing kitchen space as a utility / launderette which would support the running of the guest house business. This space has access to the rear courtyard and therefore would allow a smoother operation with regards to rubbish removal, storage of items for the guest house and deliveries.
- 16.6 To the rear of the building there is a single storey lean-to coal shed which is currently accessed from the courtyard. Internally there is a modern partition wall which separates the coal shed from the kitchen. The proposal seeks to remove this wall allowing the coal shed space to be accessed from within the building. As shown on the submitted proposed floor plan, a doorway is to be reinstated from the utility / launderette space to the coal shed. The proposal would not see any external alterations with the existing door to the courtyard remaining in situ.
- 16.7 It is concluded that the proposal would not see the loss of any historic fabric nor any alterations to the walls or doors and therefore is considered to have no adverse impact on this heritage asset.
- 16.8 It is considered that as the proposed works are internal, there would be no impact on the setting of the neighbouring Listed buildings nor the Conservation Area.
- 16.9 Having regard to all of the above it is considered therefore that the development accords with Policy ENV4 of the adopted local plan and the NPPF.

17.0 Conclusion

The development has been assessed with regard to the NPPF (2021), the policies of the West Dorset, Weymouth & Portland Local Plan (2015), and all other relevant material considerations. It has been concluded that the proposal would not be detrimental to the significance of the Grade II* Listed building, the setting of the neighbouring Listed buildings and the Weymouth Town Centre Conservation Area. In reaching this conclusion regard has been had to the duties under sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18.0 Recommendation: Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

PP-12908829v1 Location Plan
Basement existing and proposed floorplans

Reason: To preserve the architectural and historical qualities of the building.

Informative Notes:

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 application was acceptable as submitted and no further assistance was required.

2. Informative: Vents and Flues

If during the works the need for any new vents or flues is found, an application for Listed building consent will be required and the applicant should consider whether planning permission will also be required.

Application Number:	P/FUL/2024/01216
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Charmouth Road Car Park Charmouth Road Lyme Regis
Proposal:	Erect 15m mast for CCTV.
Applicant name:	Mr Jonathan Smith
Case Officer:	Rob Piggot
Ward Member(s):	Cllr Bawden

1.0 This application is before Planning Committee because the development to which the application relates is on Council Owned Land.

2.0 Summary of recommendation: GRANT subject to conditions

3.0 Reason for the recommendation:

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity, highway safety or further risk of flooding as result of the development.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable, within Lyme Regis, sited within an existing carpark and skatepark.
Scale, design, impact on character and appearance	Acceptable, would not be out of place within an infrastructural/functional setting.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable, sufficiently distanced from any residential properties.
Impact on landscape or heritage assets	Acceptable, within a wider built up and urban setting, with limited impact to archaeology given small scale nature of development.
Flood risk and drainage	Acceptable, low risk development.
Highway impacts, safety, access and parking	Acceptable, not located within carpark, being separated by a steel barrier fence.

5.0 Description of Site

5.1 The proposed development would be located on a thin margin of land in the eastern extent of Charmouth skate park, being in the northeastern corner of Charmouth Road Pay and Display Car Park.

5.2 Directly to the north of the site is a well-established tree and hedgerow boundary which separates the carpark and skate park from Lyme Regis Football Club. Directly to the east is a tree and hedgerow boundary also, which separates the skatepark from a large area of allotments.

5.2 The site, and wider carpark, is located on a moderate slope, with land levels falling away to the south.

6.0 Description of Development

6.1 Installation of a 15m high galvanised steel tilt-down closed-circuit television camera (CCTV). The camera would be erected off a small concrete foundation, being 2m W x 2m L x 1m D.

6.2 The CCTV camera would serve the purpose of providing additional security measures.

7.0 Relevant Planning History

WD/D/14/001110 - Decision: INV - Decision Date: 01/01/1900
Wheeled sports park and associated landscaping

WD/D/14/002477 - Decision: GRA - Decision Date: 19/03/2015
Wheeled Sports Park and Associated Landscaping

WD/D/15/002198 - Decision: RES - Decision Date: 11/11/2015
Request for confirmation of compliance with conditions 1, 2, 3, 4, 5, 6, 7 & 8 of planning approval WD/D/14/002477

8.0 List of Constraints

Dorset National Landscape (AONB)

Potential cliff top recession 100yr (5% probability; Coastal Erosion and Land Instability

Potential cliff top recession 50yr (5% probability; Coastal Erosion and Land Instability

Lyme Regis and Charmouth Slope Instability Zones; Zone 3

Article 4 Direction

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Heritage Coast WEST DORSET

9.0 Consultations

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

Consultees

1. **Dorset AONB Team**

The height of the mast is relatively tall, could this be reduced and could the mast be constructed from timber rather than steel. Finally, if steel is to be used, could the colour be changed to either matt brown (e.g. RAL 8014) or grey/green (e.g. RAL 6006), being more recessive in nature.

2. **Lyme and Charmouth Ward** - No comment received.
3. **Lyme Regis Town Council** - No comment received.
4. **Coastal risk management** - No Objection
5. **Historic England** - No comment, consult local specialist.

Representations received - None

10.0 Duties

Section 38(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 Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape (previously the Dorset AONB).

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 16 - Amenity
- SUS2 - Distribution of development

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other material considerations

All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Supplementary Planning Documents/Guidance For West Dorset Area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

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. This proposal is not considered to impact upon persons with protected characteristics.

14.0 Financial benefits - None

15.0 Environmental Implications - None

16.0 Planning Assessment

Principle of development

16.1 The development would be within the town centre of Lyme Regis, with the proposed CCTV camera providing additional security measures to protect users of an existing skatepark and wider carpark and thus would be acceptable in principle.

Scale, design, impact on character and appearance

16.2 The mast and CCTV camera would be a visible addition, given its height, however it would not appear particularly out of place, given the functional setting of the carpark and skatepark it would sit within. It is notable that there are other utility features in the near setting, with a telecommunications mast being erected alongside the toilet block on the southern boundary of the carpark.

Impact on the living conditions of the occupants and neighbouring properties

16.3 It is not considered that there would be any impact to the residential amenity of neighbouring properties given that it would be significantly distanced from the nearest residential dwelling, approximately 95m to the southwest.

Impact on landscape or heritage assets

16.4 It is considered that the mast and camera would not adversely affect the wider setting of Dorset National Landscape (AONB), where it would be read alongside other infrastructural elements in close proximity, as noted in paragraph 16.2, and other features of the built-up urban setting of Lyme Regis, notably the carpark it would sit within, the field of allotments to the east, and football grounds to the north,

16.5 In response to the AONB Officer's comments regarding height, the applicant has noted that the mast would need to be 15m to ensure adequate reception to its receiver point for data communications closer to town. In respect of the colour of the mast it is proposed to be galvanised steel. The applicant has considered a coloured finish but thinks it wouldn't dull down as quickly and is more likely to become tatty over time and require more maintenance. Given the context of the application site and the nearby existing telecommunications mast it is considered that a galvanised steel mast would be acceptable in respect of visual amenity.

16.5 The application site falls within a Monument designation, being identified under HER Number MDO29501 as Post Medieval or early 20th century drainage features. The Council's Archaeologist has reviewed the proposed works for impact to any historical features and has stated that they have no concerns, given the site is a carpark and has most likely been heavily disturbed. Given this, and for the fact that the proposal has a relatively small footprint, it is not considered that there would be any harm to monument features found within the application site.

Flood risk and drainage

16.6 The development would be within land which has been designated as being subject to moderate to high risk of surface water flooding, however it is considered to be acceptable in terms of flood risk. There would be limited impact to the development as a result of flooding, given its purpose as security infrastructure, with it posing as low risk in terms of consequential flooding to neighbouring land, given it would be small scale.

Highway impacts, safety, access and parking

16.7 The proposal is considered to be acceptable in terms of highway safety. The development would be located in close proximity to a large carpark, however, it would not be located in the carpark itself, being sited behind a steel railing fence which surrounds the skatepark, being approximately 1m high.

17.0 Conclusion

17.1 The proposed CCTV camera and mast is considered acceptable as it would not harm the character or setting of the area, or residential amenity, and would be safe in terms of highway impact and flood risk. It is therefore considered to comply with the NPPF and the policies of the adopted local plan.

18.0 Recommendation

Grant subject to the following conditions:

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

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

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

Location and Block Plan C2405.01

Proposed Site Plan C2405.02

Proposed Elevations C2405.04

Proposed Mast Details C2405.05

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

Informative Notes:

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 application was acceptable as submitted and no further assistance was required.

This page is intentionally left blank

Application Number:	P/ADV/2024/01585
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Fence on land running adjacent to the entrance to Bradford's Building Supplies Sea Road South Bridport DT6 3DW
Proposal:	Display a non-illuminated vinyl banner on a hard backed board advertising Bridport Leisure Centre and what it offers - Swim, Gym, Classes. It will display the Centre logo along with what exit to take at the approaching Crown Roundabout.
Applicant name:	William Thrower
Case Officer:	Rob Piggot
Ward Member(s):	Cllr Dave Bolwell; Cllr Bridget Bolwell; Cllr Williams

1.0 This application is before Planning Committee because the development to which the application relates is on Council Owned Land.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

- The proposed banner would be small scale, static and non-illuminated and thus it would therefore be acceptable in terms of residential amenity.
- There is not considered to be any significant harm to highways and traffic safety or visual amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable, subject to residential amenity, visual amenity and highway safety.
Scale, design, impact on character and appearance	Acceptable, as it is small scale, located in a commercial/retail area, alongside other examples of advertising.
Impact on residential amenity	Acceptable, being small scale, static and non-illuminated. Conditions to be applied to control luminance levels, refresh rate and restriction on additional lighting.
Highways and Traffic Safety	Acceptable, no harm to highway safety. Conditions applied to ensure display is not distracting to motorists.

5.0 Description of Site

- 5.1 The railings, which the proposed advertisement is to be attached to, are located in Bridport, on the western side of the A35, also known as Sea Road South, at the entrance to Bradfords Building Supplies.
- 5.2 Land levels fall away steeply to the west, with the A35 remaining level to the north and south, and land rising again in residential areas of Bothenhampton to the east.
- 5.3 Existing advertising for Bradfords Building Supplies is in place, directly adjacent to the railings, to the northwest.

6.0 Description of Development

- 6.1 The proposal is to display a non-illuminated vinyl banner on a hard backed board advertising Bridport Leisure Centre. The banner would be approximately 1m H x 4m L and will be affixed to hard back boarding.
- 6.2 The banner is to advertise Bridport Leisure Centre and what it offers - Swim, Gym, Classes. It will display the Centre logo along with what exit to take at the approaching Crown Roundabout.

7.0 Relevant Planning History

None relevant.

8.0 List of Constraints

Neighbourhood Plan - Made; Name: Bridport Area NP; Status 'Made' 05/05/2020; - Distance: 0

Groundwater – Susceptibility to flooding;

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Historic Contaminated Land - Description: Quarrying of sand & clay, operation of sand & gravel pits

9.0 Consultations

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

Consultees

1. Highways:

- No objection, subject to standard advertising restrictions where it is adjacent to highway.

2. Bridport Town Council:

- No objection.

3. National Highways:

- National Highways has considered the proposals in line with policy set out within DfT Circular 01/2022. This states that National Highways will not object to proposals for advertising consent for displays outside of the highway boundary unless it has specific reason to consider that a road safety hazard resulting from driver distraction would be a direct consequence of the advertisement. In this case, we consider that the sign as proposed is unlikely to present a distraction to road users that would constitute an unacceptable highway safety risk, such that would support National Highways in advising refusal of the application.

Representations received - None

10.0 Duties

Section 38(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 Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- COM7 - Creating a safe & efficient transport network
- ENV1 - Landscape, Seascape and Sites of Geological Interest
- ENV 14 - Shop Fronts and Advertisements
- ENV 16 – Amenity

Bridport Neighbourhood Plan

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

- POLICY HT2 Public Realm
- POLICY D1 Harmonising with the Site
- POLICY D8 Contributing to the local character

Material Considerations

Emerging Local Plans:

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

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other material considerations

All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Supplementary Planning Documents/Guidance For West Dorset Area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

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. This proposal is not considered to impact upon persons with protected characteristic.

14.0 Financial benefits - None.

15.0 Environmental Implications - None

16.0 Planning Assessment

Principle of Development

16.1 The application is for advertisement consent and therefore the only considerations in the determination of the application are amenity and public safety.

Impact on visual amenity

16.2 The vinyl banner is considered acceptable in terms of visual amenity, and impact to the wider setting of Dorset National Landscape (AONB), as it would be small scale, being read alongside other advertisements, in a commercial setting.

Impact on Residential Amenity

16.3 It is not considered that there would be any impact to the residential amenity of neighbouring properties given that it is static, non-illuminated and small scale.

Impact on Highway Safety

16.4 The proposal is considered acceptable in terms of highways safety. The Council’s Highways Team have indicated that they have no objection to the proposed replacement displays. To ensure safety of road users they have recommended conditioning to ensure that advertising is static, has no moving parts, no flashing lights, no animation, no reflective material and no images that could lead it to be confused with any formal road signs. This matter will be conditioned on any consent granted.

17.0 Conclusion

The proposed advertising banner is considered acceptable as it would not harm residential amenity or visual amenity, and would not impact on highway safety, as conditions will be applied to ensure the advertising would not cause distraction.

18.0 Recommendation

Grant subject to the following conditions:

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

TQRQM24103113811852 V01 Location and Block Plan

Proposed banner

01 V01 Banner Elevation Dimensions

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

2. The permitted advert must be static, have no moving parts, no flashing lights, no animation, no reflective material and no images that could lead it to being confused with a formal road sign.

Reason: To prevent possible distraction and confusion to drivers.

3. No associated external lighting and/or floodlighting shall be installed at the site.

Reason: To ensure that drivers aren't dazzled or distracted by the light, and that there is no harm to residential amenity.

4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. No advertisement shall be sited or displayed so as to; a) danger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c) hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informative Notes:

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.

This page is intentionally left blank

Application Number:	P/FUL/2023/02429
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Part Of Tout Quarry Priory Road Portland
Proposal:	Enhancement of existing aggregates pathway in the Tout Quarry Sculpture Park & Nature Reserve with geological interpretation spaces & erection of Portland stone archway to be relocated from Grade II listed building at 81 Fleet Street, London.
Applicant name:	The Portland Sculpture And Quarry Trust
Case Officer:	Robert Parr
Ward Member(s):	Cllr Huges, Cllr Kimber and Cllr Roper

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

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

- Would enhance and not harm character and appearance of the area.
- Acceptable impact on highway.
- No adverse impact on European Protected Site or wildlife and habitat.
- No significant adverse harm to Portland Area of Archaeological Potential.
- No unacceptable risk from contamination.
- No significant adverse impact on amenity.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>Outside the defined development boundary Local Plan Policy SUS2 sets out that development will be strictly controlled, but it does allow for tourism, educational/training, recreation, or leisure related development subject to the detailed considerations of other policies in the adopted local and neighbourhood plans.</p> <p>Therefore, as the proposed development is considered to be tourism, educational/training, recreation, or leisure related development, subject to further assessment against the limitations set out in the local and neighbourhood plans, the principle of development is accepted under Policy SUS2.</p>

Impact on character of area	The design would be in keeping and would enhance the character of the area.
Highway Safety	No significant adverse impact on highway or traffic movement.
Wildlife and Habitat	Within 5km of Chesil Beach and the Fleet European Protected Site. Proposals are not considered to have a significant adverse effect on the integrity of the designated site. Application supported by a NET Approved Biodiversity Plan. Ground nesting birds' mitigation required through planning condition.
Area of Archaeological Potential	No significant adverse harm.
Contaminated land	Would not result in an unacceptable risk from contamination.
Amenity	Acceptable impact.
Response to Other Issues Raised	Other issues raised have been satisfactorily addressed.

5.0 Description of Site

The application site is located on the north west plateau of Portland and approximately 75m south west of the Portland Heights Hotel. Pedestrian access to the site can be achieved at the northern end of the site from Wide Street and Vehicle access and car parking accessed from Tradecroft to the south. There are numerous other pedestrian access/routes to the site by virtue of the public rights of way that crisscross the site. The existing site is a Quarry Sculpture Park and Nature Reserve offering visitors free and open access to a mix of art, natural history, ecology, geology and quarrying heritage.

The application site is outside the Defined Development Boundary, is not within the Dorset Area of Outstanding Natural Beauty, is not in a Conservation Area, is not a Listed Building or considered to be within the setting of the Grade II Listed Bridge in Touts Quarry. The site is in an area recorded as having a low probability of flooding. The site is within the Portland Area of Archaeological Potential (includes whole island), part of the site is within a Site of Special Scientific Interest (SSSI), Historic Landfill Contaminated Land (Tradecroft Estate) and Public Rights of Way (ROW) cross the site.

6.0 Description of Development

The proposed development is to carry out enhancement of the existing aggregates pathway in the Tout Quarry Sculpture Park & Nature Reserve, the addition of geological interpretation spaces and the erection of a Portland stone archway to be relocated from the Grade II listed building at 81 Fleet Street, London. The proposals would also include environmental improvements by clearing invasive species of plants (buddleia, cotoneaster, brambles), creating new habitats & micro-climates using waste

stone to encourage indigenous species including south facing slopes flora & fauna, creation of temporary rainwater pools for vertebrates including lizards and birds, the reinstatement of artifacts of geological and historical importance from Portland's quarrying heritage and interpretive letter cutting into the path or seating blocks.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
WP/15/00001/FUL	The development of a new sculpture/interpretation area for Tout Quarry with the formation of a new pedestrian access off Wide Street into the top of Tout Quarry, opposite the Heights Hotel	Granted	11/05/2015
09/00102/FUL	Creation of new car park	Granted	01/07/2009
01/00126/FUL	Sculpture park including 2 workshop areas	Granted	14/08/2001
99/00062/FUL	Construct open scaffold structure and covered shelter with screeded floor	Granted	24/03/1999
95/00473/FUL	Formation of access tracks and parking area	Granted	07/12/1995

8.0 List of Constraints

Land Outside Defined Development Boundaries

Portland Neighbourhood Plan; Status 'Made' 22/06/2021

Grade: II Listed Building: BRIDGE IN TOUTS QUARRY AT NGR SY 685 727 List Entry: 1281839.0; - Distance: 24 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Area of Archaeological Potential; Portland

Right of Way: Footpath S3/95; - Distance: 33.76

Right of Way: Footpath S3/55; - Distance: 0

Right of Way: Footpath S3/100; - Distance: 0

Key Employment Site; Tradecroft Industrial Estate, Portland

Historic Landfill Site: Landfill Site at Wide Street Depot, Portland

Minerals and Waste Safeguarding Area

Contaminated Land – Historic Tradecroft Landfill Site at southern end of access track within application site.

Nutrient Catchment Areas

Portland Quarries Nature Park

SNCI Varied site with rich calcareous grassland; Portland Heights

Dorset Wildlife Trust Reserve: Tout Quarries

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 3000.56

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 438.36

Site of nature conservation interests (SNCIS): SY67/018 - Portland Heights; - Distance: 0

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 20.75

9.0 Consultations

All consultee responses can be viewed in full on the website. Two phases of consultation were carried out, one in October 2023 and again in February 2024 due to an amended location plan that included access to the site from Tradecroft.

Consultees

1. Natural England

No objection - The location for the proposal lies outside the Isle of Portland SSSI and also avoids land which has been identified as supporting habitat for the Isle of Portland to Studland Cliffs SAC.

Although the application site lies near the SSSI boundary Natural England is satisfied the proposals are unlikely to harm SSSI interests.

2. Ramblers Association

No response received.

3. Dorset Wildlife Trust

Insufficient information has been provided to allow assessment of impacts.

Part of the application boundary lies within the DWT Reserve. DWT need to be sure work carried out is done safely and with provision for future maintenance. DWT seek assurances that adequate Risk Assessment (including visitor safety) and onward maintenance plans will be provided.

No mitigation measures have been provided for the potential impact of the work on nesting birds. Scrub clearance work must be undertaken outside the nesting season (March – August inclusive). If this is not possible, then a breeding bird check must be undertaken, and clearance is undertaken under ecological supervision. If evidence of breeding birds is discovered during scrub removal operations, work must cease until the nest is no longer active.

DWT has been named within the submitted Biodiversity Plan as taking partial responsibility for the scrub management work but there has been no discussion with us regarding this aspect of the proposed work in association with this planning application. As the application needs to deliver enhancement that is additional to the existing ongoing management work on the site, it is essential that a suitable agreement is made to ensure that this can be resourced prior to planning approval being granted.

Any work carried out under this proposal would need to meet conditions set out in a Memorandum of Understanding regarding the Sculpture Park area between, DWT and the PQST, with particular reference to management of priority habitat, scrub management and visitor safety.

4. Highways

Due to the existing use, on balance the Highway Authority could not recommend refusal of the application. A condition and informative is recommended.

Dorset Council Bridges and Structures team have requested the applicant submit calculations to substantiate the arch structures stability.

5. Rights of Way Officer

No objection

6. Minerals & Waste Policy

No response received.

7. Archaeology

No response received.

8. Asset & Property

No response received.

9. Portland Ward 1, Ward 2, Ward 3

No response received.

10. Natural Environment Team (NET)

A NET approved Biodiversity Plan has been submitted in support of application.

11. Archaeology

No response received.

12. Building Control Weymouth Team

No comment

13. Portland TC

Support subject to satisfactory comments from Dorset Wildlife Trust and the Highways Officer.

Representations received

Objections – 0

Support – 21

Summary of comments:

- Would provide an educational resource.
- Would enhance tourism offering.
- Would enhance the aesthetic appeal of the quarry.
- Proposal would inspire interest in the next generation of craft people.
- Proposal would help to increase and enhance biodiversity and ecology of the proposed site.

10.0 Duties

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 - section 66 in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

- INT1. Presumption in favour of sustainable development
- ENV1. Landscape, seascape and sites of geological interest.
- ENV2. Wildlife and habitats
- ENV4. Heritage assets
- ENV9. Pollution and contaminated land
- ENV10. The landscape and townscape setting.
- ENV12. The design and positioning of buildings
- ENV16. Amenity
- SUS2. Distribution of development
- ECON2. Protection of key development sites
- ECON5. Tourism attractions and facilities
- COM4. New or improved local recreational facilities.
- COM7. Creating a safe and efficient transport network
- PORT3. Portland Quarry Nature Park

Portland Neighbourhood Plan – 2017-2031 ('Made' 22/06/2021)

- Policy No. Port/EN3 The Portland Quarries Nature Park
- Policy No. Port/EN4 Local Heritage Assets
- Policy No. Port/EN7 Design and Character
- Policy No. Port/ST1 Sustainable Tourism Development
- Policy No. Port/ST3 Tourist Trails

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 '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 beautiful new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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'- Paragraphs 185-188 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. In this instance it is not considered the proposal would impact anyone with a protected characteristic.

14.0 Financial benefits

There would be no direct financial benefits to Dorset Council as a result of this proposal.

15.0 Environmental Implications

Natural England has advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application is for the enhancement of the existing tourism attraction/recreation space and would therefore not create an additional residential unit or holiday accommodation. As such, there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat Regulations.

The application is supported by a NET approved Biodiversity Plan.

16.0 Planning Assessment

Principle of development

Outside the defined development boundary Local Plan Policy SUS2 sets out that development will be strictly controlled, but it does allow for tourism, educational/training, recreation, or leisure related development subject to the detailed considerations of other policies in the adopted local and neighbourhood plans. Furthermore, Local Plan Policy PORT3 sets out that Tout Quarry is allocated as part of the Portland Quarries Nature Park to promote sustainable tourism, management of conservation and heritage interest.

Therefore, as the proposed development is considered to be tourism, educational/training, recreation, or leisure related development, subject to further

assessment against the policies set out in the local and neighbourhood plans, the principle of development is accepted under Policy SUS2 and PORT3.

Impact on character of area

The character of the existing site can be summarised as a former quarry, now a quarry sculpture park and nature reserve offering free visitor and open access to a mix of art, natural history, ecology, geology, and quarrying heritage. According to the Design and Access Statement submitted with the application, the site includes 60 art installations, including art by nationally/internationally known sculptors, such as work by Antony Gormly.

Given the proposal seeks to use Portland stone for the re-located archway, and other features/landscaping, the materials are considered in keeping with the site. By virtue of the design of the proposals it is considered they would be in harmony with the site, would not overpower the site or its setting, would conserve and enhance the local landscape and the tourism attraction, would not harm the Regionally Important Geological and Geomorphologic site and would have wider benefits by enhancing the recreational facility for the local community as well as visitors.

Furthermore, it is considered the proposals would increase the quality and diversity of the tourism offer in the local area, although the scale of the development is not considered to result in a significant increase in vehicle movements or requirement for ancillary visitor facilities, beyond those currently provided.

Given that no alterations are proposed to the vehicular access that runs through the Tradecroft Estate, the proposal is not considered to have an adverse impact on this protected employment site.

Therefore, it is considered the proposals would result in an enhancement to the site and as such are acceptable in terms of design and their impact on the character of the area. As such the proposal is considered to accord with Policies ENV1, ENV10 and ENV12 of West Dorset, Weymouth & Portland Local Plan 2015, and Policy PORT/EN7 of the Portland Neighbourhood Plan 2017-2031.

Wildlife and habitat

The applicants have followed the Dorset Council Biodiversity Protocol and have submitted an NET approved Biodiversity Plan and NET Certificate of Approval, both dated 02/02/2024.

The Dorset Wildlife Trust have highlighted through the application consultation that no mitigation measures have been provided for the potential impact of the work on nesting birds. As such it is considered that a planning condition is reasonable and necessary to ensure the proposed development does not result in harm to nesting birds.

Therefore, subject to conditions requiring the development to be carried out in accordance with the approved Biodiversity Plan and to mitigate the impact on nesting birds, the proposals are considered acceptable in terms of wildlife and habitat impact. As such the proposal is considered to accord with Policy ENV2 of West Dorset, Weymouth & Portland Local Plan 2015.

Impact on Area of Archaeological Potential

The island of Portland is recorded as an area of archaeological potential. However, given no objection or comment has been received from the County Archaeologist and the development would be carried out either above ground or involve excavation of small areas of previously quarried land, it is not considered that the development would have a significant impact on the site's archaeology.

Highways/Access

It is considered that access to the site is well served by existing rights of way, pedestrian footpaths and vehicle access/parking. The Highway Authority has raised no objection due to the existing use, subject to a pre-commencement condition for a Construction traffic management plan to be submitted and approved.

Therefore, subject to agreement to the proposed pre-commencement condition, the proposal is considered acceptable in terms of its impact on the highway and access.

Pollution and contaminated land

A short section of the southern end of the track that is required to provide access to the development site is within an area recorded as historic land fill contaminated land. However, as no development is proposed on this section of land and it is only included within the application site for access, it is considered that the proposal would not result in an unacceptable risk from contamination.

Amenity

Given the significant degree of separation between the application site and residential dwellings, it is not considered the proposal would result in a significant adverse impact on amenity. As such the proposal is considered acceptable in terms of amenity impact.

Other matters

Structural Calculations for Archway

The Design and Access Statement sets out that the proposed re-located Portland Stone Archway would be installed with a structural frame and foundations designed by chartered engineers to ensure it is stable. It is considered that the structural integrity of the proposed archway is covered by other legislation, including but not limited to the Construction (Design and Management) Regulations 2015 and the Health & Safety at Work Act 1974, and as such is not a material consideration in this planning decision.

Health and safety of works

The Dorset Wildlife Trust have raised concerns that the development must be carried out safely and with provision for future maintenance. It is considered that the health and safety requirements in carrying out the proposed development are covered by other legislation and as such this is not a material consideration in the planning decision.

Memorandum of Understanding between Dorset Wildlife Trust (DWT) and the Portland Quarry and Sculpture Trust (PQST)

The DWT have raised concerns that any work carried out under the proposed development would need to meet conditions set out in a Memorandum of Understanding between, DWT and the PQST, with particular reference to management of priority habitat, scrub management and visitor safety. It is considered that this is a private matter between the two parties and as such is not a material consideration in the planning decision.

17.0 Conclusion

The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the Portland Neighbourhood Plan 2017-2031, the policies of the NPPF (2023) and other material considerations. It has been concluded that subject to conditions the development would comply with the West Dorset, Weymouth & Portland Local Plan 2015, the Portland Neighbourhood Plan 2017-2031 and the policies of the NPPF (2023). The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

18.0 Recommendation

Grant permission subject to conditions:

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

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

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

Location plan – Dwg No. PSQT_001 Rev: D

Arch details, Elevation and Plan - Dwg No. PSQT_002 Rev: B

Proposals Plan – Dwg No. PSQT_003 Rev: D

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

3. 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:
 - construction vehicle details (number, size, type and frequency of movement)
 - a programme of construction works and anticipated deliveries
 - a framework for managing abnormal loads
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
 - wheel cleaning facilities
 - vehicle cleaning facilities
 - a scheme of appropriate signing of vehicle route to the site
 - a route plan for all contractors and suppliers to be advised on
 - 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.

4. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 02/02/2024 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.

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

5. Scrub clearance required to be carried for the development hereby approved must be undertaken outside the nesting season of March to August.

Reason: To enhance or protect biodiversity.

Informatives

Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating 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.

Informative Note: Contact Dorset Highways

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

This page is intentionally left blank