



Western and Southern Area Planning Committee

Date: Thursday, 5 September 2024
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

Dave Bolwell (Chair), Neil Eysenck (Vice-Chair), Belinda Bawden, Louise Bown, Simon Christopher, 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.

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Agenda

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

3. MINUTES 5 - 12

To confirm the minutes of the meeting held on 25 July 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 03 September 2024.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- | | | |
|-----------|--|----------|
| a) | Application P/RES/2024/03002 Phases 1C (II) and 1C (III)
Land at Foundry Lea Vearse Farm Bridport
Outline application WD/D/17/000986 was an EIA application and an Environmental Statement was submitted with that application.
Reserved matters approval is subsequently sought for appearance, landscaping, layout and scale for:
"the construction of 136 dwellings, pedestrian, cycle and vehicular links, drainage works, landscaping, and associated infrastructure" | 13 - 54 |
| b) | Application P/FUL/2024/01407 Folly Mill Lodge South Street
Bridport
Replace all existing timber-framed windows with UPVC framed windows. | 55 - 68 |
| c) | Application P/HOU/2024/02253 9 Sea View Portland DT5 1AA
External alterations to include the provision of external insulation and solar panels and replacement doors and windows. | 69 - 80 |
| d) | Application P/HOU/2024/02788 24 Beech Road Weymouth
Dorset DT3 5NP
Proposed addition of first floor storey. | 81 - 92 |
| e) | Application P/VOC/2024/02912 Lyme Regis Industrial Estate
Uplyme Road Lyme Regis
Construction of 13 Storage Units (with variation of condition 2 of Planning permission P/FUL/2023/06865 - amended plan to reposition footprint of storage units). | 93 - 104 |

- f) Application P/FUL/2024/01817 Mobile Home Watery Lane from Tingleton Cross to Junction Woodsford Road Tingleton Dorchester 105 - 124
Replacement of mobile home (former railway carriage) with new dwelling with a detached double garage. Install ground mounted PV panels and ground source heat pump.

6. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

7. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

There is no scheduled exempt business.

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WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 25 JULY 2024

Present: Cllrs Dave Bolwell (Chair), Neil Eysenck (Vice-Chair), Louise Bown, Simon Christopher, Paul Kimber, Craig Monks, Pete Roper, David Shortell and Kate Wheller

Apologies: Cllrs David Northam and Louie O'Leary

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

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer), Megan Rochester (Democratic Services Officer) and Katrina Trevett (Development Management Team Leader)

15. **Declarations of Interest**

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

16. **Minutes**

The minutes of the meeting held on 20 June 2024 were confirmed and signed.

17. **Planning Applications**

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

18. **Application P/LBC/2024/02588 8 Custom House, Custom House Quay, Weymouth, DT4 8BE**

The Development Management Team Leader presented both applications P/LBC/2024/02588 and P/ADV/2024/02643, as they were both relating to the same building on Custom House Quay in Weymouth. It was explained that the applications were for listed building consent and advertisement consent, for a painted mural on the external wall to commemorate the 200th anniversary of the RNLI.

The location of the application site within Weymouth was shown on a map and the end wall where the proposed mural would be located was highlighted. Photographs of the front and side of the grade II listed building were provided,

showing the significance of the building in contributing to the overall character of the area. It was noted that there were a number of designated and non-designated heritage assets in the surrounding area.

The existing and proposed elevations of the side of the building were shown, providing the scale and design of the proposed mural and how it would impact the current look of the building. The Development Management Team Leader explained that in its current state the mural was considered too overbearing in terms of scale, colour, finish and design to be considered acceptable, as the impact on the Weymouth Town Centre Conservation Area (not being preserved or enhanced) and the overall character of the area would be too significant.

Photographs of other murals in the surrounding area were also provided, with special attention being brought to one of a similar scale on a building nearby, however the design was more subtle and it was not painted onto a listed building.

It was explained that in its current form, the applications for both the Listed Building Consent and Advertisement Consent were considered unacceptable due to the size and design of the mural and the impact on the listed building and character of the area.

Public representation was received from Mr Miell and Mr Stonham, who both spoke in support of the application as representatives of the RNLI. They explained the positive impact that the mural would have on raising awareness for the RNLI and increasing donations to the charity. They also spoke about the large amount of public support for the mural and the positive feedback they had had from members of the public.

In response to questions from members, the Development Management Team Leader stated that the mural is considered unacceptable in its current form and conditioning the lifespan of the mural would not change the recommendation. Also, should the committee be minded to approve the application, then they would be able to condition a maintenance schedule, to ensure the murals upkeep.

Having had the opportunity to discuss the merits of the application, several members expressed support for the mural and gave the view that the mural caused less than significant harm to the area, whilst acknowledging the mural would also help to support the RNLI. It was also expressed that Weymouth Town Council were in support of the application and there was not an objection from the Conservation Officer.

The meeting adjourned at 10:47 – 10:59 to allow officers to draft conditions for the approval of the application.

Members were presented with the list of draft conditions that would be added should they vote to grant the application.

It was considered that the public benefits of supporting the RNLI, as a national life saving charity, outweighed the less than substantial harm that would be caused to the character of the area and the listed building.

Proposed by Cllr Wheller 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.

19. **Application P/ADV/2024/02643 8 Custom House, Custom House Quay, Weymouth, DT4 8BE**

Proposed by Cllr Wheller 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.

20. **Urgent items**

There were no urgent items.

21. **Exempt Business**

There was no exempt business.

Decision List

Duration of meeting: 10.00 - 11.08 am

Chairman

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Western & Southern Area Planning Committee 25 July 2024 Decision List

Application: P/LBC/2024/02588

Site Address: 8 Custom House, Custom House Quay, Weymouth, DT4 8BE

Proposal: External works for a painted mural on building's east elevation to commemorate the RNLI's 200th Anniversary.

Recommendation: REFUSE

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

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:

1559/01 Location Plan

1559/02 Existing and Proposed East (side) Elevation

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

3. Prior to works commencing, a maintenance scheme/schedule of the mural hereby granted, shall be submitted to and approved in writing by the Local Planning Authority. This will include monitoring timescales. Thereafter, the development shall proceed and be maintained in accordance with the approved details.

Reason: To preserve visual amenity and the character, appearance and setting of designated and non-designated heritage assets.

4. Prior to commencement of painting of the mural, the type of paint and colour paint charts to confirm the intended paint colours shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved details and retained with such type/colours as agreed.

Reason: To preserve visual amenity and the character, appearance and setting of designated and non-designated heritage assets.

5. Prior to commencement of painting of the mural, details of a plaque providing public interpretation of the mural which shall include details of location, scale, materials, means of attachment to the building and colour of the plaque, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plaque shall be erected prior to completion of the mural and shall thereafter be retained.

Reason: In the interests of the character and appearance of the listed building.

Application: P/ADV/2024/02643

Site Address: 8 Custom House Custom House Quay Weymouth DT4 8BE

Proposal: Painted mural on building's east elevation to commemorate the RNLI's 200th Anniversary including 'RNLI logo and flag'.

Recommendation: REFUSE

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

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

1559/01 Location plan

1559/02 Existing & Proposed East (side) Elevation

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

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Prior to works commencing, a maintenance scheme/schedule of the mural hereby granted, shall be submitted to and approved in writing by the Local Planning Authority. This will include monitoring timescales. Thereafter, the development shall proceed and be maintained in accordance with the approved details.

Reason: To preserve visual amenity and the character, appearance and setting of designated and non-designated heritage assets.

8. Prior to commencement of painting of the mural, the type of paint and colour paint charts to confirm the intended paint colours shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved details and retained with such type/colours as agreed.

Reason: To preserve visual amenity and the character, appearance and setting of designated and non-designated heritage assets.

9. Prior to commencement of painting of the mural, details of a plaque providing public interpretation of the mural which shall include details of location, scale, materials, means of attachment to the building and colour of the plaque, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plaque shall be erected prior to completion of the mural and shall thereafter be retained.

Reason: In the interests of the character and appearance of the listed building

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Application Number:	P/RES/2024/03002
Webpage:	<p>The planning application documents for P/RES/2024/03002 are available here: LINK</p> <p>The Design Code can be viewed via the following links:</p> <p>BackgroundCommitteePaperBridportDesignCodePart1.pdf (dorsetcouncil.gov.uk)</p> <p>BackgroundCommitteePaperBridportDesignCodePart2.pdf (dorsetcouncil.gov.uk)</p>
Site address:	Phases 1C(II) and 1C(III) Land at Foundry Lea Vearse Farm Bridport
Proposal:	<p>Outline application WD/D/17/000986 was an EIA application and an Environmental Statement was submitted with that application.</p> <p>Reserved matters approval is subsequently sought for appearance, landscaping, layout and scale for:</p> <p>"the construction of 136 dwellings, pedestrian, cycle and vehicular links, drainage works, landscaping, and associated infrastructure"</p>
Applicant name:	Barratt David Wilson Homes
Case Officer:	James Lytton-Trevers
Ward Members:	Cllr. D. Bolwell; Cllr. B. Bolwell; Cllr. S. Williams

1.0 Reason for committee determination

The application is brought to committee in accordance with the scheme of delegation as there is an objection to the application from the Town Council and the application is for major development.

2.0 Summary of recommendation:

That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement for the approval of reserved matters, subject to the discharge of any outstanding conditions on the outline planning permission (WD/D/17/000986) which are required to be discharged prior to the approval of the reserved matters (conditions 2 for the phasing, 7 for the LEMP, and 39 for floor levels of the dwellings) and subject to planning conditions as set out in this report.

3.0 Reason for the recommendation:

- The proposed development is considered to be of an appropriate appearance, layout and scale, with appropriate landscaping incorporated. As such, the proposed

development is considered to be in accordance with local and national policy objectives.

- The appearance of the housing, with three of the five distinctive character areas, would respond to the appearance of housing in Bridport.
- The layout of the housing, movement network, drainage and affordable housing would meet the requirements necessary for the scheme to function and integrate with Bridport.
- The landscaping would conserve and enhance the AONB, biodiversity and existing trees and hedges and provide appropriate new planting.
- The scale would be appropriate to the characteristics of the site including the lie of the land and location within it.
- The proposal would comply with the West Dorset, Weymouth & Portland Local Plan, the Bridport Area Neighbourhood Plan and the National Planning Policy Framework (NPPF).
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle	The principle was established in the granting of outline planning permission where means of access, parameter, Green Infrastructure and Scale and Density plans formed the approved documents.
Appearance	The appearance of the proposals would be acceptable and would comply with LP policies ENV10 and ENV12 and BANP policy D8 and the requirements of the NPPF.
Landscaping	The Landscape Environmental Specification & Management Plan is considered to be acceptable and would deliver appropriate landscaping, biodiversity enhancement and conserve and enhance the AONB. It complies with LP Policies ENV1, ENV2 and ENV10, BANP policies L1 and L2 and the requirements of the NPPF.
Layout of housing	The details of the layout of the buildings in each character area would be acceptable and comply with LP policies ENV4, ENV10, ENV11, ENV12, ENV16, BANP policies D6 and D8 and the requirements of the NPPF.
Layout of roads, footpaths and cycle paths	The proposed layout would enhance connectivity, providing safe and convenient

	access for pedestrians, cyclists and motorists. It would promote more sustainable means of travel through walking and cycling. The proposed layout would comply with LP Policies ENV11, COM7 & COM9 and BANP Policies D3, AM1, AM3 & H6 and the requirements of the NPPF.
Layout of foul and surface water drainage	The layout of the drainage strategy details submitted for the site are acceptable and would comply with LP policy ENV5 and BANP policy D5 and the requirements of the NPPF.
Layout of affordable housing	The layout of the affordable housing for the site are acceptable and would comply with LP policy HOUS1 and BANP policies H2 and H7 and the requirements of the NPPF.
Scale	The proposal would be of an appropriate scale making efficient use of land and would comply with LP policies ENV12 and ENV 15 and BANP Policy D5 and the requirements of the NPPF.
Other matters	The houses would meet current and future energy standards and there would be a variety of house sizes available. Construction would benefit employment .

5.0 Description of Site

5.1 The application site comprises a number of open fields to the west of Bridport town centre and the Bridport Area Conservation Area. It is within the Dorset Area of Outstanding Natural Beauty and allocated within the Local Plan for mixed development. The farmland formed part of Vearse Farm, which includes a grade II listed farmhouse and boundary walls. There are a number of buildings within the farmstead. The application site for this reserved matters application only measures approximately 5.1 hectares. The land was mainly agricultural divided into fields by hedgerows and some trees.

5.2 The site is south of West Road which currently provides the only access into the site down a straight farm track which leads southwards towards the farm buildings and the new accesses are currently being made. A number of public rights of way cross the site.

5.3 The wider site covered by the outline permission (WD/D/17/000986) adjoins the A35 to the west and the B3162 West Road to the north.

5.4 The land is within flood risk zone 1 excepting for the road crossing the River Simene which flows through north of the site.

5.5 The land rises from north to south where the topography is varied. The highest point of the site is c.36AOD (to the south) and the lowest point is c.7AOD in the north-eastern edge of the site. The gradients in the eastern, south-eastern and western areas of the site are gentle and in the central and southern areas of the site steeper.

6.0 Description of Development

6.1 This reserved matters application only covers a small part of the residential element of the scheme. The extant permission, which consists of the outline planning permission, reserved matters approval and subsequent approval of a S73 application. (application P/RES/2021/04848 as amended by Section 73 application P/VOC/2023/06334) grants permission for 760 dwellings and includes this application site. The northern parcel of development that includes a local centre, employment uses, and a care home does not form part of this application. In addition, there are no proposals in this application for the self-build dwellings, play areas, allotments, orchard, playing field, mains sewer connection to Magdalen Lane and a sewage pumping station, other attenuation basins, other landscape features, the road layout or the main accesses, as these have already been approved under the extant permission and are not within the application site.

6.2 Although this is a new application for reserved matters, it is important to note that it is for a small area of the housing (not the full area the subject of the existing applications referred to in the above paragraph), seeking small changes to that already approved. The layout is almost identical to the extant permission with only subtle changes to the position of a few plots and changes to some house types, with the road network and drainage features mostly unaltered.

6.3 The proposals would comprise of the following:

All Housing

136 dwellings containing 87% housing and 13% flats:

Open market Housing

88 dwellings built in 22 different house types:

2 Bed	8
3 Bed	33
4 Bed	42
5 Bed	5

Affordable housing

48 dwellings built in 5 different house types:

1 Bed	12
2 Bed	25
3 Bed	11

This equates to 35.3% affordable housing.

64.5% rented units (31 dwellings) and 35.5% shared ownership (17 dwellings) are proposed.

Landscaping

One area of landscaped open space would be located adjacent to Magdalen Farmhouse (identical to that approved under the extant permission).

Access & Parking

Only one side of the east-to-west cycle/pedestrian routes (5m segregated).

Only part of two North-to-south cycle/pedestrian routes (3m).

371 parking spaces mostly within plots or garages/car ports:

On Plot Parking	139
On Street Parking allocated	41
Garage Parking	56
Car Port	24
Parking Court allocated	55
Parking court shared visitor	5
Visitor on Street	51

Electric vehicle charging points for dwellings consistent with Part S of the Building Regulations.

Cycle parking for each dwelling, either in rear gardens or garages.

Bin/recycling stores.

Foul and surface water

One attenuation feature for surface water near West Road (it is identical to the extant permission).

Energy efficiency

The energy efficiency of the dwellings would need to comply with current Building Regulations. Dwellings would have 3443 m² roof mounted PV panels and passive design measures. Electric vehicle charging within plot parking.

7.0 Relevant Planning History

WD/D/17/000986 Decision: GRANTED Decision Date: 02/05/2019

Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links.

The Outline permission was granted with all matters reserved except for means of access. The vehicular access to the site was to be fixed via two new junctions with West Road (B3162). The easternmost of these would be positioned opposite no. 3 West Mead and the westernmost would be positioned opposite the access to Symondsburry Estate Business

Park. The reserved matters would be only for layout, scale, appearance and landscaping. The permission was subject to conditions and a Section 106 Agreement.

In summary the outline permission secured the following through conditions and a s106 Agreement:

Affordable housing provision

Provision of primary school

Junction improvement to Miles Cross (A35)

Traffic calming facilities on the B3162

Traffic calming associated with the new footway/cycle access to Magdalen Lane

Minor improvement at the mini-roundabout junction of the B3162 West Allington/North Allington junction

Upgrade and improvement of the existing Public Footpath linking Magdalen Lane to the Town Centre via the Dreadnought Trading Estate to a public Bridle path for the use of pedestrians and cyclists.

The creation of pedestrian/cycle links to Pine View and Coronation Road

Employment – minimum 4 ha of land allocated for employment uses.

Local infrastructure provision - including 22 ha made up of outdoor sports pitches, play facilities, allotments, and public open space; local centre; care home; drainage works; and strategic landscape planting.

Strategic landscape planting and hedgerow replacement

Upgrade of facilities at Bridport Medical Centre

The planning conditions, in brief, covered the following matters:

1. Five approved plans for the location, priority junction layout from the B3162, Parameters, Green Infrastructure and Scale & Density;
2. Approval of a Phasing plan;
3. The matters to be reserved being layout, scale, appearance and landscaping;
- 4 – 5. The reserved matters be made within 10 years of the outline and commencement within 2 years of approval of each reserved matter;
6. Approval of a Design code;
7. Approval of a Landscape Environment Management Plan;
8. Approval of a Highways layout based upon the principles in the approved “KEY PRINCIPLES: ACCESS AND MOVEMENT contained within the Vearse Farm Masterplan;
- 9-11. A scheme of tree protection, landscaping and planting;
12. Not exceeding 760 dwellings;
13. No less than 4 hectares of employment land for the provision of Use Classes B1, B2 and B8 industrial uses; a mixed use local centre of Use Classes A1, A2, A3, A4, A5, B1, C3 and D1; a serviced site of 2 ha to provide a new, one-form entry, primary school with associated

grounds, playing fields and parking, with the site sized to accommodate a 2-form entry school (Use Class D1); and, a 60-bed residential care home (Use Class C2).

14. A care home;
- 15-16. Employment buildings and approved uses (B1, B2 and B8) to ensure that the B2 and B8 uses are buffered by other buildings;
17. Broadband provision;
18. Eastern Access provision;
19. Western Access provision before 300 dwellings occupied;
20. Construction Traffic Management Plan;
21. Highways Detail for layout, turning and parking areas;
22. Travel Plan;
23. Cycle Parking Facilities;
- 24-26. Miles Cross junction improvement; Walking, Cycling and Horse Riding Assessment and Review (WCHAR) for the Miles Cross junction;
- 27-29. Land contamination;
30. Archaeology;
31. Magdalen Lane link;
32. Pine View link after 400 occupied;
33. Multi-Use Games Area (MUGA) after 400 dwellings occupied;
34. Neighbourhood Equipped Area for Play (NEAP) after 400 dwellings occupied;
35. Locally Equipped Area for Play (LEAP) after 200 dwellings occupied;
36. Second Locally Equipped Area for Play (LEAP) after 500 dwellings occupied;
37. Woodland Play Trail after 500 dwellings occupied;
38. Access roads crossing Flood Zones 3 & 2 (the floodplain) and the compensatory floodplain storage scheme in accordance with the Flood Risk Assessment (Brookbanks, Ref: 10006/FRA/01, Rev. 2, dated 28 March 2017) before reserved matters.
39. Finished floor levels;
40. No general storage of any materials including soil, no raising of ground levels, no Sustainable Drainage System features, or erection of buildings / structures within the floodplain (Flood Zones 3 and 2);
41. Surface water management scheme;
42. Strategic surface water management scheme;
43. Surface water sustainable drainage scheme;
44. Foul drainage disposal scheme;
45. Foul Water drainage strategy;
46. Each dwelling or building before it is occupied served by a properly consolidated and surfaced footway and carriageway;
47. Means of vehicular access to the residual part of the allocated site to the east (Land adjacent to Coronation Road/Pine View) and the site boundary;

The section 106 Agreement, in summary, makes obligations for:

- 35% of the dwellings to be affordable with 70% of those being affordable rented and 30% shared ownership.
- Self-build land
- Provision of allotments
- Provision of employment land, including affordable employment land.
- Marketing of local centre.
- Provision and delivery of a sports pitch scheme.
- Provision of 2 locally equipped areas of play, a neighbourhood equipped area of play and a multi-use games area.
- Provision of open space
- Submission and implementation of landscape environment management plan.
- Hedgerow payments
- Bridport leisure centre payment
- Healthcare provision payment
- Continuation link
- School site and its transfer to the Council.
- Education contribution payment.
- Miles Cross junction works.
- B3162 contribution.
- New footway/cycle access traffic calming works
- Mini roundabout minor improvement works
- Existing public footpath improvement contribution.
- Biodiversity compensation payment.
- Surface water drainage scheme.

The development was “EIA development” for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the latest EIA Regulations that came into force on 16th May 2017. The application was accompanied by an Environmental Statement (ES).

A Master Plan accompanied the application, but it was neither an approved plan nor referred to in the decision notice or Section 106 Agreement.

P/FUL/2021/01895 Decision: GRANTED Decision Date: 14/12/2021

Construction of a pedestrian/cycle link between Pine View and the Vearse Farm development (granted outline planning permission in May 2019 under planning reference WD/D/17/000986)

P/NMA/2021/05028 Decision: GRANTED Decision Date: 14/3/2022

Amendment to Outline Planning Permission reference WD/D/17/000986 to increase the footway on the western side of the western access to 3m.

The following two applications, P/RES/2021/04848, as amended by Section 73 application P/VOC/2023/06334 comprise the extant permission referred to in the report.

P/RES/2021/04848: Decision: GRANTED Decision Date: 15/06/2023

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

P/VOC/2023/06334: Decision: GRANTED Decision Date: 29/01/2024

Construction of 760 dwellings, public open space (including play space and landscape planting), allotments, an orchard, sports pitch provision, with associated changing rooms and car parking, pedestrian, cycle and vehicular links, drainage works and associated infrastructure (Reserved matters application to determine appearance, landscaping, layout and scale following the grant of Outline planning permission number WD/D/17/000986) - Amended scheme (With variation of conditions 1 & 9 to amend drainage arrangement)

Applications for the discharge of the following conditions of the outline permission WD/D/17/000986 are currently under consideration (these conditions are required to be discharged before approval of the reserved matters now for consideration):

Condition 2 for approval of a revised phasing of the development;

Condition 7 for approval of a revised Landscape Environment Management Plan (LESMP); and,

Condition 39 for approval of revised floor levels.

8.0 List of Constraints

Within defined development boundary.

Grade: II Listed Building: MAGDALEN FARM HOUSE List Entry: 1228712.0 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Bridport Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990) (Distance: 85.38m)

Landscape Character; Undulating River Valley; Brit Valley

Landscape Character; urban area; Bridport

Area of Outstanding Natural Beauty (AONB) (also called a National Landscape); Dorset (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Tree Preservation Order - (WDDC/967)

Footpath W18/3

Footpath W18/2

Footpath W18/4

Footpath W3/9

Footpath W18/5

Areas Susceptible to Groundwater Flooding

Agricultural grade: Grade 3a

Agricultural grade: Grade 3b

SSSI impact risk zone

Tertiary River

Secondary River

Primary River Simene

Flood Zone 3

Flood Zone 2

Contaminated Land

Agreement under Section 106 Agreement of the Town and Country Planning Act 1990 (WD/D/17/000986)

9.0 Consultations

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

Consultees

9.1 National Highways – No comment.

9.2 Sport England –No comment.

9.3 Environment Agency – No comment.

9.4 Historic England - No comment.

9.5 Wessex Water – No comment.

9.6 Dorset Gardens Trust – No response.

9.7 Dorset Wildlife Trust – No response.

9.8 Dorset Clinical Commissioning Group – No response.

9.10 Dorset Police - Crime Prevention Design Engineers – No response.

9.10 Dorset Fire & Rescue – comment Would need to comply with building regulations to improve safety

9.11 Dorset Council – Landscape - No objection

9.12 Natural Environment Team –No objection

- An EclA in support of the application has not been submitted to NET for review under the DBAP.

9.13 Flood Risk Manager –No objection

- Conditional of Surface water management and maintenance

9.14 Rights of Way Officer – No objection

9.15 Highways –No objection

- Conditional of visibility splays.
- The proposed layout matches the one agreed to in application P/RES/2021/04848.
- The parking spaces shown on the submitted plans near the showroom should only be temporary in nature and removed when the showroom is no longer in place.

9.16 Waste – Comments

- A number of properties have to wheel bins a significant distance to the collection point.
- The majority of bins should be presented for collection at a point where the collection vehicles can access.
- The ability of the collection vehicles to access and/or turn in some areas within the proposed development due to cars parking in the road.
- The grassed verge between the pavement/footway and the road encourages individuals to wheel bins over the grassed verge. This design also makes it difficult to clean the pavement/footway.

9.17 Conservation Officer – No comment.

9.18 Trees - No response.

9.19 Urban Design – No response.

9.20 Housing Enabling Team - Housing Need – No objection

- Over the whole site there will be 70% rented homes and 30% shared ownership. This section of the site slightly under provides on rented homes but this will be made up on the other sections of the development.

9.21 Dorset AONB Team –No objection.

9.22 Public Health – Comments

- Minimum space standards should be met.
- Drying areas recommended.
- Category 2 dwellings should be provided.
- Support additional 7 dwellings and that the affordable dwellings are spread out.
- EV charging for other vehicles aside from cars.
- Public open spaces are well designed.

9.23 Economic Development and Tourism – No comment.

9.24 Dorset Council – Public transport – Comment

- s106 contributions to improve bus stopping arrangements on the B3162 outside the development, and possibly in the Bridport bus station (300metres away by footpath) to cater for the increased use of bus travel.

9.25 Env. Services – Protection – No adverse comment.

9.26 Building Control West Team - No comment.

9.27 Outdoor Recreation – No response.

9.28 Economic Development & Tourism – No response.

9.29 Planning Policy – No response.

9.30 Bridport Ward Members– No response

9.31 Symondsburry Parish Council –Object

- The affordable does not accord with the 70/30% split;
- More 1 and 2 bed flats than before;
- There is no category 2 provision;
- Affordable not pepper potted;
- The main loop road does not appear to be completed in this first phase and that the eastern access will be used by construction, services and residents.

9.32 Bridport Town Council – Object

- To be considered by Dorset Council's Planning Committee.

- Request that comments on the previous application P/RES/2021/04848 and changes in guidance since that application received approval, be taken into account and in particular:
- The publication by Dorset Council in December 2023 of new guidance on planning for climate change. Consequently, this application must seek to minimise both embodied and operational carbon emissions from the proposed new housing development.
- The material palette remains traditional, carbon intense concrete, render, brick and re constituted stone.
- BANP Policy CC2 specifically asks for development to “exceed” target emissions rates in Part L 2013 standards.
- The applicant to rethink how best to provide low carbon energy solutions. This could include considering community energy solutions, micro grids and working with the Bridport Energy Club.
- The Bridport Area Neighbourhood Plan (BANP) and the associated Housing Needs Assessment (HNA), identifies a need for social rent housing and work by AECOM on life cycle modelling points to a shortfall of 1 and 2 bed properties.
- To address affordability in the Bridport area (BANP Policy H1) it would be preferable to see inclusion of more social rented housing.
- The emerging Dorset Council Local Plan proposes that 20% of new homes be built to M4(2) accessible and adaptable dwellings standards.
- Support the proposed condition submitted by Dorset Council’s Flood Risk Management Team and that the EclA has not been approved by Dorset Council’s Natural Environment Team.

Representations

From an individual, Bridport Local Area Partnership and Advearse

3 Comments:

Numbers in brackets denote number who have commented.

Should incorporate sustainable measures (2)

Dust from construction traffic (1)

10.0 Development Plan - Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

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

circumstances indicate otherwise. The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV 16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- HOUS1 - Affordable housing
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and houses in multiple occupation
- COM1 - Making sure new development makes suitable provision of community infrastructure
- COM4 - New or improved local recreational facilities
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The provision of utilities service infrastructure
- BRID 1 - Land at Vearse Farm

Neighbourhood Plans

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

- CC1 Publicising Carbon Footprint
- CC2 Energy and Carbon Emissions
- AM1 Promotion of Active Travel Modes
- AM3 Footpath and Cycle path Network
- AM5 Connections to Sustainable Transport
- H1 General Affordable Housing Policy
- H2 Placement of Affordable Housing
- H4 Housing Mix and Balanced Community
- H6 Housing Development Requirements
- HT2 Public Realm
- L1 Green Corridors, Footpaths, Surrounding Hills and Skylines
- L2 Biodiversity
- L5 Enhancement of the Environment

- D1 Harmonising with the Site
- D2 Programme of Consultation
- D3 Internal Transport Links
- D5 Efficient Use of Land
- D6 Definition of Streets and Spaces
- D7 Creation of Secure Areas
- D8 Contributing to the Local Character
- D9 Environmental Performance
- D10 Mitigation of Light Pollution
- D11 Building for Life

Material Considerations - National Planning Policy Framework (NPPF)

Relevant NPPF sections include:

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- 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 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). 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).

National Planning Practice Guidance

Other material considerations

Supplementary Planning Documents/Guidance-
Dorset AONB Landscape Character Assessment
Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)
Landscape Character Assessment February 2009 (West Dorset)

Planning for climate change. Interim Guidance and Position Statement December 2023

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Conservation Area Appraisals:

Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010). The Bridport Conservation Area was first designated in 1972 and was centred on the historic core of the town. It has subsequently been extended four times, the last occasion being in October 2010, when the latest Conservation Area Appraisal which included a westward extension of its boundary was adopted by the District Council.

Emerging Dorset Council Local Plan:

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

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

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

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

Consultation on the Proposed reforms to the National Planning Policy Framework and other changes to the planning system and the “National Planning Policy Framework: draft text for consultation. Being at a very early stage of consultation, this should be accorded very limited weight in decision making.

The Secretary of State’s written ministerial statement entitled “Building the homes we need”. This is to support the delivery of affordable homes: removing the prescriptive requirements that currently tie local authorities’ hands with respect to particular types of home ownership products, and allowing them to judge the right mix of affordable. It can be afforded more weight than the consultation on the National Planning Policy Framework.

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 three 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 particular;

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated (off road footpath links, widening of roads, crossing points).
- Access; there will be footpath and cycleway links to Bridport town centre. Gradients of 1 in 12 or less can be achieved with the site.

- Health Care; a contribution to additional health care provision is being sought through the s106 (secured at outline planning permission stage).
- Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

-

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	48 dwellings
Non-Material Considerations	
Council Tax	According to value of each property
CIL	Zero rated

14.0 Climate Implications

- 14.1 The proposal would lead to additional CO² emissions from construction of the dwellings and from the activities of future residents.
- 14.2 The construction phase would include the release of CO² emissions from workers vehicles during the construction process. CO² emission would be produced as a result of the production and transportation of the building materials and during the construction process.
- 14.3 This has to be balanced against the benefits of providing housing in a sustainable location and should be offset against factors including the provision of electric car charging, some photovoltaic panels and the dwellings being energy efficient to building regulations. The previous grant of outline planning permission for 760 dwellings on the site does in some respects assume that climate implications, at least in principle, have already been accepted.

15.0 Planning Assessment

Principle

15.1 The principle of development for this site for the erection of up to 760 dwellings was established by the granting of the outline planning permission. This decision was made as the site formed the substantive part of the BRID1 allocation in the Local Plan which had been subject to a thorough and rigorous examination by an independent planning inspector appointed by government to assess the soundness of the plan. The outline application was supported by a Masterplan and Environmental Statement (ES). This indicated the siting of the 4.0ha employment area on the north-western part of the site. To the south of this area the 2.0ha primary school site and playing fields are proposed to be located with the majority of new residential development (up to 760 dwellings) located on the eastern half of the site closest to existing residential development and the town centre beyond. A new local centre and 60 bed care home are proposed to be located in a central position close to the site's northern boundary, and east of the employment area. There is a ten year window in which to make applications for these reserved matters from the original grant of outline permission on 2/5/2019. It is anticipated that the entire development will take approximately 10 years to build. The areas for the residential development were fixed by the outline permission.

15.2 A description of the outline permission, a summary of the conditions and a summary of the Section 106 Agreement obligations are set out above under the Planning History in Section 7 of this report. Of the conditions which are required to be approved prior to approval of these revised reserved matters, those relating to phasing of the development (condition 2), a Landscape Environment Management Plan (LESMP) (condition 7), and floor levels (condition 39) are yet to be discharged. A Design Code has been approved and this Reserved Matters application is in accordance with the Design Code. The Design Code is included as a Background Paper to this report and can be accessed via the links provided on the first page of this report. The applications for discharge of the other conditions referred to above (conditions 2, 7, and 39) have been subject to negotiation and consultation with relevant statutory consultees as appropriate and a further update on these matters will be provided at the Committee meeting.

15.3 All remaining conditions need to be discharged following the granting of reserved matters. These conditions include agreement of a Construction Transport Management Plan (condition 20) and the Miles Cross junction improvement (condition 24), which are required to be discharged before the development commences and the latter that the development cannot be occupied until the Miles Cross junction improvement is open to traffic (condition 25).

15.4 The outline permission approved three additional plans showing Parameters, Green Infrastructure and Scale & Density which the subsequent reserved matters should be guided by. Taking each of these plans in turn, a summary of what each of these showed is provided below.

The Parameter Plan

15.5 This plan shows the locations for the different land uses: residential in ten blocks, a primary school, employment, a care home, a local centre, a sports pitch, open space and SuDS features including ponds. It also shows the approximate locations for allotments, community food production and children's' play (1 NEAP & 2 LEAPs). Lastly, it establishes access through the site in the form of a loop road, an east west connection, a north south connection and shared cycle and pedestrian links with the town centre. A 'land budget' indicates the areas to be made available for each land use expressed in hectares. The plan is fairly precise in the allocation of the various land uses and thus prescribes the subsequent location of each use and access to it.

The Green Infrastructure Plan

15.6 This plan shows the existing and proposed landscaped areas around and through the site and includes the aforementioned SuDS, allotments, orchard, formal and informal open space, sports pitch and children's' play. It makes provision for strategic new planting as well as retention of some existing trees and hedgerows. It took account of the lie of the land and the location of the various land uses and thus provides a framework for the detail to follow.

The Scale and Density Plan

15.7 This plan shows three scales for the residential parts of the development and divided into the blocks shown on the parameter plan. It is expressed in storeys and height measured in metres for each block: 2 storeys / 9.5m, 2 1/2 storeys / 10.5m, 3 storeys / 12.5m. It also shows the maximum density per block: 25/ha, 35/ha or 45/ha. The plan prescribes that the lower scale housing would be on the higher land, the medium where it abuts the existing edge of the town and the higher scale towards the middle.

15.8 The principle of the development has been agreed, including means of access, and subject to the three plans described above. The current proposal accords with the three plans described above. The current proposal seeks those matters reserved by the outline planning permission relating to appearance, landscaping, layout and scale for some of the residential part of the development only. These matters are taken in turn in the remainder of this report.

Fallback

15.9 It was stated at the beginning of this report that it is important to note that this application is for a small area of the housing, seeking small changes to that already approved. The layout is almost identical to the extant permission with only subtle changes to the position of a few plots and changes to some house types, with the road network and drainage features mostly unaltered. The main differences between the last reserved matters and this proposal are as follows:

There are six different house types.

It is limited to the first phase of 136 units, as required to meet the contractual obligations with the affordable housing provider.

It incorporates some additional parking courts and improvements to the built form.

The dwelling designs have been updated to include compliance with the latest building regulations, including wall thickness, construction method and window openings.

The dwelling designs retain the same approved character and materials strategies as the approved scheme.

All areas outside of the previously approved residential parcels remain unchanged.

15.10 The following diagram makes a comparison between the two, with the repositioned plots shaded in yellow. On the left is as proposed and on the right is what has already been approved.



15.11 Given the similarities between that sought and that already approved, there is considered to be a fallback available to the applicant and that this is a material consideration which carries weight. The council have already approved a very similar scheme and

consider that the proposal would be acceptable for the reasons explained in the report below.

Appearance

15.12 The appearance of the development refers to the design of housing. The Parameter, Green Infrastructure and Scale & Density Plans approved at the outline planning permission stage have already established the position and shape of the residential blocks.

15.13 LP policy ENV10 requires that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings. Policy ENV12 requires development to achieve a high quality of sustainable and inclusive design, in harmony with the adjoining buildings and the area as a whole, the quality of the architecture is appropriate to the type of building and materials are sympathetic to the natural and built surroundings and where practical sourced locally.

15.14 BANP policy D8 requires that new development should demonstrate high quality architecture and seek to maintain and enhance local character. New development should reflect the local building forms and traditions, materials and architectural detailing and enhance the local character.

15.15 The appearance of the dwellings proposed should be derived from characteristics of dwellings, both historic and modern, in Bridport. There are good examples from the urban and sub-urban areas of Bridport. Prominent through routes such as St Andrews Road and Victoria Grove contain gable fronted, semi-detached villas with double height bay windows and contrasting brick details and ornate first floor windows with steeply pitched gables and prominent dormer windows with small, walled front gardens. In DeLeigh Grove, where although streetscape quality is generally of a lower standard, the architecture does exhibit a degree of character with the inclusion of chimneys, robust boundaries and contrasting brick detailing. Finally, North Allington where properties have a more modest scale, with long runs of coloured terraces that step up the hill; with simple arched doorways, multiple chimneys and windows that have a traditional, vertical emphasis. Houses either sit tight to the pavement edge or have small front gardens that are bounded by low walls. In the centre of Bridport, South Street is typified by fine grain terraced housing that have a strong vertical emphasis with features such as arched doorways, multiple chimneys, dormer windows and shallow bay windows. This character informed the Design Code which has been approved under condition 6 of the outline permission.

15.16 Each part of the residential layout would conform to a character area identified in the Design Code. Five character areas are identified: Central Vearse, Core Neighbourhood, Park Edge, Countryside Edge and West Mead. Of these, the revised reserved matters only falls within Central Vearse, Park Edge and West Mead. These character areas were informed by existing development in distinct parts of Bridport. The design of the development in each character area would be different and make for variety and interest.

Central Vearse

15.17 The housing in the 'Central Vearse' area would be 1-2 bed apartments, 2-3 bed terraced, 3-4 bed semi-detached and 3-4 bed detached. Central Vearse reflects the inner urban areas of Bridport, specifically South Street. The description states that it will be varied, colourful and rich with greater architectural detailing and materials applied to reflect

the centre of Bridport. Materials would be varied and include coloured render and brick as well as grey reconstituted stone as an interpretation of the Forest Marble limestone (known as Baunton Stone) which is widely used as squared ashlar bricks in the town.

Park Edge

15.18 The housing in the Park Edge would have 3-4 bed semi-detached and 3-4-5 bed detached houses. Material use, colour and detailing is influenced by the surrounding town where there is a more refined palette of materials better reflecting the sub urban areas of the town and the wider landscaping setting of the river corridor.

West Mead

15.19 The housing in West Mead would be 2-3 bed, 3-4 bed semidetached and 4-5 bed detached houses. Material use, colour and detailing is influenced by the surrounding village character and listed building (Magdalen Farmhouse).

15.20 Overall the proposals show the majority of units having grey or slate effect roof tiles which is more in keeping with the dominant roofing material in the area. The materials have been specified. Conditions would be needed for sample panels, some details of general design and doors and windows to ensure appropriate quality.

15.21 The character analysis of the local area, as defined in the design code, recognises that the surrounding area includes a variety of boundary treatments, that public and private spaces are formally defined; semi-detached and detached properties have large front gardens and some terraced properties front directly onto pedestrian footpaths. This interface between buildings and public realm is important as it creates a positive and robust street scene for occupants and passers-by. Within the proposals buildings along primary routes and those in key locations feature railings and brick walls with railings as front boundary treatments. Many of the larger semi-detached and detached properties have softer planted front boundaries. On more sensitive boundaries where properties front onto hedgerows and open spaces, Cock and Hen stone walls create a softer boundary treatment with low trip rails also being used in some instances. Elsewhere where rear or side boundaries front an open space brick walls are proposed.

15.22 It is considered that the appearance of the development would have variety in its appearance across the three character areas, incorporating appropriate architectural design, reflecting the character and appearance of existing development in Bridport.

15.23 The appearance of the proposals would be acceptable and would comply with Local Plan policies ENV10 and ENV12 and Bridport Area Neighbourhood Plan policy D8 and the requirements of the NPPF.

Landscaping

15.24 The Green Infrastructure plan shows the existing and proposed landscaped areas around and through the site and includes the SuDS, allotments, orchard, formal and informal open space, sports pitch provision and children's' play. It makes provision for strategic new planting as well as retention of some existing trees and hedgerows. It took account of the lie of the land and the location of the various land uses and thus provides a framework for the detail to follow. All of the land is within the Dorset AONB. There is a requirement for a comprehensive scheme of measures designed to mitigate the impact of the development, promote strategic landscape planting, landscaping and biodiversity mitigation measures in respect of habitat creation and promoting the interests of wildlife.

15.25 NPPF paragraph 182 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to these issues. The Countryside and Rights of Way Act 2000 (CROW Act) protects the AONB to conserve and enhance its natural beauty.

15.26 LP Policy ENV1 requires that development which would harm the character, the special qualities or the natural beauty of the AONB will not be permitted. All new development in such areas should take account of the objectives of the AONB Management Plan in maintaining the AONB's special quality and natural beauty by employing appropriate measures to moderate any adverse effects on the landscape. Development should be located and designed so that it does not detract from and, where possible, enhances landscape character. LP policy ENV2 encourages the conservation and enhancement of biodiversity and safeguards protected habitats. LP policy ENV10 requires development to provide for the future retention and protection of trees and other features that contribute to an area's distinctive character and provide sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area.

15.27 BANP Policy L1 requires that proposals must preserve and enhance the natural beauty of the AONB. BANP policy L2 requires development proposals to demonstrate how they will provide a net gain in biodiversity and, where feasible, habitats and species, on the site, over and above the existing biodiversity situation.

15.28 The wider site beyond this application site benefits from mature hedgerow trees and veteran trees, the field boundaries are mature mixed native hedging. The trees are within an Area Tree Preservation Order (TPO 967) protecting the trees elsewhere. The site is outside of the Bridport Conservation Area. The Landscape Environmental Specification and Management Plan (LESMP) sets out details of hedgerow maintenance is to be undertaken. This strategic planting and its implementation is essential in ameliorating the visual impact of the development and views of it from a wider landscape setting.

15.29 The site is screened by surrounding hills which would limit the impact of any development on the wider character and appearance of the AONB. The location on the western edge of Bridport's built-up area means that it would read as an urban extension to the town and visual impacts would therefore be mitigated. The design of the reserved matters (appearance and layout) considered in other parts of this report would be of sufficient quality to minimise the effect of the proposed development on both the western gateway to Bridport and the elevated views from locations such as Quarry Hill, Colmer's Hill and Allington Hill. Clearly these views would be affected for some residents living near the site, but there is no right to a view under the planning system, and it was accepted in granting the outline that it was inevitable that views would be changed.

15.30 There are features of this scheme which would allow some key views or vistas along the streets towards the town centre and surrounding hills. Some streets would be tree lined which would in time break up the appearance of the development. On-plot landscaping would be used to develop the various character areas within the scheme and soften the built form. Frontage parking will be interspersed with tree and hedgerow planting to help reduce its visual dominance. The part of the Loop road within this application would be characterised by formal planting.

15.31 The LESMP includes all the proposed ecological mitigation and enhancement measures, together with any necessary compensation measures for residual biodiversity loss which may occur as a result of the development. It also includes details of the proposed SUDS which can provide important biodiversity enhancements.

15.32 The implementation of this LESMP is an accepted way forward in ameliorating the impact of the development on biodiversity and in promoting the protection and creation of wildlife habitat. Such details including trigger points and the agreed level of biodiversity compensation funding are in the s106 Agreement, whilst the implementation of the LESMP and landscaping the subject of a condition on the outline permission. As set out above in paragraph 15.2, Condition 7 on the outline permission requires approval of the LESMP prior to approval of reserved matters, and a further update on this matter will be provided at the Committee meeting. Conditions 9, 10 and 11 on the outline permission make provision for tree protection, new planting and implementation.

15.33 It is considered that appropriate landscaping can be provided through the LESMP and would deliver appropriate landscaping, biodiversity enhancement and conserve and enhance the AONB. It complies with Local Plan Policies ENV1, ENV2 and ENV10, Bridport Area Neighbourhood Plan policies L1 and L2 and the requirements of the NPPF.

Layout

15.34 This section of the report is divided into three parts: The layout of housing; roads, footpaths and cycle paths; drainage and affordable housing.

The layout of housing

15.35 The layout of the development refers to the position of housing. The Parameter, Green Infrastructure and Scale & Density Plans described have already established the position and shape of the residential blocks.

15.36 Paragraph 135 of the NPPF Section 12 'Achieving well designed places' requires that decisions should ensure that developments are visually attractive as a result of good layout; establish or maintain a strong sense of place, using the arrangement of streets, spaces, [and] building types to create attractive, welcoming and distinctive places to live, work and visit. It requires that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

15.37 LP Policy ENV10 concerns the landscape and townscape setting and requires that new development should maintain and enhance local identity and distinctiveness and be informed by existing character. Policy ENV11 concerns the pattern of streets and spaces and housing should have provision for bins, recycling, drying, cycle parking, mobility scooters, private amenity/gardens and associated storage. Policy ENV12 concerns the design and positioning of buildings and that new developments should be high quality and promote an inclusive design, comply with national technical standards and respect the character of the surrounding area. The position of the building on its site should relate positively to adjoining buildings, routes, open areas, rivers, streams and other features that contribute to the character of the area. Policy ENV 16 concerns amenity and requires that development should be designed to minimise its impact on the amenity and the quiet enjoyment of existing and future residents. Policy ENV4 concerns the impact of development on a designated or non-designated heritage asset. Any harm to the significance of a designated or non-designated heritage asset must be justified where applications will be weighed against the public benefits of the proposal.

15.38 BANP Policy D6 requires that development should create a sense of place by providing a strong sense of enclosure, having regard to building lines and appropriate height to street width ratios, with street trees and other features and not dominant parking

provision. Policy D8 requires development should define and/or soften the transition between areas of different character and reflect the existing grain and pattern of development. BANP Policy D7 requires that development should have main building access at the front, have windows facing areas where surveillance is needed and provide a basic level of privacy at the rear of homes with a sufficient garden depth or orientation and screening to prevent overlooking.

Residential

15.39 Each part of the residential layout would conform to a character area identified in the Design Code. Of the five character areas in the Design Code, only Central Vearse, Park Edge and West Mead are relevant. These character areas were informed by the existing layout of development in distinct parts of Bridport. The layout of the development in each character area would be different and make for variety and interest.

15.40 The layout of the blocks was established by the Parameter Plan and is little changed from the extant permission. Each block would be developed according to the character area defined in the Design Code in which it lies.

Central Vearse

15.41 The housing in the Central Vearse area would be located around part of the loop road that enters and leaves the site from West Road. The layout would comprise higher density urban style of development with buildings on the primary streets in the form of mostly terraced or semi-detached housing with little set back and a more connected building line and small gaps between, which is typical of the layout of buildings in the centre of historic Bridport. Houses would sit tight to the pavement edge, with parking in rear courts and only sometimes with parking in front. Buildings would vary in height stepping up the hill and follow the same building line.

Park Edge

15.42 The housing in the Park Edge would form a continuous band on the northern and eastern edges of the development, facing towards West Road across open space and the river or toward Magdalen Lane across open space. The layout would reflect the transition from the edge of the existing built-up parts of Bridport where housing is generally of a suburban style. The style would be medium to lower density and suburban in style. Housing would consist of informal perimeter blocks, semi-detached and detached, widely spaced, following a curved building line with a set back from the street.

West Mead

15.43 The housing in West Mead forms a short and narrow strip on West Allington which immediately adjoins Magdalen Farm House (Toll House) a Grade II listed building and the Bridport Conservation Area, West Allington and Skilling Sub-Areas. The layout would consist of semi-detached and detached houses forming a single line of buildings with a common building line and set close to the road, but with a gap before the development reaches Magdalen Farmhouse.

15.44 This approach reflects the setting of the listed building and Conservation Area and would be similar in layout to other development in West Allington. The street-front landscaping, typology and the number of dwellings enable public open space next to the Magdalen Farmhouse. The open space to 'West Mead' will draw the development away

from Magdalen Farmhouse. The building frontages should appear recessed back from the building line of Magdalen Farmhouse, which will assist in retaining some of its visual prominence in those westward views. However, this still represents a change to the undeveloped setting of Magdalen Farmhouse. The looser spacing and the quantum do maintain something of a town-countryside transition in the development pattern. However, the introduction of development in this area still diminishes the ability to understand and appreciate the town-edge function of the Toll House, which currently remains preserved in its setting. For these reasons, the layout would result in less than substantial harm to the asset's significance.

15.45 In consideration of the gateway of the Conservation Area and westward views towards Symondsburly, there is a legible sense of town-countryside transition. The setting-back of the dwellings from West Road should ensure that, in longer views from the Conservation Area boundary (near West Gables Close), the distant and elevated rural backdrop will remain perceptible, and Magdalen Farmhouse will remain the prominent element in terminating the view at the bend in the road. For these reasons, the proposals would result in no harm to the Conservation Area's significance.

15.46 The proposals would result in less than substantial harm to the significance of a designated heritage asset; Magdalen Farmhouse, meaning that para. 208 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use). However, this balance needs to take into account the need to give 'great weight' to the asset's conservation, irrespective of the level of harm. The less than substantial harm has been reduced and the test is having regard to the heritage asset against the public benefits of the scheme. The public benefits were counted at outline as weighing in favour of the proposal and those benefits would still be secured. These benefits included the delivery of both market and affordable housing. Therefore, the public benefits of the scheme outweigh the less than substantial harm to the designated heritage asset.

15.47 There is one point where the site boundary and Conservation Area boundary meet. This is the proposed point of access to the north eastern part of the site from Magdalen Lane at its bridging point with the River Simene. In this area, the access is to be non-motorised and would be into an on-site area of public open space away from any built development. The access will provide pedestrians, wheelchair users, and cyclists a safe route from the development to the town centre and local facilities. Officers consider that whilst the development will be seen from some public vantage points within the Conservation Area including this one, views into it from the development, and outwards from the Conservation Area will not be harmed.

15.48 The layout in the three character areas would provide sufficient variety and interest. The layout would make provision for amenity for future occupants including gardens, outlook and light. There would be a variety of plot sizes and house sizes without there being a dominance of large, detached houses.

15.49 The details of the layout of the buildings in each character area would be acceptable and comply with Local Plan policies ENV4, ENV10, ENV11, ENV12, ENV16, Bridport Area Neighbourhood Plan policies D6 and D8 and the requirements of the NPPF.

Layout of roads, footpaths and cycle paths

15.50 The Parameter Plan has already established the layout of the means of access, loop road and links with the town.

15.51 Policy ENV11 concerns the pattern of streets and spaces and requires new development to have well defined and connected buildings, streets and spaces, 20mph through routes and natural surveillance. Bus routes and strategic cycle and pedestrian links should be planned for. Policy COM7 concerns creating a safe and efficient transport network and requires that development should be located in areas where the need to travel can be minimised and the use of sustainable modes of transport can be maximised. The delivery of a strategic cycle network and improvements to the Public Rights of Way network will be supported. Policy COM9 concerns parking standards in new development requiring that this is in compliance with published local parking guidelines.

15.52 BANP Policy D3 requires that residential development should create walkable and accessible neighbourhoods, with public transport access, that the community have access to facilities, ensure that streets are designed to be well connected and legible and have a 20mph in residential areas. BANP Policy AM1 requires that development should prioritise pedestrian movement, make safe, convenient and appropriate connections to existing footpaths, cycle paths and rights of way, public transport and facilities for car sharing and electric vehicles. Policy AM3 supports improving and extending the existing footpath and cycle path network. Policy H6 requires proposed developments to integrate and connect with neighbouring communities.

15.53 Means of access was approved at the outline application stage. Therefore, the access arrangements are fixed. The eastern access, which is the only access in this application, is located approximately 70m to the east of the existing Vearse Farm track. The access is proposed to be priority junction and to provide a 7.3m carriageway, with 2m wide footways on either side. Pedestrian crossing points would be provided across West Road. The visibility splays are identified on the approved junction arrangement that was agreed at outline. In response to concern that the main loop road does not appear to be completed in this first phase and that the eastern access will be used by construction, services and residents, the Phasing Plan demonstrates that the loop road falls within Phase 1B, which will occur before any residential development commences. The first residential phase is Phase 1CI.

15.54 Internal roads, footpaths and cycleways were established within the s106 Agreement. The provision includes improved footpath and cycle links. The outline permission also requires a reserved matters application to deliver various internal vehicular links and the layout of these is to some extent also fixed.

15.55 The internal routes through the site, some of which would have trees, would have good connectivity and access for pedestrians, cyclists and motorists. Conditions would be needed to ensure visibility splays, access, geometric highway layout, turning and parking areas are to appropriate standards.

15.56 There are existing rights of way which cross the site. These have been accommodated as part of the detailed layout for the scheme and any diversions will be the subject of separate applications. Public Rights of Way (PROW) are considered under separate legislation to planning applications, but all existing rights of way are to be provided for within the layout with some diversions.

15.57 Car parking would be provided in accordance with the Bournemouth, Poole & Dorset Car Parking Study (2011). This would be casual or assigned within courts, alongside or behind dwellings. Provision would be made for electric vehicle charging points for all dwellings with on-plot parking which is now a requirement of Part S of the Building Regulations. Cycle parking will be provided either in accessible and secure rear gardens or garages. Comments were made to the original scheme that bins would be too far from some dwellings. Bin stores would be provided in some places and wheelie bins for others, accessible by refuse trucks from collection points. In spite of comment made by the waste team, the distances accord with Dorset's guidance for waste collection, and also align with the approved arrangements for P/RES/2021/04848. It is considered that the highway design is such that it would allow emergency and refuse vehicles to access the site with adequate turning facilities provided at appropriate locations. The tracking diagrams which accompany this submission demonstrate the suitability of the highway design in this respect. No objections have been raised by the highways officer.

15.58 The proposed layout would enhance connectivity, providing safe and convenient access for pedestrians, cyclists and motorists. It would promote more sustainable means of travel through walking and cycling. The proposed layout would comply with LP Policies ENV11, COM7 & COM9 and BANP Policies D3, AM1, AM3 & H6 and the requirements of the NPPF.

Layout of foul and surface water drainage

15.59 The Parameter and Green Infrastructure Plans have already established the layout of the foul and surface water drainage.

15.60 Paragraph 165 of the NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

It is a strategic objective of the Local Plan to:

“Reduce vulnerability to the impacts of climate change, both by minimising the potential impacts and by adapting to those that are inevitable– this will be the over-riding objective in those areas of the plan which are at highest risk”

In meeting this strategic objective the Local Plan states:

“Development will be directed away from areas where there is likely to be significant risk to human health or the wider environment, through flooding, coastal erosion and land instability, air and water pollution.”

LP Policy ENV5 concerns flood risk and requires development to be towards the areas of lowest risk and ensuring development will not generate flooding through surface water runoff and/or exacerbate flooding elsewhere.

15.61 BANP policy D5 concerns the efficient use of land where dealing with surface water drainage and alleviating flooding are required.

15.62 The drainage scheme was agreed in the granting of the outline permission. There is only one, small drainage feature within this application.

15.63 A conceptual strategy of surface water management, based upon attenuated discharge to the adjoining Main River (Simene) system was approved. It is proposed that the surface water drainage system for the site utilises a multi-SuDS system including channels, detention features and where appropriate, source control in the form of porous paving as the primary storm water management scheme. The outline permission indicated the layout of six SuDS ponds within the site, which are mainly along the River Simene and a flood compensation area between the eastern and western accesses and to the south of the River Simene. This reserved matters application shows the layout of a SuDS feature adjacent to West Road. It would be below ground within a cellular storage tank or attenuation feature.

15.64 Conditions on the outline permission require detailed design submissions to discharge these conditions to confirm and substantiate storage volumes, and future management of such features. None of the development would be located in an area of flood risk. Development is subject to conditional approval under conditions 41 - 45 on the outline permission. Therefore, it is not necessary to repeat these conditions which were requested by the Flood Risk Manager as these conditions are already in force.

15.65 The reserved matters would have additional measures with 40% allowance for climate change, 10% allowance for urban creep, the attenuation feature designed to be protected from the predicted 1 in 100 year still water level plus climate change.

15.66 The foul water drainage strategy is for connection on Alexandra Road. A pumping station would be located to the south of the river and to the north of the proposed residential development, owing to the gradient.

15.67 The layout of the drainage strategy details submitted for the site are acceptable and would comply with Local Plan policy ENV5 and Bridport Area Neighbourhood Plan policy D5 and the requirements of the NPPF.

Layout of affordable housing and self-build units

15.68 LP Policy HOUS1 makes provision for affordable housing and requires that where open market housing is proposed, 35% affordable housing will be sought. This affordable housing provision should be delivered on site and should include a minimum provision of 70% social/affordable rent and 30% intermediate housing, unless evidence suggests an alternative provision would be appropriate. The type, size and mix of affordable housing should reflect identified needs and should be proportionate to the scale and mix of market housing and designed to the same high quality resulting in a balanced community of housing so that is 'tenure blind.' Where there is an identified need for specially designed or adaptable accommodation to cater for particular needs of disabled people, this will be prioritised. A financial contribution towards the provision of affordable housing is required when there is a shortfall on site.

15.69 BANP policy H2 requires that the affordable and open market housing provision will be fully integrated and evenly distributed. Policy H7 encourages the inclusion of 4% of plots on major developments to be self-build housing.

15.70 The application proposes the provision of 35% affordable housing being 48 dwellings. This accords with the requirements of the s106 Legal Agreement. The layout of affordable housing would be 'pepper potted in blocks' around the development with no particular

concentration in any one location. This is more deliverable and manageable by the provider than providing it in multiple single plot locations. This would also promote social inclusion. The affordable housing provision would be above the policy compliant level and provision of 35% has been secured in perpetuity through the existing s106 agreement to include a local lettings plan ensuring that the properties meet the local need. The split would be 64.5% rented units (31 dwellings) and 35.5% shared ownership (17). Whilst a 70/30 split is required, there will be more affordable housing delivered by the extant permission in other phases which can include a greater percentage of rented thereby meeting the 70/30 split across the development as a whole. The housing register demonstrates that there is a significant need for quality affordable family housing with a high demand for a range of dwelling sizes and tenures which this development would assist in meeting.

15.71 The Bridport Town Council raise a mismatch between proposed and required unit size by 'Architecture, Engineering, Construction, Operations, Management' (AECOM) which indicates greater demand for smaller units of 1 and 2 bedroom dwellings.

15.72 AECOM is an organisation that support Neighbourhood Plans. It helped to produce the Bridport Area Neighbourhood Plan and would have done a study on housing needs. The Neighbourhood Plan showed a high level of need for one bedroom properties. This would also be supported by information drawn from the Housing Register in regard to affordable need. However, there is a need to ensure that a good balance of sizes of affordable housing is provided as there are high levels of need for all property types. There is also a need to ensure a balanced and sustainable community is created and a high percentage of one bedroom flats could make this difficult. There is also a general reluctance from Registered Providers and developers to build 1 bed flats. It makes more financial sense to build 2 bed properties. It is also accepted that most people eligible for low cost home ownership would want 2 or 3 bedroom houses. For this reason, the Council tries to get a good mix of units in the layout of the affordable mix. The housing enabling team has raised no objection to the affordable provision. The affordable mix is considered acceptable and would meet a range of needs.

15.73 The layout of the affordable housing for the site are acceptable and would comply with LP policy HOUS1 and BANP policies H2 and H7 and the requirements of the NPPF.

Scale

15.74 The Parameter, Green Infrastructure and Scale & Density Plans have already established the envisaged scale and density for each sector of land uses including housing, open space, drainage and community infrastructure. Scale refers to the size of the development. Density refers to the amount of development. Development should make efficient use of land and not create wasted or leftover land that has no real function.

15.75 LP policy ENV12 suggests the National Described Space Standards (NDSS) should be met. LP Policy ENV 15 concerns efficient and appropriate Use of Land and advises that development should optimise and make efficient use of land, subject to the limitations inherent in the site and the impact on local character. BANP Policy D5 states that development should make efficient use of land.

15.76 The scale was prescribed in some detail on the Scale and Density Plan. It shows three scales for the residential parts of the development and divided into the blocks shown on the parameter plan. It is expressed in storeys and height measured in metres for each block: 2 storeys / 9.5m, 2 1/2 storeys / 10.5m, 3 storeys / 12.5m. The proposed houses would comply with the plan.

15.77 The Scale and Density Plan shows the maximum density per block: 25/ha, 35/ha or 45/ha. The plan prescribes that the lower scale housing would be on the higher land, the medium where it abuts the existing edge of the town and the higher scale towards the middle. The proposed housing would be at a very slight variance from the limits, slightly less in some and slightly more in others. Flexibility can be exercised where other aspects of the development: appearance, layout and landscaping; have been found acceptable in other sections of this report.

15.78 Some of the private housing would fall marginally below Nationally Described Space Standards (NDSS). A total of 67 plots out of the 136 are not NDSS area compliant, though in all instances by no more than a few sqm. The NDSS requirements and the dwellings which would not be NDSS compliant are highlighted in yellow respectively in the tables below.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Foundry Lea, Bridport Phase 1								
Open Market Dwellings								
Plot reference	Unit Ref	Beds	Persons	Sqm	Sqft	Total Sqm	Total Sqft	No. Units
Allington	AL	2	3	69	748	278	2992	4
Watton	WT	2	4	64	688	256	2752	4
Littlebredy	LB	3	4	77	832	309	3328	4
Spyway	SP	3	4	77	830	540	5810	7
Askerswell	AS	3	4	79	855	318	3420	4
Amber	AM	3	5	93	1001	186	2002	2
Abbotsbury	AB	3	5	93	1001	465	5005	5
Camden	CA	3	6	101	1089	506	5445	5
Northay	NO	3	5	103	1107	617	6642	6
Yondover	YO	4	5	96	1032	288	3096	3
Bexington	BX	4	5	100	1081	703	7567	7
Hoyton	HY	4	5	118	1269	118	1269	1
Westhay	WE	4	7	123	1325	985	10600	8
Langdon	LG	4	6	126	1354	503	5416	4
Frampton	FR	4	8	126	1354	252	2708	2
Birdsmoor	BM	4	7	128	1374	638	6870	5
Wynford	WY	4	8	133	1434	400	4302	3
Maperton	MP	4	8	138	1483	138	1483	1
Hampton	HA	4	8	139	1491	277	2982	2
Martinstown	MT	4	8	143	1539	858	9234	6
Coneygar	CY	5	8	169	1822	677	7288	4
Coneygar	CY	5	8	170	1827	170	1827	1
						9,480	102,038	88

Affordable Dwellings								
Plot reference	Unit Ref	Beds	Persons	Sqm	Sqft	Total Sqm	Total Sqft	No. Units
Portesham	PO	1	2	50	541	603	6492	12
Oakes	OK	2	4	67	721	134	1442	2
Chilfrome	CF	2	4	78	838	1791	19274	23
Muckleford	MU	3	5	86	927	603	6489	7
Gabriel	GA	3	5	89	957	356	3828	4
						3,486	37,525	48

15.79 NDSS *should* be provided in accordance with policy ENV12. The preamble to policy ENV12 states:

Good design is not restricted to external appearance and layout. It encompasses how capable developments are of fulfilling their purpose initially and into the future as needs of occupants change. Dwellings as a minimum should have sufficient internal space for a high level of functionality so that day to day tasks and activities can be carried out. The government is reducing the number of technical standards and consolidating them in a national framework centred on building regulations. National technical standards for all new dwellings are being introduced and dwellings should be constructed in accordance with these standards

and paragraph 135 of the NPPF says:

135. Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Footnote 49 states planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

15.80 In consideration of Policy ENV12, the Local Plan Inspector's report of 2015. (page 43, para 219) comments on this:

'The revisions mean that local planning authorities should not set any additional technical standards in local plans or supplementary planning documents relating to the construction, internal layout or performance of new dwellings. The optional new national technical standards can be required through LP policies where there is evidence to support the case for doing so and providing their impact on viability has been considered. The Councils have not yet had an opportunity to consider this.'

15.81 The Council did not have sufficient evidence at the time to insist upon NDSS. This is the reason why the requirement for exceeding the minimum NDSS is non mandatory. If unit size relates to a comparatively large number of units and if these fall significantly below nationally prescribed standards, then the National Design Guide says:

'Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them... Well-designed homes and buildings: provide good quality internal and external environments for their users, promoting health and well-being.'

In this case it would relate to a large number of units, but none fall significantly below. The dwellings would provide good quality living accommodation which is what the National Design Guidance strives for.

15.82 Whether or not the NDSS can be applied at reserved matters stage generally is that any such imposition must be at the outline stage. Only by granting outline permission subject to a condition controlling the internal configuration of the permitted development, specifically requiring compliance with the NDSS or expressly incorporating detailed drawings showing the internal layout of buildings and requiring compliance with those drawings could an LPA insist upon a development adhering to the NDSS. In addition, even where a LPA seeks to secure the imposition of the NDSS at outline stage, it can only do so where there is a relevant local plan policy requiring such adherence to the optional standards. Neither local plan nor neighbourhood plan policies support the requirement for NDSS to be met.

15.83 A condition was not applied to the outline planning permission requiring that the subsequent reserved matters would make provision for compliance with NDSS requirements. Further, the floorspace figures in the s106 for the affordable housing do not accord with NDSS requirements. Therefore, it is not possible to require that the dwellings meet NDSS requirements.

15.84 The number of dwellings falling below NDSS is a large proportion overall but some houses would meet or exceed the standards. Importantly, all the houses, including those falling below the standard, would have adequate space to meet the daily living requirements of occupants.

15.85 The proposal would be of an appropriate scale, making efficient use of land, and would comply with Local Plan policies ENV12 and ENV 15 and Bridport Area Neighbourhood Plan Policy D5 and the requirements of the NPPF.

Other matters

Energy efficiency

15.86 One consultee comment and two representations have been made that the houses should be built to meet better energy efficiency standards and be of sustainable materials of construction and not just to current standards which are lower. The dwellings would need to comply with 2021 Building Regulations which require a 31% improvement on 2013 Standards in terms of CO2 emissions and addresses some of the concerns that have been raised. Should the Future Homes Standards come into effect in 2025, then all homes will be constructed to these enhanced standards. At present the Future Homes Standards require homes to produce at least 75% lower CO2 emissions than a home built to 2013 standards. In addition, the materials proposed are consistent with the materials which were approved for the extant permission.

15.87 The planning system does seek to promote sustainable development and BANP policy D9 seeks to encourage applicants to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime. BANP policy CC2 seeks to exceed the target emission rate of Building Regulations Part L 2013 for dwellings and policy CC3 seeks that new development, both commercial and residential, is encouraged where possible to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources.

15.88 The applicants have produced a further Carbon Emissions Statement and a Sustainable Design and Construction Statement prepared by consultants Sol Environment (dated July 2022). It proposes measures to reduce energy consumption including passive solar design, building orientation, room layout and limiting solar gain, insulated and highly air tight building materials, energy efficient fittings and controls, and low and zero carbon technologies. These would be implemented to correlate with changes to Building Regulations.

15.89 In summary, in order to meet the enhanced Building Regulations standards, the dwellings would meet the following:

Part L 2021

Improved U-values and building services specs in line with 2021 Building Regs with gas combi boilers for space and water heating. To meet Policy CC3 of the Bridport Neighbourhood Plan, PV will be used to offset 10% of the unregulated energy use.

In addition, electric vehicle charging points in accordance with Part S of the Building Regulations will be required. Broadband would be provided as it was a requirement of LP Policy COM10 was made a condition of the outline permission (condition 17). Fire sprinklers are not a requirement. There has been support for PV panels in the representations and from consultees as well as Fabric First Construction.

Part L 2025

Improved U-values and building services specs in line with 2025 Building Regs with ASHPs for space and water heating. To meet Policy CC3 of the Bridport Neighbourhood Plan, PV in combination with the ASHPs will be used to offset 10% of the unregulated energy use.

15.90 Whilst BANP policies have aspirations for a high standard in terms of energy efficiency and future proofing in the supporting text, at the present time it is not possible to require the applicant to provide all of these. Policy CC3 only requires a 10% reduction and goes no further than that. It should be noted that possible changes in 2025 are not far off and would likely kick in sooner rather than later going some way to achieving a higher benchmark. A phasing plan for the uptake in energy efficiency requirements cannot be made a condition as these would automatically apply under Building Regulations as and when the requirements change. There is normally a transitional arrangement when there are changes to Building Regulations.

15.91 The representations also draw attention to the council's Interim Guidance and Position Statements in relation to Planning for Climate Change. They consider that it provides a welcome acknowledgement that climate change is a material planning consideration and that, as a result of the publication of the Guidance, the reserved matters application must seek to minimise both embodied and operational carbon emissions from the proposed housing development.

15.92 The Interim Guidance and Position Statements in relation to Planning for Climate Change is not planning policy and does not form part of the Development Plan and is instead, non-statutory guidance. However, it is a material consideration, but the sustainability checklist outlines best practice and does not place any additional requirements beyond adopted local plan policies.

15.93 The Town Council indicate that it would like a greater proportion of Category M4(2) accessible and adaptable homes from the reserved matters application. Reference is made to Policy HOUS1 of the 2021 version of the emerging Dorset Local Plan. However, the emerging Dorset Local Plan carries very little weight in decision making. In addition, matters relating to accessible and adaptable housing were secured in the s106 agreement. Schedule 3, Part 2, Para. 2.4 of the s106 agreement confirms that not less than 5% of the affordable housing provision should be delivered as affordable rented units, constructed to Category 2 accessible and adaptable housing. This equates to 14 Category 2 compliant dwellings to be provided across the wider Foundry Lea development, which would be delivered by the extant permission.

Construction

15.94 A Construction Traffic Management Plan (CTMP) is required before the development commences, as per a condition on the outline planning permission and has been submitted and an update will be provided to the committee.

15.95 One comment has been made with regard to the potential impact on air quality (dust). Any construction traffic movements would be covered by the CTMP. There is the potential for construction traffic to cause some annoyance to residents, particularly in early phases, but this is not unusual and buyers would be aware when buying a property at the development that there were further phases to be constructed.

16.0 Conclusion

16.1 This application for reserved matters approval relates only to a small part of the site which already has the benefit of extant outline and reserved matters approvals. There is therefore a material fallback position. However, notwithstanding that the proposed development is considered to be of an appropriate appearance, layout and scale, with appropriate landscaping incorporated. As such, the proposed development is considered to be in accordance with the local and national policy objectives.

16.2 The appearance of the housing, with three of the five distinctive character areas included within this application, would respond to the appearance of housing in Bridport.

16.3 The layout of the housing, movement network, drainage and affordable housing would meet the requirements necessary for the scheme to function and integrate with Bridport.

16.4 The landscaping would conserve and enhance the AONB, biodiversity and existing trees and hedges and provide appropriate new planting.

16.5 The scale would be appropriate to the characteristics of the site including the lie of the land and location within it.

16.6 The proposal would comply with the West Dorset, Weymouth & Portland Local Plan, the Bridport Area Neighbourhood Plan and the National Planning Policy Framework (NPPF).

17.0 Recommendation

17.1 That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement for the approval of reserved matters, subject to the discharge of any outstanding conditions on the outline planning permission (WD/D/17/000986) which are required to be discharged prior to the approval of the reserved matters (conditions 2 for the phasing, 6 for a Design Code, 7 for the LEMP, and 39 for floor levels of the dwellings) and subject to the following planning conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2000 Location plan
 - 80 Phasing plan
 - 2115 B Affordable housing plan
 - 2121 Site wide affordable housing plan
 - 10042-L-109 P02 Landscape & ecological strategy plan
 - 10042-DR-L-0100 P02 Sheet layout plan
 - 10042-DR-L-0101 P02 Detailed planting plan 1 of 8
 - 10042-DR-L-0102 P02 Detailed planting plan 2 of 8
 - 10042-DR-L-0103 P02 Detailed planting plan 3 of 8
 - 10042-DR-L-0104 P02 Detailed planting plan 4 of 8
 - 10042-DR-L-0105 P02 Detailed planting plan 5 of 8
 - 10042-DR-L-0106 P02 Detailed planting plan 6 of 8
 - 10042-DR-L-0107 P02 Detailed planting plan 7 of 8

10042-DR-L-0108 P3 Detailed planting plan 8 of 8
P3120 P2 Proposed impermeable area plan
P3500 P2 Drainage layout sheet 1
P3501 P3 Drainage layout sheet 2
P3502 P3 Drainage layout sheet 3
P3503 P3 Drainage layout sheet 4
P3504 P3 Drainage layout sheet 5
P3505 P3 Drainage layout sheet 6
P3600 P3 External Works Layout sheet 1
P3601 P3 External Works Layout sheet 2
P3602 P3 External Works Layout sheet 3
P3603 P3 External Works Layout sheet 4
P3604 P1 External Works Layout sheet 5
P3605 P2 External Works Layout sheet 6
P3700 P2 Highways Engineering Layout sheet 1
P3701 P2 Highways Engineering Layout sheet 2
P3702 P2 Highways Engineering Layout sheet 3
P3703 P2 Highways Engineering Layout sheet 4
P3704 P2 Highways Engineering Layout sheet 5
P3705 P2 Highways Engineering Layout sheet 6
P3720 P2 Highways Surfacing Specification sheet 1
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P3750 P1 Highways Construction Details
P3800 P2 Vehicle Swept Path Analysis sheet 1
P3801 P2 Vehicle Swept Path Analysis sheet 2
P3802 P2 Vehicle Swept Path Analysis sheet 3
P3803 P2 Vehicle Swept Path Analysis sheet 4
P3804 P2 Vehicle Swept Path Analysis sheet 5
P3805 P2 Vehicle Swept Path Analysis sheet 6
P3900 P1 Highways Long Sections sheet 1
P3901 P1 Highways Long Sections sheet 2
P3902 P1 Highways Long Sections sheet 3
P3903 P1 Highways Long Sections sheet 4
P3904 P1 Highways Long Sections sheet 5
P3905 P1 Highways Long Sections sheet 6
2100 B Planning Layout
2101 B Planning Layout 1 of 3
2102 B Planning Layout 2 of 3

2103 B Planning Layout 3 of 3
2116 B External Works Plan
2117 B Waste Collection Plan
2118 B Enclosures Plan
2119 B Acoustic Mitigation Plan
2150 Sections
2170 A Streetscenes A-C
2105 B Masterplan
2110 B Roof Materials, Front Door Colours & Chimney Placement Plan
2111 B Materials Plan
2112 B Storey Heights Plan
2113 B Parking Plan
2114 B Land Ownership Plan
2204 Spyway Elevations
2210 Askerswell Floor Plans
2211 Askerswell Elevations
2212 Askerswell Elevations
2213 Askerswell Elevations
2220 Northay Floor Plans
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2222 Northay Elevations
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2231 Yonderover Elevations
2240 Westhay Floor Plans
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2251 Hoyton Elevations
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2422 Bexington Elevations
2430 Birdsmoor Floor Plans
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2440 Frampton Floor Plans
2441 Frampton Elevations
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2491 Allington Elevations
2492 Allington Elevations
2500 Langdon Floor Plans
2501 Langdon Elevations
2510 Camden Floor Plans
2511 Camden Elevations
2512 Camden Elevations
2520 Amber Floor Plans
2521 Amber Elevations
2600 Chilfrome Floor Plans
2601 Chilfrome Elevations
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2610 Muckleford Floor Plans
2611 Muckleford Elevations
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2620 Gabriel Floor Plans
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2630 Oakes Floor Plans - Bespoke
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2640 Portesham Floor Plans
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2642 Portesham Elevations
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 House Type Drawings Heading Page
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 P7351 Bridge Sections and Flood Compensation Calculations Eastern Structure
 2026_2100B_Planning Layout_Foundry Lea_Bridport

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

2. No development above damp proof course level for each phase of development as shown on Plan 2026-80 (or any subsequent phasing plan approved by the Local Planning Authority pursuant to Condition 2 of planning permission WD/D/17/000986) shall take place until detailed drawings (at a scale of not less than 1:20) showing the design, materials and construction specifications of external doors and windows for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

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

3. No development above damp proof course level for each phase of development as shown on Plan 2026-80 (or any subsequent phasing plan approved by the Local Planning Authority pursuant to Condition 2 of planning permission WD/D/17/000986) shall take place until a scheme showing details of all external vents, flues and utility meter boxes for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

4. The development hereby approved shall proceed only in strict accordance with the details set out in the Arboricultural Method Statement dated: April 2024.

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

5. No development above damp proof course level shall take place within a sub-phase of development, until a plan showing the sub-phasing arrangements for the development hereby approved in relation to the visibility splay areas shown on Drawing Number P3600-P3 has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation or the utilisation of each agreed sub-phase, the approved visibility splays as per Drawing Number P3600-P3 shall be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

6. The parking spaces shown on the plan P3600-P3 and on Detailed planting plan 10042-DR-L-0101 P2 near to the showroom shall only be temporary in nature and must be removed and the land reinstated with grass when the showroom is no longer in place.

Reason: To prevent danger to road users.

Informative Notes:

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 1 May 2019.
2. Informative: There is a requirement for condition 22 of the outline planning permission to provide a plan showing the sub-phasing arrangements for the development hereby approved in relation to the access, geometric highway layout, turning and parking areas shown on Drawing Number 1859 1100 Rev E.

3. Informative: The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering.

4. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

Application Number:	P/FUL/2024/01407
Webpage:	Planning application: P/FUL/2024/01407 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Folly Mill Lodge South Street Bridport
Proposal:	Replace all existing timber-framed windows with UPVC framed windows
Applicant name:	Churchill Estates Management
Case Officer:	Jo Langrish-Merritt
Ward Member(s):	Cllr Bolwell, Cllr Bolwell, Cllr Williams

1.0 In accordance with the scheme of delegation the application is brought to committee at the request of the chair following a scheme of delegation referral.

2.0 Summary of recommendation:

Refuse

3.0 Reason for the recommendation:

In summary, the proposed installation of the UPVC windows to replace timber windows would neither enhance, preserve nor reinforce the distinctiveness of the area. Whilst this is a modern building it is located directly adjacent to the Grade II* Bridport Museum and within the Bridport Conservation Area therefore, the use of modern, UPVC is considered to cause less than substantial harm to the Bridport Conservation Area and setting of the Grade II* Bridport Museum as designated heritage assets without sufficient public benefits to outweigh this harm. As such the proposal is considered to be contrary to the development plan.

4.0 Key planning issues

Issue	Conclusion
Impact on visual amenity and Heritage assets	The application site is a modern building approved in 2001 however it is located directly adjacent to the Grade II* Bridport Museum and sits in a prominent location within the Bridport Conservation Area. The building would be viewed in direct context with the adjacent grade II* listed building and the use of timber windows compliments the detailing of this historic building. As such the proposal is considered to result in less than substantial harm to the Bridport Conservation Area and setting of the Grade II* Bridport Museum as designated heritage assets without sufficient public benefits to outweigh this harm.

Impact on residential amenity	No adverse impact
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5.0 Description of Site

Folly Mill Lodge is a large modern block of flats and retirement cottages located in the centre of Bridport. The building fronts South Street (27-29 South Street) and this element of the building is three storey with commercial units on the ground floor and residential above. It is also directly adjacent to Bridport Museum a grade II* listed Building. The side elevation is also three storey and faces on to Folly Mill Lane with the access and the two storey retirement cottages leading from Folly Mill Lane. The site on this eastern edge is also partially bounded by a listed wall. The site is located in the Bridport Conservation area. Folly Mill Lodge was approved in 2001 reference: 1/W/01/000726.

6.0 Description of Development

The application is for the replacement of all existing timber-framed windows with UPVC framed windows on a like for like basis from white timber to white UPVc due to significant weathering and in a bid to make the building more energy efficient.

7.0 Relevant Planning History

1/W/01/000726 - Decision: GRA - Decision Date: 24/12/2001

Demolish existing buildings (granted under PA 1/W/1999/0661U) Erect three storey block of 2No shops and 30No sheltered apartments. Erect 3No retirement cottages, construct car parking and modify existing vehicular/pedestrian access (AMENDED DESIGN)

1/D/07/001529 - Decision: GRA - Decision Date: 15/10/2007

Install new window opening in kitchen and PVCU double glazed window

8.0 List of Constraints

THE CASTLE (MUSEUM AND ART GALLERY) listed building grade G2*. HE Reference: 1227857

WALL FROM CO-OP AS FAR AS NO 1 listed building grade G2. HE Reference: 1216226

Bridport Conservation Area

Dorset National Landscape (AONB); Dorset

Secondary Shopping Frontage; South Street, Bridport

Dorset Council Land (Freehold): DT369462 - Reference 50077

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

Risk of Surface Water Flooding

9.0 Consultations

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

Consultees

1. Bridport Town Council

“Strongly support. These changes are required for carbon reduction and for the protection of elderly and vulnerable residents. There is no impact on the conservation area.

The Town Council considers in this case that, in line with NPPF para 208, less than substantial harm to the significance of a designated heritage asset is justified by the public benefits of the proposal, including securing its optimum viable use. The development also satisfies NPPF para 157 as it supports the transition to a low carbon future.

NPPF para 8 also applies here, in that the proposals aid the achievement of the NPPF social objective of providing homes “to meet the needs of present and future generations”.

The minimal impact of the energy saving measures also serves to address NPPF para 195, which provides for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The significance of the heritage asset is not damaged by the proposed development.

The Local Plan requirement (in policy ENV4) to justify “harm” to the significance of the heritage asset has been met. The public benefit derived from improving the energy efficiency of the housing stock, and the contribution it will make to Bridport’s ‘net zero’ carbon ambition, outweighs the impact on the listed building.

The Council reminds the planning authority of a statement to Dorset Council members by its Corporate Director, Economic Growth and Infrastructure, recognising the need for “...conversation about conservation”, recognising concerns that the interpretation of planning policy is damaging the environment. We urge Dorset Council to cater for Bridport’s future environment, and to recognise the inevitability of modest adaptations such as this being accepted as absolutely necessary.

2. **Dorset Council Conservation Officer-** Although this building is not historic, it is prominent in the street scene in the heart of Bridport conservation area and was designed to respect the setting of the Grade II* listed early 16th Century building immediately adjacent to its north. Removing all the existing timber windows and replacing them with uPVC would result in harm to the character and appearance of the conservation area and harm to the setting of the Grade II* listed building.

Representations received - None.

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- **66. — General duty as respects listed buildings in exercise of planning functions.**

(1) In considering whether to grant planning permission [or permission in principle]¹ for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

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

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

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV4 - Heritage assets
- ENV10- The landscape and townscape setting
- ENV 12- The design and positioning of buildings
- ENV 13 - Achieving High Levels of Environmental Performance
- ENV 16- Amenity

Made Neighbourhood Plans

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

POLICY CC2 energy and Carbon emissions

POLICY HT2 Public Realm

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 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'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). 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

All of Dorset:

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.

Supplementary Planning Documents/Guidance For West Dorset Area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

Conservation Area Appraisals:

Bridport Town Centre adopted January 2003

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 application is seeking to improve the thermal efficiency of the building which includes additional care and assisted living accommodation for the elderly.

14.0 Financial benefits - None relevant.

15.0 Environmental Implications - Potential upgrade in energy efficiency.

16.0 Planning Assessment

Impact on visual amenity and Heritage assets

16.1 Policy ENV4 (Heritage Assets) of the adopted local plan requires development to conserve and, where appropriate, enhance the significance of designated and non-designated heritage assets. Where significance would be affected, sufficient information is required to demonstrate how the proposal would contribute positively to an asset’s conservation. Any harm must be justified, and that harm will be weighed against any public benefits, in common with paragraph 208 of the NPPF.

Policy ENV10 (The Landscape and Townscape Setting) requires all development to contribute positively towards local identity and distinctiveness, having been informed by the character of the site and its surroundings.

Policy ENV12 (The Design and Positioning of Buildings) requires high-quality design, which:

‘Will only be permitted where... materials used complements and respects the character of the surrounding area... This means that:

- *The general design should be in harmony with the adjoining buildings and the area as a whole...*
- *The quality of the architecture is appropriate to the type of building with particular regard to... richness of detail...*
- *Materials are sympathetic to the natural and built surroundings.’*

16.2 Folly Mill Lodge is located within the Bridport Town Centre Conservation Area and directly adjacent to the Grade II* listed Bridport Museum. Whilst it is recognised that the building itself is not historic, it is prominent in the street scene and was designed to respect the setting of the Grade II* listed early 16th Century Museum directly to the north. The 16th Century museum building is identified in the Bridport Conservation Area Appraisal as a Key Building in the Conservation area. Grade II*

buildings are particularly important buildings of more than special interest, only 5.8% of listed buildings are Grade II* as identified by Historic England.

16.3 Folly Mill Lodge also has a prominent flank elevation which extends a considerable distance along Folly Lane. However, Folly Mill Lodge itself is considered to make a neutral contribution to the character and appearance of the conservation area, but its visually prominent corner site means it has a significant impact on the overall character and appearance of this part of Bridport Conservation Area.

16.4 Folly Mill Lodge was granted planning permission in 2001. It is clear that when the residential block and cottages were built, quality materials were important for visual amenity. The historic planning file gives an insight into the design rationale for the building at the time that planning permission was granted for its construction, and the discussion that surrounded the design development at the time. It was made clear at the time that once a “pastiche” architectural style and form were chosen for the building, the palette of materials should be selected accordingly: natural stone, timber windows, natural slate roofs and a suitable brick. The existing building complies with this and attempts to blend in with the materials predominantly used in the surrounding historic buildings. The Bridport Conservation Area Appraisal makes particular mention of this modern building and its attempt to blend into the Conservation Area *“Modern materials do not intrude unduly: the recent Library conversion used carefully matched stone in its new ground floor; the new residential development at the corner of Folly Mill Lane employs a combination of high quality brick and stone”*. In 2007 Planning permission was given for the change of a single timber window to UPVc at the site application reference 1/D/07/001529. However, it must be borne in mind that this window was only allowed to change as it was discreetly positioned to the rear of the building, not publicly accessible or viewable and related to a single third floor window. Notwithstanding that, in the context of the current application, a change in all the windows from timber to uPVC would have a negative effect on the character and appearance of the conservation area. It would also have a negative impact on the setting of the adjacent Grade II* listed building.

16.5 The NPPF confirms that great weight should be given to conserving heritage assets:

NPPF Para 205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

16.6 Windows are a key component to a building’s appearance. The use of modern UPVC windows in a conservation area is not appropriate and particularly in this instance given the buildings prominent location and that it would be experienced in

the context of the Grade II* Bridport Museum. The windows are part of this buildings traditional detailing complimenting the style and architectural detailing of nearby historic buildings and the wider conservation area. The proposed windows would be immediately apparent visually to that of the traditional timber windows and would neither preserve or enhance the character of the Conservation area or the setting of the Grade II* listed building and would lead to less than substantial harm.

16.7. Bridport Town Council have referred to the environmental benefits of the proposed UPVC windows and it must be considered that the Bridport Neighbourhood plan does include policy CC2 Energy and Carbon emissions which seeks to achieve high levels of energy efficiency. However, this policy relates to new build development only and would not be relevant in this instance. Furthermore, UPVC windows are not considered to be the only solution for energy efficiency. The Conservation Officer has commented that *“If the current timber windows have reached the end of their designed life and localised repairs are not feasible, I would have no objection to replacement timber windows with more energy efficient glazing – either double glazing or laminated glass.”*

16.8 No additional justification such as a Joiners report to explain why the timber windows cannot be repaired and the glazing upgraded has been provided.

16.9 Furthermore Historic England provides the following guidance in relation to the replacement of timber windows with UPVC.

Traditional windows: their care, repair and upgrading:

Why are plastic (PVC-u) windows unsuitable?

The different appearance and character of PVC-u windows compared to historic windows is highly likely to make them unsuitable for older buildings, particularly those that are listed or in conservation areas. PVC-u is short for Poly Vinyl Chloride un-plasticised and these windows are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look different to traditional windows. Manufacturers have been unable to replicate the sections/glazing bars used in most timber and steel windows due to the limited strength of the material and the additional weight of the secondary glazing units. False ‘glazing bars’ which are thin strips of plastic inserted within the glass sandwich of a double glazed unit change the character of the window.

Repairs can be a major problem. Because of the nature of PVC-u, complete replacement is often the only viable option, which makes them a very unsustainable solution when compared to timber and steel.

Although recycling does exist for PVC-u windows this is limited to waste sections left over in manufacturing rather than for complete redundant windows. Discarded windows end up in landfill sites with the potential for releasing some of the most damaging industrial pollutants.

16.9 The applicant has stated that the reason the windows need to be replaced is due to severe weathering and to improve energy efficiency. However, there are

many other means that could improve energy efficiency without requiring the wholesale replacement of all windows with a non-historic product.

16.10 The applicant has also provided an additional Supporting Heritage Statement dated 15/07/24 (extract below) in response to the Conservation Officer comments

“The use of materials, from timber to uPVC on an existing building of twenty first century date, is not considered inappropriate or out of character within the conservation area. The use of such windows on non-listed buildings is not unprecedented within the conservation area and indeed in the surroundings of Folly Mill Lodge.

Although the planning application is for a replacement of the existing windows, the changes proposed relate to the materials solely (i.e. change from timber to uPVC). Such change would be almost indistinguishable from the existing windows; the proposed use of uPVC provides energy efficient and durability, the latter of which ensures it will not deteriorate and cause negative impacts upon the historic environment. uPVC would also not present a new phenomenon, with this material already present elsewhere in Bridport Conservation Area.

In addition, care has been taken to source windows that comprise of similar dimensions of framing as the existing windows so that the issues that are flagged by Historic England in their guidance and the Conservation officer about appearance is overcome. This was provided as part of the planning application. The Historic England guidance does not reflect the advances that have been made in recent years to the design of PVC-u windows.”

16.11 UPVC is a far less sustainable material than timber, mainly owing to the use of plastic and the process of its manufacture, but also its short longevity. In fact, the material is inherently unsustainable: sealed units will typically not last more than an absolute maximum of 15 to 20 years, after which the difficulties and uneconomic costs of repair, usually result in replacement. Replacement is more usual because the material cannot be decorated and does not patinate, but simply degrades, typically through discoloration and resulting loss of visual appeal. Conversely, high-quality timber windows can last for centuries when properly maintained and, when paint fails, can be redecorated to look as new. As such no evidence has been provided as to why these windows cannot be repaired and redecorated.

Furthermore, whilst the applicant has stated a similar design of windows is proposed the appearance of UPVC windows being overly modern, unageing, glossy/reflective plastic and of thicker proportions would result in poor visual features within the conservation area and would be visually prominent given the buildings location.

16.12 Given that the building is directly adjacent to the Grade II* Bridport Museum and within the Bridport conservation area, the Conservation Officer has concluded that the use of modern, UPVC is considered to cause less than substantial harm to the Bridport Conservation Area and the setting of the Grade II* Bridport Museum as

designated heritage assets. In line with NPPF Para 208. Consideration should be therefore given to any public benefit of the scheme.

208. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*

16.13 As such the public benefit of the scheme must be considered to determine if this may weigh in the favour of the scheme. The only public benefit that could be gained is the benefit to the residents of this building through the installation of new windows through thermal and energy efficiency and consequent reductions in CO2 emissions. This is a limited and mainly private benefit. Any public benefit that could be associated with the use of uPVC rather than timber must be weighed against the harm to the character and appearance of the conservation area, or the harm to the setting of the Grade II* listed Museum building. It must be considered that a similar benefit could be achieved through the repair and upgrade of the existing timber windows without this harm. Bridport Town Council have also commented that replacing the windows in the existing block of flats would deliver the optimum viable use of Folly Mill Lodge. This is not considered to be a relevant consideration as the building is already fully utilised for a residential purpose and the change of windows would not have a significant impact on this established use. As such this public benefit is not considered to be sufficient to outweigh the harm to the designated heritage assets.

16.14 There have been various appeal decisions in recent years which support Council policy that replacing timber windows with UPVC in historic areas is inappropriate but most notably the appeal decision for 36 Alexandra Road in Weymouth (appeal reference APP/D1265/W/22/3290991). In that case, planning permission was required to alter the windows from timber to UPVC within the Conservation Area. The building was not listed nor was it a non-designated heritage asset. In that case, the appeal inspector considered the issue of energy efficiency and stated:

*'10. In terms of benefits, the appellant points to the energy performance of doubleglazed units and the benefits this could have for the occupants in terms of fuel bills and their health. I am in no doubt that double glazing could reduce condensation and make the property more energy efficient, perhaps by something in the region of 30%, contributing towards lower carbon emissions. However, it is reasonably likely that some energy savings could also be achieved through options such as draught strips, the installation of secondary glazing **or replacement double glazed timber windows (officer emphasis)**. I therefore give this matter limited weight.'*

They also considered the issue of precedence:

'12. The appellant refers to a number of properties in the CA with replacement UPVC windows. From my own assessment of the CA, I found many examples close to the

appeal site of inappropriate UPVC replacement windows where the design, style of opening and thickness of the frames detracted from the character of the building and the wider area. However, rather than being a benefit which should be weighed in the balance, this reinforces my view that inappropriate windows could have a harmful effect on the character and appearance of the CA.'

16.15 It is clear that the Inspector in that appeal considered that the insertion of UPVC windows would degrade the character & appearance of the Conservation Area and that like this case, there is no reason for automatically assuming UPVC is the first choice most appropriate replacement (likely because of initial cost) when other measures have not been considered first which a. are more appropriate within a historic setting and b. just as energy efficient and cost efficient because likelihood of replacement/failure is less if maintained appropriately.

16.16 Consideration is also given to the Bridport Neighbourhood Plan which clearly states on page 58 (with officer emphasis in bold):

'The cumulative impact of developments **that use inappropriate materials** and intrusive lighting **can erode the historic integrity of neighbourhood plan settlements**. Therefore, the Plan contains a range of policies that address design matters such as these.'

NB. It is noted that there is no scale of development of which that statement refers and as such it can be applied equally to all development.

As such, it is considered that this scheme does result in 'harm' to qualities of the public realm of Bridport Town Centre (which is enhanced by its historic quality) and fails policy HT2 of the Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020).

Impact on residential amenity

16.17 No additional windows are to be added therefore there is not considered to be an adverse impact to residential amenity through overlooking or loss of privacy.

Other matters

16.18 Flood risk- There is not considered to be any adverse flood risk impact given that the proposal is for the replacement of windows

16.19 Chesil and Fleet Special Area of Conservation (SAC) - There is not considered to be any adverse impact on the protected site as a result of the proposals given this scheme is not for overnight accommodation.

16.20 Dorset National Landscape (AONB) - The designation washes over Bridport and given the nature of the proposals in an urban location within limited appearance in the landscape, it is considered that the development would not impact on the duty to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB) and would have no adverse impact on the landscape surrounding the town.

17.0 Conclusion

In conclusion, whilst this is a modern building it is located directly adjacent to the Grade II* Bridport Museum and within the Bridport conservation area. As such, the use of modern, UPVC is not considered to preserve nor enhance the character of the Bridport conservation area or the setting of the Grade II* listed building and would cause less than substantial harm to both of those designated heritage assets without sufficient public benefits to outweigh this harm. UPVC is not considered to be a sustainable material compared to timber and similar energy efficiencies could be achieved through the repairs and redecoration of the existing windows. As such the proposal is considered to be contrary to policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015); and paragraphs 205, 206 and 208 of the NPPF (2023).

18.0 Recommendation

Refuse for the following reason:

The site is located within Bridport Town Centre Conservation Area, and it is highly visible from the public domain. It is also experienced within the setting of the adjoining grade II* Bridport Museum and its existing timber windows complement the detailing of this historic building. The proposal to replace the windows with UPVC would be inappropriate for the site and locality, failing to conserve or enhance the character and appearance of the conservation area. This is on the basis of UPVC windows being overly modern, unageing, glossy/reflective plastic and of thicker proportions which would result in poor visual features within the historic/traditional area/building. The development would lead to less than substantial harm to designated heritage assets, including the setting of a grade II* listed building, which would not be outweighed by any public benefits, in conflict with policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015); policy HT2 of the Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020) and paragraphs 205, 206 and 208 of the NPPF (2023).

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Application Number:	P/HOU/2024/02253
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	9 Sea View Portland DT5 1AA
Proposal:	External alterations to include the provision of external insulation and solar panels and replacement doors and windows.
Applicant name:	Mr & Mrs Gabriel
Case Officer:	Josh Cawsey
Ward Member(s):	Cllr Roper, Cllr Hughes and Cllr Kimber

1.0 The application is being 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:

The Application is recommended for REFUSAL.

3.0 Reason for the recommendation:

The proposal, through the loss of the visibility of the stonework, proposed external insulation, increase in roof mass and alterations to the existing front dormer, would result in less than substantial harm to the Underhill Conservation Area. The increase in height, bulk and mass of the property as a result of the additional insulation and increases to the front elevation dormer would result in the property becoming an overly dominant feature of Sea View and would result in the loss of balance within the terrace. Whilst some public benefit through the potentially improved energy efficiency may be achieved, this benefit is considered to be mainly private and of extremely limited public benefit. There is therefore no overarching public benefit arising from the proposals to outweigh the harm to the heritage asset. The proposal is contrary to policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015), policy Port/EN7 of the Portland Neighbourhood Plan (2021) and Paragraph 208 of the National Planning Policy Framework.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle of development is considered to be acceptable, subject to other material considerations.
Scale, design, impact on character and appearance	The proposal would result in an overly dominant feature in the street scene through the cumulative alterations.
Impact on the living conditions of the occupants and neighbouring properties	The proposal would not result in harm to the living conditions of any neighbouring properties.

Impact on landscape or heritage assets	The proposal would result in less than substantial harm, with limited public benefit that does not outweigh the harm.
Highway impacts, safety, access and parking	The proposal would have no impact on highways matters, including parking.

5.0 Description of Site

- 5.1 The application site is No.9 Sea View. This is an end of terrace three storey property, located to the Northeast end of the terrace. Sea View slopes heavily from Northeast to Southwest, with the terrace properties being stepped in order to match the slopping ground level. All of the properties have a distinct front building line, matching along the terrace.
- 5.2 With Sea View road to the frontage of the site, the proposal site has a small alleyway/walkway to the rear, separating the rear amenity space from that of Mallams further to the Southeast. This alleyway/walkway offers a clear viewpoint to the side and rear elevation of the application site.
- 5.3 Sea View is located within a largely residential area of Portland, with residential properties to all sides. Sea View is characterised by 3 large banks of terrace properties forming a small U-shaped estate, with a number of garages and gardens to the centre of the 3 banks. The estate is accessed by Coastguard Road to the Northwest, the only vehicular access in and out of the small estate. The site is within the Underhill Conservation Area.
- 5.4 The wider area is characterised by a large number of terrace properties, with narrow streets and limited parking. Many of these follow a similar design and style as Sea View, being stepped in line with the wider slope of the land from Northeast to Southwest towards Chesil Beach.

6.0 Description of Development

- 6.1 The proposal seeks works to increase the energy efficiency of the property. This includes the addition of external render, solar panels to the rear elevation roof slope, replacement fenestration, alterations to the front dormer, raising of the existing eaves and ridge heights, removal of the existing chimney and addition and blocking up of numerous windows.
- 6.2 The application is the re-submission of a previously withdrawn scheme. A number of minor alterations have been made for the resubmission. These include a vapor permeable levelling coat below the insulation and render finish, adding ashlar grooving to the render, the roof finish being changed from the existing smooth fibre cement tiles to riven fibre cement tiles, the 120 thick insulation to the gable end

above No.10 Sea View being replaced with 60 thick insulation and a gate to the front entrance in the boundary treatment.

7.0 Relevant Planning History

P/HOU/2023/01577 - Decision: WITHDRAWN - Decision Date:
29/06/2023

Cover house in insulation to improve energy efficiency. Fenestration changes.
Replace roof with more energy efficient version. Install solar panels.

P/PAP/2023/00644 - Decision: RESPONDED - Decision Date:
04/01/2024

Upgrade house for energy efficiency exterior appearance to provide heritage improvements

8.0 List of Constraints

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

Within the Defined Development Boundary of Fortuneswell

Within the Portland Neighbourhood Plan Area

9.0 Consultations

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

Consultees

1. Dorset Council Conservation Officer

Objection

The proposal does not appear to have been altered since the previously submitted application P/HOU/2023/01577 and therefore it is considered that the consultee comments provided for the previous application are still relevant as the concerns raised have not been addressed.

The finish of the proposed external insulation with the associated increase in roof mass, removal of chimney and additional solar panels would alter the appearance of the building and detrimentally harm the special character and local distinctiveness of

the Conservation Area. This level of harm would be less than substantial but with no wider public benefits to outweigh this harm.

2. Portland Town Council

Support the application

Were pleased to note that the applicant is proposing to improve the thermal values of the property.

Representations received

Summary of comments of objections:

None received.

Summary of 5 representations of support:

- Improves the appearance of the house.
- Shows how sympathetic changes can marry with energy efficiency.
- Highlight the ability to move forward with eco/green materials and methods.
- In line with the neighbourhood plan.
- In line with the declared climate emergency.
- In line with paragraph 164 of the National Planning Policy Framework.
- Opportunity to use renewable energy methods.

10.0 Duties

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

Section 72 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

Development Plan

West Dorset, Weymouth and Portland Local Plan (2015)

INT1	–	Presumption in favour of sustainable development
ENV1	–	Landscape, Seascape and Sites of geological interest
ENV4	–	Heritage Assets
ENV10	–	The Landscape and Townscape setting
ENV12	–	The Design and Positioning of buildings

ENV13	–	Achieving high levels of environmental performance
ENV16	–	Amenity
SUS2	–	Distribution of Development

Portland Neighbourhood Plan (2021)

EN2	–	Renewable Energy Development
EN7	–	Design and Character

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:ND

Paragraph 164 – In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposal would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in Chapter 16 of this Framework.

Paragraph 205 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater weight should be given). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use.

Other material considerations

Weymouth and Portland Urban Design (2002)

Landscape Character Assessment (Weymouth and Portland)

Appraisal of the Conservation Areas of Portland as amended 2017

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 and there would be no adverse impact arising from this development on persons with protected characteristics.

14.0 Financial benefits - None.

15.0 Environmental Implications

- 15.1 Recognising the urgent need to act on the causes and impact of climate change and biodiversity loss, Dorset Council declared a Climate and Ecological Emergency in 2019. As part of this, the vision proposes to become a resilient, carbon neutral and nature positive Dorset, being a carbon-neutral council by 2040 and helping the whole of Dorset become carbon-neutral by 2050 (at the latest). In 2020, a Climate and Ecological Emergency Statement (2021-2023) was published, which can be found on the Dorset Council website.
- 15.2 The proposal submitted seeks to increase the energy efficiency of the property, seeking to insulate the property, as well as replace existing fenestration and add solar panels. However, as noted within the Conservation Officers response, this does so in a way that is not appropriate for the building and location, with other methods being available that are more suited to the application site and building.
- 15.3 As assessed further below, it is considered that whilst the proposal would result in an environmental improvement through the works, this benefit to the public would be minimal due to the small scope of the works. This benefit would instead be mostly private with a betterment for the applicant/owner being the main enhancement.

16.0 Planning Assessment

Principle of development

- 16.1 As per policy SUS2 of the adopted local plan, the principle of extensions and alterations to existing lawful residential properties is acceptable subject to further consideration of matters such as amenity, heritage impact and design.

Scale, design, impact on character and appearance

- 16.2 The proposal seeks to extend the existing property through the addition of external cladding, as well as solar panels to the rear elevation, raising of the eaves and ridge, as well as alterations to the existing front dormer, increasing the height and mass.
- 16.3 Whilst the proposal includes a number of solar panels to the rear elevation, these would be permitted development as per Schedule 2, Part 1, Class C and therefore their impact has not been considered as part of this assessment.
- 16.4 Through the proposed alterations to the dormer, as well as the raising of the existing eaves and ridge, the proposal would see the property become a more prominent feature of both Sea View and the wider area.
- 16.5 The proposal also would see No.9 Sea View extend beyond the existing front elevation through the addition of external cladding. The existing terrace, whilst stepped in roof height, are all “flush” with regards to the front elevation and the proposal would see the dwelling protrude past this distinct building line.
- 16.6 It is considered that the proposed alterations would result in the property becoming an overly dominant feature of Sea View and would result in the loss of balance within the terrace with the proposal protruding beyond the existing front building line which

is a clear feature. As such, the proposal is assessed to be contrary to policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015).

16.7 Policy Port/EN7 of the Portland Neighbourhood Plan (2021) states that proposals are expected to be of a design which compliments the prevailing size, height, scale and mass, materials, layout, density and access of the surrounding development, be of a high quality design and use locally appropriate materials and colours, demonstrate that the development reflects and reinforces the existing character of the locality as identified in the Portland Heritage and Character assessment and applies the principles set out in conservation area appraisals where appropriate; and where possible, incorporates and enhances existing landscape features.

16.8 As set out above, the proposal would result in a proposal that does not compliment the prevailing size, height, scale and massing of the area, being overly dominant and resulting in the protrusion past the existing front and therefore also not complimenting the existing layout. The proposal is therefore also assessed to be contrary to Policy Port/EN7 of the Portland Neighbourhood Plan (2021).

Impact on the amenity of neighbouring properties

16.9 Whilst the proposal seeks to enlarge the property through the raising of the ridge and eaves, as well as adding insulation to the external walling, these changes are considered to not result in any additional impact on the neighbouring residential amenity above and beyond that of the existing.

16.10 The proposed new windows to the rear elevation would provide no additional outlook to neighbouring amenity beyond those of the existing.

16.11 Through the scale of the proposal, coupled with the nature of the proposals, the proposals would have no impact on residential amenity of any neighbouring properties above and beyond that of the existing. The proposal is therefore in accordance with policy ENV16 of the Adopted West Dorset, Weymouth and Portland Local Plan (2015).

Impact on heritage assets

16.12 Whilst No.9 Sea View is not a Listed Building, the site is located within the Underhill Conservation Area, in a prominent location elevated from Sea View with surrounding residential properties. There are also a number of historic footpaths that run to the Northeast and Southeast of the site, offering numerous viewpoints. There are therefore a number of views of the property that would be impacted upon by the proposed alterations.

16.13 Whilst there are multiple rendered properties within the area and street scene, the application site is a property which has Portland stone to the side and rear elevation. Although it is accepted that this has now been partially covered by a vapor spray that the applicant has applied to prevent damage, the detailing of the Portland stone below is still visible and legible. Portland stone, as per the Underhill Conservation

Area Appraisal, is noted as a key characteristic, with the Appraisal stating that “Portland stone that is seen and enjoyed is a key characteristic of the conservation area. Overpainting and rendering existing buildings would continue to dilute this important characteristic”.

- 16.14 The proposal, seeking to fully render the property, would result in the total loss of the Portland stone, in turn not only diluting this characteristic in the wider Conservation Area but resulting in the total loss of this important characteristic in respect of the application property.
- 16.15 As covered above, the proposal also includes a number of alterations that would increase the scale of the proposal as well, resulting in No.9 Sea View protruding past the front elevation of the “flush” terrace. When considered as a whole, it is assessed that the proposed works would result in a significant alteration to the appearance of the building within the Conservation Area.
- 16.16 Through the cumulative impact of the proposed alterations, it is assessed that the proposal would result in less than substantial harm to the designated heritage asset, namely Underhill Conservation Area.
- 16.17 The agent has stated that the proposal would result in a public benefit through the additional energy efficiency of the proposal. Whilst this would offer a benefit, it is considered that this benefit would be of a largely private nature for the applicant, rather than a public benefit which is required to balance the above noted level of harm. It is assessed that the extremely limited amount of public benefit arising from the insulation and installation of solar panels would not outweigh the less than substantial harm caused to the designated heritage asset.
- 16.18 The agent has also noted paragraph 164 of the National Planning Policy Framework that states that significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings should be given. However, this paragraph goes on to state that this should be read in conjunction with Chapter 16, which as above, also states that great weight should be given to the heritage assets conservation. As such, whilst accepted that significant weight should be given, this is to be balanced by the great weight noted within Paragraph 205 of the National Planning Policy Framework.
- 16.19 Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation area and Paragraph 205 of the National Planning Policy Framework requires great weight to be given to the designated heritage assets’ conservation.
- 16.20 Therefore, giving great weight to the conservation of designated heritage asset, in this case the Conservation Area and the contribution the application property makes to that Area in terms of its characteristics, it is assessed that the less than substantial harm identified, would not be outweighed by public benefits. Accordingly, the scheme conflicts with Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) which amongst other things seek high quality design which contributes towards maintaining local identity and

distinctiveness and conserving the significance of designated, as well as policy Port/EN7 of the Portland Neighbourhood Plan (2021). There would also be conflict with Paragraph 208 of the Framework as the harm to the designated heritage asset would not have clear and convincing justification, as it would not be outweighed by the very limited public benefit.

Highways impacts, safety, access and parking

16.21 The proposal does not seek to make any alterations to the existing site access or parking arrangements, with the proposal being only for works to the property to increase thermal efficiency. These changes would result in no impact on highways safety, access or the parking arrangements for the site.

17.0 Conclusion

17.1 The proposal seeks to make a number of energy efficiency improvements to the property, including the addition of external cladding, raising the height of the ridge and eaves, fenestration alterations and solar panels. Through the addition of the external cladding, coupled with the increase in ridge and eaves height, the proposal would result in a dominant feature and through the increase in footprint, protruding past the existing front “flush” building line within the terrace of Sea View.

17.2 The proposal would result in less than substantial harm to the Underhill Conservation Area as a result of the works. Whilst the proposal would result in some public benefit through the energy performance upgrades, it is assessed that the level of benefit being extremely limited, would not outweigh the less than substantial harm as stated within paragraph 208 of the National Planning Policy Framework. As such the proposal does not accord with policies of the development plan, including both the local plan and neighbourhood plan as identified in this report and furthermore conflicts with the NPPF.

18.0 Recommendation

18.1 Refuse for the following reason:

The proposal, through the loss of the visibility of the stonework, proposed external insulation, increase in roof mass and alterations to the existing front dormer, would result in less than substantial harm to the Portland Conservation Area. The increase in height, bulk and mass of the property as a result of the additional insulation and increases to the front elevation dormer would result in the property becoming an overly dominant feature of Sea View and would result in the loss of balance within the terrace. Whilst some public benefit through the potentially improved energy efficiency may be achieved, this benefit is considered to be mainly private and of extremely limited public benefit. There is therefore no overarching public benefit arising from the proposals to outweigh the harm to the heritage asset. The proposal is contrary to policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth and

Portland Local Plan (2015), policy Port/EN7 of the Portland Neighbourhood Plan (2021) and Paragraph 208 of the National Planning Policy Framework.

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Application Number:	P/HOU/2024/02788
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	24 Beech Road Weymouth Dorset DT3 5NP
Proposal:	Proposed addition of first floor storey
Applicant name:	Mr and Mrs L Tonkin
Case Officer:	Josh Cawsey
Ward Member(s):	Cllr Northam

1.0 Reason application is going to committee

The application is being referred to planning committee at the request of the Head of Planning following a scheme of delegation referral.

2.0 Summary of recommendation:

The Application is recommended for REFUSAL.

3.0 Reason for the recommendation:

- The proposal, through the increase in height, being of a design that takes no cues from the surrounding area, poor fenestration detailing, being out of scale & proportion with neighbouring properties and being of a fully rendered finish, would not contribute positively to maintaining and enhancing local identity and distinctiveness within the street scene. The proposal also completely removes the existing property essentially, overpowering/overdeveloping it and not offering a significant enhancement to the building and surrounding area. It is therefore considered that the proposal does not respect the site and its surroundings and is contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth and Dorset Local Plan (2015) and paragraphs 135 & 139 of section 12 of the National Planning Policy Framework (2023).
- The proposal, through the large increase in bulk and height, coupled with the minimal separation distance, would result in significant harm to the amenity of the neighbouring residential property, namely no.26 Beech Road, through an overbearing and overshadowing impact. The proposal is therefore considered to be contrary to Policy ENV16 of the West Dorset, Weymouth and Dorset Local Plan (2015) and paragraphs 135 & 139 of section 12 of the National Planning Policy Framework (2023).

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle of development is considered to be acceptable, subject to other material considerations.
Scale, design, impact on character and appearance	The proposal is assessed to be of a scale and design that fails to maintain or enhance the local identity and distinctiveness of the area, also overpowering the existing property.
Impact on the living conditions of the occupants and neighbouring properties	The proposal would result in significant harm to the neighbouring property's amenity through an overbearing and overshadowing impact.
Highway impacts, safety, access and parking	The proposal would not adversely impact the highways network or parking arrangements.

5.0 Description of Site

- 5.1 The application site is 24 Beech Road, Weymouth. This is a residential property located to the South side of Beech Road. The property is a detached bungalow, with first floor accommodation and a large dormer to the rear elevation. The property is constructed of red brick with fibre cement slate roofing. All fenestration is white uPVC.
- 5.2 The principle elevation of the property, containing the front entrance, is located to the east elevation, on to a single width driveway leading to a red brick garage with a dual pitched roof. To the front of the property, on to Beech Road, the site is paved, currently used for the parking of vehicles. There is no boundary treatment to the front elevation, however there is a low-level wall and fence to the east elevation, separating the property from the neighbouring bungalow, No.26 Beech Road.
- 5.3 The application site is located centrally within Beech Road, to the south side of the road. To the east of the site lies another detached property with accommodation in the roof space, albeit that property is larger in scale. Further east lie a number of detached two storey properties, with finishes such as red brick or a mix of brick and render.
- 5.4 To the west of the site is a row of detached dwellings. These are all of the same scale and form, with notable features such as the bay windows to the front elevations. Beyond these, the style of properties changes to a mix of two storey and single storey detached dwellings.
- 5.5 Opposite the development site, to the North side of Beech Road lie a number of detached properties, a mixture of both single and two storey in scale. These have a material finish of mostly red brick, however one property has been rendered and one property contains pebble-dashed render at first floor. There are also a number of dwellings erected behind these properties, which are a product of previous backland development proposals, which are accessed via Beech Road.
- 5.6 Parking on the street is commonplace, with some dwellings having parking within their respective plots and others having no allocated parking. There are no double yellow lines or parking restrictions on Beech Road.

6.0 Description of Development

The proposal seeks the addition of a first floor above the existing bungalow dwelling. The proposal seeks the use of a material palette of white render to walling, fibre cement roof tiles and white uPVC fenestration.

7.0 Relevant Planning History - There is no relevant planning history.

8.0 List of Constraints

Landscape Character Area – Weymouth Urban Area

Within Weymouth Defined Development Boundary

Within Upwey and Broadway Parish

Within Upwey and Broadway Ward

9.0 Consultations

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

Consultees

1. Weymouth Town Council

- No objection to the proposal

2. Ward Member - Upwey & Broadway

- Wish for the application to be referred to the committee.

Representations received

Summary of comments of objections:

No comments of objection received.

Summary of comments of 1 representation of support:

Proposal would be matching height, would be in keeping.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

West Dorset, Weymouth and Portland Local Plan (2015)

INT1 – Presumption in favour of sustainable development

SUS2 – Distribution of Development

ENV1 – Landscape, Seascape and Sites of Geological Interest

ENV10 – The Landscape and Townscape Setting

ENV12 – The Design and Positioning of Buildings

ENV16 – Amenity

COM7 – Creating a Safe and Efficient Transport Network

COM9 – Parking Standards in New Development

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.

Emerging Neighbourhood Plans

Weymouth Neighbourhood Plan – Designated with pre-submission consultation having taken place in 2023.

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:

Paragraph 135 states that Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 139 notes that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

Other material considerations

Weymouth and Portland Urban Design (2002)

Landscape Character Assessment (Weymouth and Portland)
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. Those with protected characteristics would not be impacted as a result of the proposed development.

14.0 Financial benefits - None of relevance.

15.0 Environmental Implications

Recognising the urgent need to act on the causes and impact of climate change and biodiversity loss, Dorset Council declared a Climate and Ecological Emergency in 2019. As part of this, the vision proposes to become a resilient, carbon neutral and nature positive Dorset, being a carbon-neutral council by 2040 and helping the whole of Dorset become carbon-neutral by 2050 (at the latest). In 2020, a Climate and Ecological Emergency Statement (2021-2023) was published, which can be found

on the Dorset Council website. However, the proposal does not seek any specific environmental implications, with no measures such as solar panels, air source heat pumps etc. included in the proposed plans. Conversely the development as a result of the use of additional materials and equipment will generate carbon omissions.

16.0 Planning Assessment

Principle of Development

16.1 The proposal seeks to erect a first floor above the existing dwellinghouse, retaining the existing footprint. As per local plan policy SUS2 residential development to meet local need will normally be permitted including extensions to dwellings. As such, the principle of development, subject to other material considerations, as assessed below, is considered to be acceptable.

Scale, design, impact on character and appearance

16.2 Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) states that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness, with development informed by the character and appearance of the site and its surroundings.

16.3 Furthermore, Policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) states that development will achieve a high quality of sustainable and inclusive design, with development only permitted where the siting, alignment, design, scale, mass and materials used compliments and respects the character of the surrounding area or would actively improve legibility or reinforce sense of place. Policy ENV12 also notes that any alterations or extensions of buildings should be well related to, and not overpower, the original building or neighbouring properties, unless they achieve significant visual enhancement to both the building and surrounding area.

16.4 The proposal as submitted seeks to erect a first floor above the existing dwelling, raising the eaves and ridge height significantly, with the ridge proposed to be higher than that of no.22 Beech Road directly to the West – no.22 measured as 7.75m tall, in comparison to 8.37m of the proposed dwelling. The proposal has no specific or notable design features, seeking a simple two storey dwelling design with a dual pitched roof. It is noted that both numbers 20/22 Beech Road have some element of traditional character and proportions and appear pleasing by virtue of their bays, gable projections and tile detailing. However, this proposed dwelling lacks style and appropriate fenestration with no reference to anything within the street or design finesse generally.

- 16.5 As outlined above, policy ENV10 notes that all development should be informed by the character and appearance of the site and its surroundings which clearly is not the case in this instance. The proposal seeks a simple, two storey dwelling with no specific design features or defining characteristics. The proposal takes no design cues from the surrounding area, such as the abundance of red brick finishes, or features such as the bay windows as mentioned at numbers 20/22 Beech Road to the west of the application site. The proposal also does not appear to take any cues on matters such as scale either, with the proposed development being of a height larger than that of the neighbouring no.22/20 Beech Road pair which appears discordant and overpowering. The existing bungalow is fully subservient to this neighbouring pair of semi-detached dwellings currently whereas, its finishing scale after extension to be higher than numbers 20/22 and blank characterless frontage will take visual precedence inappropriately.
- 16.6 Furthermore, as per Policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015), extensions and alterations to buildings should be well related to, and not overpower, the original building unless they achieve significant enhancements to both the building and surrounding area which as already discussed, is not the case with this application.
- 16.7 Beyond the reuse of the footprint, the proposal offers no relation to the original property, seeking to extend from a bungalow style property to a large two storey building of a materially different appearance, style and finish. The proposal would dwarf the existing in terms of scale and would have no notable or retained relation to the existing building. As assessed above, the proposal does not offer any enhancement to the surrounding area, and as such the proposal is considered to be contrary to policy ENV12.
- 16.8 The proposal, being taller than the neighbouring properties, of a design that takes no cues from the surrounding area, and proposing to be of a fully rendered design, would not contribute positively to the maintenance and enhancement of the local identity and distinctiveness. The proposal also has no relation to the existing property, overpowering it and not offering a significant enhancement to the building and surrounding area. It is therefore considered that the proposal is contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth and Dorset Local Plan (2015) and Part 12 of the National Planning Policy Framework.

Impact on the amenity of neighbouring properties

- 16.9 As per policy ENV16, proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. Developments will only be permitted provided:

- They do not have a significant adverse impact on the living conditions of occupiers of residential properties through loss of privacy;
- They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker;
- They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and
- They do not generate unacceptable pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity and living conditions, health and the natural environment can be mitigated to the appropriate standard.

16.10 Paragraph 135 of the National Planning Policy also states that policies and decision should ensure that development creates places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity of existing and future users.

16.11 The proposal seeks the erection of a first floor to the existing bungalow property. The existing property contains a large dormer to the rear elevation, with a number of windows within the rear wall. Whilst the proposal will introduce a new first floor, the proposal will provide no additional overlooking impact above and beyond that of the existing with windows at first floor level.

16.12 To the west elevation, the proposal is adjacent to the blank elevation of the neighbouring property. Due to this blank elevation, it is assessed that the proposal would have no harmful impact upon no.22 Beech Road, which is itself a two storey property.

16.13 To the east, the site is adjacent to the principal elevation of no.26 Beech Road. This is a property with a steeply pitched roof with accommodation contained in the roof. To the ground floor, the property has a bedroom (a habitable room) which is located to the front of the property and has a window directly facing no.24 Beech Road and on to the development. This window is located approximately 6.6m from the side elevation of the proposed dwelling.

16.14 The proposal seeks to add a first floor, substantially raising both the eaves and ridge height. This would result in the side elevation, which no.26 is only 6.6m from, rising from 2.77m at eaves and 5.67m at ridge, to 5.95m to eaves and 8.31m to ridge. This would result in a large increase in the bulk and mass of the side elevation, which is assessed to be in very close proximity to the neighbouring property, just 2.45m to the boundary and 6.6m to the side elevation of the neighbour.

16.15 When considering the proposed increase of 3.18m to the eaves height and 2.64m to the ridge height, the large increase in bulk and mass to the side elevation, coupled with the small separation distance, the proposal would result in a significant overbearing and overshadowing impact on both the side garden area and property of no.26 Beech Road. This impact is furthered by the location of habitable rooms, namely the ground floor bedroom which has a large window that would be significantly overshadowed by this large-scale extension.

16.16 The proposal is therefore considered to be contrary to Policy ENV16 of the Adopted West Dorset, Weymouth and Portland Local Plan (2015) and Paragraph 135 of the National Planning Policy Framework (2023).

Highways impacts, safety, access and parking

16.17 The proposal seeks the extension of the existing property, increasing the number of bedrooms within from three to four. Remaining in residential use, the proposal would not result in substantial harm to the highways network above and beyond that of the existing.

16.18 Whilst increasing the numbers of bedrooms within the property, there is ample parking space within the plot, with two spaces to the front of the property, two to the side and a single garage space.

16.19 The proposal is therefore considered to be in accordance with Policies COM7 and COM9 of the West Dorset, Weymouth & Portland Local Plan (2015) and Part 9 of the National Planning Policy Framework (2023).

17.0 Conclusion

17.1 The proposal seeks an extension that is out of keeping with the surrounding area, taking no cues from the surrounding area, and fails to contribute positively to the maintenance and enhancement of the local identity and distinctiveness. The proposal also has no relation to the host dwelling and would see an extension that would overpower this. There is no enhancement provided to the building or surrounding area, and as such the proposal is assessed to be contrary to policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015) and Part 12 of the National Planning Policy Framework (2023).

17.2 The proposal is also located within close proximity to the site boundary and principal elevation of the neighbouring property, no.26 Beech Road. This neighbouring principal elevation also contains a large window to a habitable room. Through the large scale of the proposal and increased bulk to the side elevation, coupled with the close proximity of 6.6m to the neighbour's elevation, it is assessed that the proposal

would result in significant harm to the residential amenity of the neighbouring property, and is therefore contrary to Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015) and Part 12 of the National Planning Policy Framework (2023).

18.0 Recommendation

The application is recommended for refusal for the following reasons:

1. The proposal, through the increase in height, being of a design that takes no cues from the surrounding area, poor fenestration detailing, being out of scale & proportion with neighbouring properties and being of a fully rendered finish, would not contribute positively to maintaining and enhancing local identity and distinctiveness within the street scene. The proposal also completely removes the existing property essentially, overpowering/overdeveloping it and not offering a significant enhancement to the building and surrounding area. It is therefore considered that the proposal does not respect the site and its surroundings and is contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth and Dorset Local Plan (2015) and paragraphs 135 & 139 of section 12 of the National Planning Policy Framework (2023).
2. The proposal, through the large increase in bulk and height, coupled with the minimal separation distance, would result in significant harm to the amenity of the neighbouring residential property, namely no.26 Beech Road, through an overbearing and overshadowing impact. The proposal is therefore considered to be contrary to Policy ENV16 of the West Dorset, Weymouth and Dorset Local Plan (2015) and paragraphs 135 & 139 of section 12 of the National Planning Policy Framework (2023).

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Application number:	P/VOC/2024/02912
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Lyme Regis Industrial Estate Uplyme Road Lyme Regis
Proposal:	Construction of 13 Storage Units (with variation of condition 2 of Planning permission P/FUL/2023/06865 - amended plan to reposition footprint of storage units).
Applicant name:	Mr Tony Pudner
Case officer:	Steve Tapscott
Ward member(s):	Cllr Bawden

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

2. Summary of recommendation

2.1 GRANT, subject to conditions.

3. Reason for the recommendation:

- Paragraph 11 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 principle of the development is already established through a recently granted and implemented permission. The proposed amendments would have no adverse impact on the character of the area, residential amenity, highway safety, trees, flood risk or land instability.
- There are no material considerations that would warrant refusal of this application.

4. Key planning issues

Issue	Conclusion
Principle of development	Already established through an extant permission ref. P/FUL/2023/06865. The site is within a well-established business park, which is designated as a Key Employment Site.
Scale, design and impact on local character, including the National Landscape	The proposal is consistent with the scale and design of development already approved. Its minor repositioning has no material impact on local character or the National Landscape. A pre-occupation planning condition to secure soft landscaping can be rolled forward.

Issue	Conclusion
Impact on amenity	The scale of development remains consistent with the extant scheme and the proposed use is the same. Planning conditions relating to opening hours and lighting can be rolled forward.
Highway impacts, safety, access and parking	The access is well established and the proposal would result in no materially different impacts on the local network or highway safety.
Flood risk and drainage	As per the extant scheme, the development would utilise the existing piped system for surface water drainage.
Coastal erosion and land stability	Proposed minor amendments would be unlikely to cause a risk of instability to this site or its surroundings. The proposal has been evaluated by the applicant's structural engineer and the foundation/slab arrangements can carry the amendments.
Ecology and biodiversity net gain	There is no material difference in ecological terms compared with the extant permission. BNG is not applicable where it was not a requirement of the original planning permission.
Impact on trees	Although development would be sited slightly closer to retained trees, the relationship is acceptable.

5. Description of site

- 5.1 The site is within the defined development boundary of Lyme Regis and is situated within a commercial area known as Uplyme Road Business Park, to the east of Uplyme Road. Access is established via this highway, which also leads to a medical centre and other business premises.
- 5.2 The land is fenced off from the medical centre car park to the northwest. To the northeast are the rear gardens of properties along Haye Close, while to the southeast, there are further commercial units. The site is within a designated key employment site, safeguarded under Policy ECON2 of the West Dorset, Weymouth & Portland Local Plan 2015.
- 5.3 Until recently, the site comprised a vacant, undeveloped, relatively flat area of land. Further to planning permission ref. P/FUL/2023/06865 being granted in February 2024 for 13 storage and distribution units, development is well underway.

6. Description of Development

- 6.1 This application seeks to vary the extant planning permission ref. P/FUL/2023/06865. The submitted application form confirms that further to

clearing the site in preparation for commencing works, the footprints of the buildings needed to change slightly. This application seeks to regularise the changes.

6.2 The key differences are summarised as follows:

	Extant	Proposed
Approximate distance from northwest boundary	2.1m	1.05m.
Approximate distance from southeast boundary	0.5m	0.8m
Unit 8 approximate distance from existing vegetation	2.25m	1.6m
Unit 4 approximate distance from existing vegetation	1.3m	0.5m
Units 1-5	Slightly staggered	Flush
Units 1-8 approximate footprint	317sqm	385sqm
Units 9-13 approximate footprint	140sqm	150sqm

6.3 There are no differences to the access, parking arrangements, cycle parking or bin stores. The ridge heights of all units remain the same, as do the materials and colours.

7. Relevant planning history

7.1 Most recently, planning permission ref. P/FUL/2023/06865 was granted on 9th February 2024 for the 'construction of 13 storage units.' This is the extant permission that the applicant is now seeking to amend.

8. List of key constraints

- Key Employment Site: Uplyme Road Business Park, Lyme Regis
- Defined Development Boundary: Lyme Regis
- Lyme Regis and Charmouth Slope Instability Zones: Zone 2
- Risk of Surface Water Flooding Extent 1 in 1000
- Dorset Council Land (Freehold): DT235974 - Reference 50031
- Radon: Class: Class 1: Less than 1%
- National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection in order to conserve and enhance the natural beauty of their landscapes – National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9. Consultations

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

Consultees

Dorset Council – Highways: no objection.

Dorset Council – Trees: comment that *'as the development [is] well underway any tree protection is probably not going to do a great deal.'*

Dorset Council - Coastal Risk Management: support.

Lyme Regis Town Council: *'recommends approval of the application because it is in accordance with the approved development plan and does not involve unacceptable or material harm to the Conservation Area or heritage assets.'*

Bournemouth Water Ltd (South West Water): initial comments in respect of a lack of drainage information revised to 'no additional comments', further to the receipt of a drainage survey and drainage plan.

Representations received - None.

10. Duties

- 10.1 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.
- 10.2 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. Relevant policies

Development Plan

West Dorset, Weymouth and Portland Local Plan (2015)

- INT1: Presumption in Favour of Sustainable Development
- ENV1: Landscape, Seascape and Sites of Other Geological Interest
- ENV2: Wildlife and Habitats
- ENV5: Flood Risk
- ENV7: Coastal Erosion and Land Instability
- ENV10: The Landscape and Townscape Setting
- ENV12: The Design and Positioning of Buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS2: Distribution of Development

- COM7: Creating a Safe and Efficient Transport Network
- COM9: Parking Provision
- ECON1: Provision of Employment
- ECON2: Protection of Key Employment Sites

Material considerations

Emerging Dorset Local Plan

- 11.1 In accordance with paragraph 48 of the NPPF, this emerging plan is at too early a stage to carry any weight in decision making.

National Planning Policy Framework

- 11.2 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.
- 11.3 Other relevant NPPF sections include:
- Section 4: ‘Decision making’: paragraph 38: local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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’: paragraph 85 places ‘significant weight’ on supporting economic growth and productivity.
 - Section 11: ‘making effective use of land.’
 - Section 12: ‘achieving well designed and beautiful places’: indicates that all development should 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 14: ‘meeting the challenges of climate change, flooding and coastal change.’
 - Section 15: ‘Conserving and Enhancing the Natural Environment’: in Areas of Outstanding Natural Beauty (National Landscapes), great weight should be

given to conserving and enhancing the landscape and scenic beauty (paragraph 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (paragraph 184).

- Paragraphs 185-188 set out how biodiversity is to be protected and net gains for biodiversity are encouraged.

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.

12. 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. Public Sector Equalities Duty

13.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have 'due regard' to this duty. There are three 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.

13.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have 'regard to' and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. One parking space for disabled provision is included in the parking layout. It is considered that the proposed development would not affect anyone with protected characteristics.

14. Financial benefits

14.1 None that are relevant material considerations.

15. Environmental implications

- 15.1 The Design and Access Statement accompanying the extant consent confirms that:

'The storage units will not be heated. PV panels will be installed on one roof face of each unit providing 2.5 kW of power. The walls and roof will be constructed of aluminium insulated panels to maintain temperature, reduce condensation, and minimise noise impact.'

16. Planning assessment

Principle of development

- 16.1 The principle of development is already established through the extant consent. The variation of an extant planning permission is possible under Section 73 of Town and Country Planning Act 1990 (as amended). Planning Practice Guidance¹ confirms that any change(s) sought under a Section 73 application *'must only relate to the conditions and not to the operative part of the permission.'* In this case, the operative part of the permission – the 13 x B8 storage units – would remain unchanged, and the proposed amendments to the layout are minor. As such, the proposals are considered to be acceptable, subject to detail and material planning considerations

Scale, design and impact on local character, including the National Landscape

- 16.2 Although the footprints and positioning of the units are proposed to alter, the difference would be barely discernible. The ridge heights of all units would remain as per the extant scheme, as would their materials, design and colours. A previous condition prohibiting external storage should be repeated, as should a condition requiring a soft landscaping/planting scheme. Taking these factors into consideration, there would be no material change to visual amenity compared with the fallback position, and no material impacts on the National Landscape would arise.

Impact on amenity

- 16.3 Given the extant position in terms of the established B8 use; the similarities in the scale of development; and the adequate separation distances from neighbouring dwellings and businesses that remain, the proposed amendments to the scheme would not materially affect relationships beyond the extant position when considering loss of privacy, overshadowing, overbearing impact and disturbance from general activity and noise.
- 16.4 The extant permission includes a condition to control external lighting, which it would be appropriate to re-attach. A further condition to restrict opening times to 7am - 10pm weekdays and 8am - 8pm Saturdays, Sundays and bank holidays would also be appropriate to repeat. As such, the scheme remains acceptable in terms of policy ENV16 (Amenity) of the West Dorset, Weymouth & Portland Local Plan (2015).

¹ Ref. ID: 17a-013-20230726

Highway impacts, safety, access and parking

- 16.5 The small increase in footprints would not reduce the amount of turning/manoeuvring space to a harmful degree, such that sufficient space would be retained. The same number of carparking and cycle parking spaces are proposed. No objections are raised by Highways and the scheme is in accordance with policies COM7 & COM9 of the West Dorset, Weymouth & Portland Local Plan (2015).

Flood risk and drainage

- 16.6 A small section adjacent to one side of the access is within an area of risk of surface water flooding (a 1 in 1,000 years event). The applicant has supplied a drainage survey and drainage plan, and Bournemouth Water Ltd (South West Water) raises no objections. As per the extant scheme, surface water would be drained via existing storm drains, not a combined sewer and not via a soakaway. A planning condition attached to the previous permission would be rolled forward, requiring all surface water to be discharged to the piped drainage system, rather than a soakaway. As such, the scheme complies with policy ENV5 of the West Dorset, Weymouth & Portland Local Plan (2015).

Coastal erosion and land stability

- 16.7 The site is located within zone 2 of the Slope Instability Guidance Map for Lyme Regis. The original application included a Ground Stability Assessment, which the Coastal Risk Management team concluded was acceptable.
- 16.8 This revised application is accompanied by an updated report and email prepared by the applicant's chartered structural engineer, which states that *'the increase in the footprint can be carried by the original designed foundations/slab as the load increase is marginal and [the] applied bearing pressure relatively low.'*
- 16.9 Coastal Risk Management raises no objections to the proposal, and the updated report can be conditioned to any grant of planning permission. As such, the scheme complies with policy ENV7 of the West Dorset, Weymouth & Portland Local Plan (2015).

Ecology and biodiversity net gain

- 16.10 The committee report in respect of the extant scheme set out that because the storage units and the parking area did not exceed 0.1ha in size, and that any biodiversity impacts would be limited to retained and protected boundary planting, no significant impacts would arise. There is no material difference with the varied scheme.
- 16.11 Having regard to biodiversity net gain (BNG), this was not in force at the time the original permission was granted. The regulations set out that BNG is not applicable to Section 73 applications where it was not a requirement of the original planning permission.

Impact on trees

- 16.12 Condition 7 of the original planning permission pertains that all existing trees and hedges must be protected and safeguarded, as per BS 5837:2005 (Trees

in Relation to Construction - Recommendations) standards. The Council's tree officer notes that the development is underway and no protective fencing has ever been put in place, thereby placing the development in breach of this condition.

- 16.13 Given the advanced stage of the build, there would be no merit in enforcing against this breach, and a fresh condition requiring further protection measures would be superfluous. However, further soft landscaping and planting is still required by condition and can help mitigate the loss of previous planting (although none of any particular merit previously). As such, the scheme complies with policy ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015).

17. Conclusion

- 17.1 The proposal is considered acceptable as the principle of the development is already established through a recent implemented permission. The proposed amendments would have no adverse impact on the character of the area, residential amenity, highway safety, trees, flood risk or land instability and the development is considered to accord with the policies of the development plan and the NPPF (2023).

18. Recommendation

- 18.1 Grant, subject to the following conditions:

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

C2344.01B: location and block plan

C2344.02C: storage buildings A and B floorplan, roof plan and elevations.

C2344.03B: storage building C floorplan, roof plan and elevations (version received 25/07/24).

C2344.04A: proposed site plan.

C2344.05C: proposed sections 1.

C2344.06B: proposed sections 2.

C2344.07B: proposed sections 3.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for storage uses falling within Use Class B8 and shall not be used for distribution.

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

3. The premises shall not be accessed for storage use and no vehicle movements shall be permitted on the site outside the hours of 0700 to 2200 on Mondays to Fridays and 0800 to 2000 on Saturdays, Sundays and Public Holidays.

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

4. There shall be no external storage of items or materials at the site.

Reason: In the interests of residential and visual amenity.

5. There shall be no external lighting at the site, including security lighting, without details of the proposed lighting scheme, including details of the number of lights, location, design and luminance having first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

6. Prior to the units hereby approved being first brought into use, 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 first 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 five years and shall thereafter be carried out in accordance with it.

Reason: In the interest of visual amenity.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on the approved site plan 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. Prior to first use of the development hereby approved, the cycle parking facilities shown on the approved site plan shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport.

9. All surface water from the development hereby approved shall be discharged to a piped drainage system and not to a soakaway.

Reason: in the interests of ground stability and flood risk.

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. Informative: Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

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Application Number:	P/FUL/2024/01817
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Mobile Home Watery Lane From Tincleton Cross To Junction Woodsford Road Tincleton Dorset
Proposal:	Replacement of mobile home (former railway carriage) with new dwelling with a detached double garage. Install ground mounted PV panels and ground source heat pump.
Applicant name:	Mr and Mrs Franklin
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Tarr

1.0 The application is brought to Committee at the request of the chair of the committee in accordance with the scheme of delegation.

2.0 Summary of recommendation:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a S106 agreement to restrict land within the applicant's ownership, and subject to planning conditions set out at section 18 of this report.

Recommendation B: Refuse permission for the reason set out at section 18 of this report, if the legal agreement is not completed by 6 months from the date of committee or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

3.0 Reason for the recommendation:

- The planning history of the site establishes a material fall back position which justifies the grant of planning permission in a location where new housing would not normally be supported.
- The design of the proposal would be acceptable and would not harm neighbouring amenity.
- Flood risk from ground water would be appropriately managed and the site is not at risk of flooding from rivers or the sea.
- The site would avoid harm to habitats sites and would ensure the protection of trees.

4.0 Key planning issues

Issue	Conclusion
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Principle of development	Although the site is located where new housing development would not normally be supported there is a material fall back position which justifies the development in this instance.
Amenity	There would not be any harmful impacts upon amenity.
Character and appearance	The building is modest in scale and unassuming in its design and would be appropriate to the locality.
Flood risk and drainage	The site is within flood zone 1 and not at risk of flooding from rivers or the sea. Risk of groundwater flooding would be appropriately managed through the development.
Highways	The proposal would not have an unacceptable impact on highway safety.
Habitats	There would not be any net increase in dwellings meaning effects on habitats sites would be avoided.
Impact on trees	The scheme includes appropriate measures which would ensure that harm to trees on the site boundary would not be harmed.

5.0 Description of Site

- 5.1 The site comprises a field to the western side of Watery Lane to the south of Tingleton. The site is bounded to the east by a hedgerow with interspersed trees while land to the immediate north south and east is open to the site being agricultural land within the applicant's ownership. The site is generally level and sits on a broad plan before ground levels rise to the north.
- 5.2 The site is generally rural in character with limited development in the immediate vicinity. The surrounding land is all agricultural in character.
- 5.3 The site is currently occupied by 'the caravan' which is a former railway carriage with several lean-to structures which have been clad in timber and corrugated metal. The structure has lawful use for residential occupation.

6.0 Description of Development

- 6.1 The proposal comprises the removal of the existing mobile home/railway carriage and the replacement with a new permanent dwelling, a double garage, and solar array. The dwelling has a gross internal area of 79 square metres and provides a pair of double bedrooms, an open plan kitchen living and dining area and separate bathroom, utility room and storage.
- 6.2 The dwelling is oriented and designed to present the main outlook westwards across the applicant's land holding, with the main openings in this elevation. The main entrance is in the southern elevation and the northern and eastern elevations are relatively simple in their appearance. The building is proposed to be constructed of stone beneath a standing seam metal roof.

- 6.3 The proposed garage is a single storey double garage constructed from timber. It sits beneath a simple pitched roof with gables.
- 6.4 The solar array is proposed to be located to the north of the dwelling and would comprise four groups of five panels each. The panels are to be mounted on a 'cornish rocker' system which is a framework which allows the angle of the panels to be adjusted to maximise their efficiency throughout the year. The system is based on a ground mounted framework of galvanized steel poles.
- 6.5 The proposal includes the creation of a new driveway within the site and the resurfacing of the existing access.

7.0 Relevant Planning History

WD/D/15/000273 - Decision: Refused - Decision Date: 12/05/2015

Use of land for siting of railway carriage for residential purposes.

WD/D/17/000656 - Decision: Granted - Decision Date: 15/05/2017

Mixed Use of the land for agriculture and for the stationing of a caravan for residential use.

P/PAP/2023/00584 - Decision: Responded given - Decision Date:
06/11/2023

Replacement of mobile home with new dwelling

8.0 List of Constraints

Dorset Heath Designation Buffer 5km; Dorset Heath

Poole Harbour Nutrient Catchment Area; Poole Harbour

Landscape Character; Valley Pasture; Frome and Piddle Valley Pasture

Groundwater Source Protection Areas; LOWER MAGISTON

Land Outside DDBs

Nutrient Catchment Areas

Right of Way: Footpath S43/7; - Distance: 10.96

Groundwater – Susceptibility to flooding

Higher Potential ecological network

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance:
4832.96

Wildlife Present: bird; - Distance: 4.51m

9.0 Consultations

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

Consultees

1. **DC - Rights of Way Officer** – No comments received.
2. **DC - Highways** – There is no unacceptable impact on highway safety identified and the highway authority has no objection to the proposal subject to conditions.
3. **DC - Minerals & Waste Policy** - The MPA can confirm that in this case, on the site identified for this proposal, the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.
4. **DC - Dorset Waste Team** – Waste and recycling materials will have to be presented for collection at the adopted highway.
5. **DC - Trees** – Should the tree protective fencing be installed as detailed in the submitted documents then the trees will be suitably protected throughout the course of the development.
6. **DC - Environmental Assessment** – Habitat Regulations Assessment Screening completed, confirming that an Appropriate Assessment is not required as there would be no net increase in the number of dwellings on the site.
7. **Environment Agency** – No comments received.
8. **DC - Env. Services – Protection** – No comment.
9. **Ward Councillor - Winterborne and Broadmayne Ward** - No comments received.
10. **DC - Building Control West Team** – No comment at this stage.
11. **Tincleton Parish Council** – Object. The previous certificate of lawful use granted a mixed use for agriculture and the stationing of a caravan, this application seeks a permanent residence and change of use of the land. No development is permitted in Tincleton in accordance with policy SUS2 of the Local Plan. There is no defined development boundary within the parish, therefore by implication no further development is permitted. Several applications over recent years have either been refused or withdrawn on council advice. The parish has published a draft neighbourhood plan which rejects any further development in Tincleton. There is a stream to the north of the plot which emerges from the watercress beds – concern that the proposed water treatment plant could conflict with this. The site is bounded on two sides by rivers and has a highwater table, leading to flood risk.

12. Dorset Wildlife Trust – no comments received.

13. Ramblers Association - Whilst it may not be available for use at present, the planning officer and applicant should be aware that FP S43/8 is shown on Dorset Explorer as being in the vicinity of (or possibly even crossing) the site proposed for development. The advice of the Senior Ranger for the area should be sought.

14. Natural England – Initial comment – objection due to requirement for further information in respect of impacts on protected habitats.

Following confirmation that HRA Screening has been completed, natural England concurs and raises no objection.

Representations received

Total - Objections	Total - No Objections	Total - Comments
9	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

- There is no development plan in place for Tincleton. The draft neighbourhood plan consultation indicates that residents of Tincleton did not feel that further development in the parish was appropriate.
- Lack of infrastructure including mains drainage, public transport, community facilities and road access.
- The development is visible from the road running west-east through the village and would have a detrimental impact on the rural views and character of the village.
- The mobile home was sited without planning consent and the previous owner resisted moving it.
- The size of the proposed dwelling is greater than the current footprint of the mobile home.
- Development of this nature in this location could create a precedent for future development in the area.
- The proposal would be contrary to the objective of the emerging neighbourhood plan *'to maintain the rural and historic character and tranquillity of the village and its open spaces'*

- Lack of information in respect of the solar array and it is questionable whether this would be sufficient for the dwelling.
- The design and materials of the bungalow are not in keeping with the village as recorded in the draft neighbourhood plan. The design would be harmful to the character of the village.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

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

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

- INT1 - Presumption in favour of Sustainable Development
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV16 - Amenity
- SUS2 - Distribution of development
- SUS4 - The replacement of buildings outside defined development boundaries
- HOUS6 - Other residential development outside DDB's
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

Material Considerations

Neighbourhood Plans

11.2 Knightsford (West Knighton, West Stafford Tingleton, Woodsford) – In preparation – limited weight applied to decision making.

The Dorset Council Local Plan

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

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

11.4 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

11.6 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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- 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 11 'Making effective use of land'
- 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 14 'Meeting the challenges of climate change, flooding and coastal change'

Other material considerations

- Nitrogen Reduction in Poole Harbour SPD Adopted
- Consultation Report - Nitrogen Reduction in Poole Harbour SPD
- Consultation Statement - Nitrogen Reduction in Poole Harbour SPD
- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- 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.
- 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.

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

13.0 Public Sector Equalities Duty

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

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

13.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The proposal comprises a single storey building which would lend itself to adaptations for people with disabilities or mobility impairments.

14.0 Financial benefits

Material considerations:

Employment created during the construction phase.

Increased spending in local shops and facilities.

Non material considerations:

CIL contributions.

New homes bonus.

15.0 Environmental Implications

15.1 The proposal would involve the construction of a new dwelling which would have embodied CO2 and which would result in energy use while occupied. The applicant has however indicated their intention that the dwelling operates ‘off grid’ with a proportionately substantial provision of Solar PV on site. The dwelling would be built to modern building regulations, including energy efficiency requirements, and would replace an aged and poorly insulated structure which could otherwise be occupied as a dwelling.

16.0 Planning Assessment

Principle of development

16.1 The site is located in the open countryside outside of any defined development boundary. The site is also somewhat separate from Tingleton which is itself a small

settlement, without a defined development boundary and is not identified as one of the settlements of 200+ population. The site is therefore not considered to be a sustainable location for new development, and the construction of a new dwelling on the site conflicts with policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015).

- 16.2 Several of the comments from third parties have also highlighted that the emerging Knightsford Neighbourhood Plan takes a similar stance, confirming that Tincton is not considered to be a suitable location for new development. As the neighbourhood plan has not been through examination or been 'made' it does not yet form part of the development plan and can only be afforded limited weight in decision making. Notwithstanding this, the plan's position with regard to the suitability of Tincton as a location for development is consistent with that of the Local Plan which continues to apply to the site. As noted above, it is acknowledged that the site's location is such that new housing development would not normally be supported.
- 16.3 Policies SUS2 and HOUS6 of the West Dorset, Weymouth & Portland Local Plan (2015) do however allow for the provision of new housing in rural areas in certain defined circumstances. These include where the proposal is for the replacement of an existing lawful dwellinghouse. Where replacement dwellings are proposed, policy HOUS6 indicates that the building should be accommodated within the existing residential curtilage and should not be significantly larger than the original and should not detract from the character and appearance of the locality and its landscape setting.
- 16.4 In this instance the planning history of the site is of particular relevance as a material consideration. In 2017, a certificate under section 191 of the Town and Country Planning Act 1990 was issued in respect of the site, confirming as lawful the mixed use of the site for agriculture and the stationing of a caravan for residential purposes. The certificate confirms the status of the site following an earlier enforcement appeal where the inspector concluded that the appellant had demonstrated firstly that they had commenced the change of use of the land more than 10 years before the enforcement notice was issued, and that the lawful use had been established and not lost by abandonment or being superseded by a further change of use.
- 16.5 Although the certificate was granted on the basis of the railway carriage which currently remains on the site the lawful development certificate refers to 'the stationing of a caravan for residential use'. There are no other restrictions meaning that any structure which fulfils the legal definition of a caravan may be sited and occupied permanently. Therefore, although the current structure is relatively small, being based upon a railway carriage, the applicant would be able to replace it with a much larger twin unit caravan without further reference to the Council. Any caravan could be retained on site and occupied for residential purposes in perpetuity.
- 16.6 The proposal does not fall within the strict definition of a replacement dwellinghouse as would ordinarily be supported by policies SUS2 and HOUS6 as the structure being replaced is not a dwellinghouse but a caravan, and therefore is

not a building. However, the fall back position established by the lawful development certificate means that the permanent residential occupation of the site may continue. Therefore, the proposal to replace the caravan with a permanent dwelling would not undermine the objectives of the development plan or the national planning policy framework with regard to the location of development or the protection of the countryside. Given that the justification for the proposal is reliant on the specific circumstances established by the lawful development certificate, no precedent would be established.

- 16.7 Several representations have raised concern that the proposed dwelling would be significantly larger than the existing structure. It is correct that the proposed dwelling would be larger than the railway carriage that it would replace. Policy HOUS6 establishes a general expectation that a new dwelling should not be significantly larger than the dwelling that it replaces. This is explained in paragraph 5.7.2 of the supporting text as being within 10% by volume. Although, in the absence of detailed existing elevations a precise comparison cannot be completed, it is clear from the site plan that the footprint represents approximately a 90% increase so the dwelling would be significantly larger than might normally be allowed.
- 16.8 In this case the material fall back position established by the lawful development certificate remains relevant as a material consideration to which substantial weight may be afforded. As noted above, the lawful development certificate allows for the stationing of a twin unit caravan on the site. The maximum dimensions of twin unit caravans are defined within the Caravan Sites Act 1968 as a length of 20m, width of 6.8m and internal height of 3.05m. This equates to a gross external area of 136 square metres. Although the new dwelling would be physically larger than the railway carriage it is replacing it would be considerably smaller than could be established under the lawful development certificate.
- 16.9 Although the lawful development certificate for the mobile home provides a fall back position which justifies the development of a new dwelling on the site, the certificate applies to a much larger area than the current planning application boundary. The boundary for the certificate essentially follows the blue line, denoting land within the applicant's ownership, for this application.
- 16.10 The siting of the dwelling means that the removal of the existing mobile home would be necessary to deliver the approved development. The effect of granting planning consent for the permanent dwelling proposed would also be to establish a new residential curtilage which coincides with the planning application boundary, as opposed to the current mixed use which washes over the application site as a result of the lawful development certificate. Although the lawful development certificate doesn't establish a dedicated residential curtilage, it is evident that the area immediately surrounding the mobile home has not been directly used for agricultural purposes with evidence of these areas having been fenced off to separate them from the wider agricultural field in the past. The overall size of the plot to be created is not considered to be disproportionate in its context. While the development would lead to a permanent loss of that area from agriculture, evidence indicates that the area around the mobile home has not been used directly for agriculture for some time. Therefore, in view of the fall back position, the curtilage to be created is considered to be appropriate.

- 16.11 The size of the red line boundary for the lawful development certificate is such that the applicant would still be entitled to site a caravan elsewhere on the land. This would result in a net increase in dwellings in an unsustainable location, which would not be supported by policy. It is therefore necessary to impose a restriction through a planning obligation which would ensure that, notwithstanding the lawful development certificate, no caravans may be sited on any part of the land within the applicant's ownership, preventing the applicant or any future owners of the site from benefitting from the lawful development certificate for the siting of a caravan.
- 16.12 For the remainder of the land within the applicant's ownership, its use for agricultural purposes would be able to continue unaffected. Although the lawful development certificate refers to a mixed use for agriculture and the siting of a residential caravan, the use of land for agriculture is specifically excluded from the meaning of 'development' by section 55(2)(e) of the Town and Country Planning Act 1990. Therefore, the use of the remainder of the site for agriculture could continue unaffected by the creation of a residential curtilage in the eastern part of the field.
- 16.13 The proposals also include the provision of an array of solar panels to provide electricity for the new dwelling. Within policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015), the provision of renewable energy infrastructure is one of the forms of development that is acceptable in rural areas. Therefore, particularly given that the solar panels are proposed in conjunction with a new dwelling for which an exceptional justification exists, the principle of their inclusion is acceptable.

Amenity

- 16.14 The proposed dwelling is located a significant distance from the nearest residential property which is located around 260 metres to the northwest of the site, with a considerable tree belt between the properties at the northern edge of the site. The building would be modest in scale and given the relative remoteness of the site, there would not be any harmful impacts upon the amenity of neighbours.
- 16.15 The dwelling itself would provide for a good level of amenity for future residents. The dwelling meets relevant nationally described space standards for single storey dwellings and provides sufficient external space to form an appropriate residential curtilage while retaining the bulk of the associated land in agricultural usage. It is therefore considered that the proposal complies with the requirements of policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Character and appearance

- 16.16 The proposed dwelling would be relatively modest in scale, being a single storey structure, beneath a low roof. The design is unassuming with relatively simple detailing. The materials comprise stone walls and a standing seam metal roof. Given the site's isolation it would not relate directly to any neighbouring properties and would stand somewhat separate from the housing within Tincton.
- 16.17 Comments received have criticised the design, indicating that the design and use of materials does not reflect the character of the area as described in the draft

neighbourhood plan. The consultation version of the Knightsford Neighbourhood Plan describes a range of materials used across the area including red and buff brick, cob/render, rubble stone, Portland and Purbeck limestone and with roofs including thatch and clay tiles. The draft neighbourhood plan also shows a colour palette for Tincton which includes creams, beige, greys and blue/grey.

- 16.18 Beyond the statements within the neighbourhood plan, observations of the local area indicate a great deal of variety locally both in terms of the use of materials and in terms of housing typologies. There is a mix of older traditional cottages and later twentieth century housing which comprises both 1 and 2 storey units and a considerable variety in the type and usage of materials.
- 16.19 The use of stone for the walls is considered to be entirely appropriate to the local character and would be reflective of numerous local buildings. Although standing seam metal roofing is not a common feature in the area its use in this instance would be appropriate to the design of the dwelling. The building would not be widely visible as it is screened from the road by existing hedgerows which are to be retained, and in longer range views, by existing landscape features. The associated detached garage structure would be similarly modest in scale and would not have a harmful impact upon local character. The solar panels would be modest in their scale and appearance and would clearly appear as a subservient element which would not be harmful to local character and which would not be widely visible in the landscape.
- 16.20 Taking the above into consideration, it is considered that the proposals are acceptable in their design and relationship with the character of the area. As such the scheme is considered to comply with policies ENV10, ENV11 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015).

Flood risk and drainage

- 16.21 Several comments have raised concern in respect of flood risk issues at the site, including submission of photographs showing winter flooding. While those concerns are acknowledged, the site is located wholly within flood zone 1, indicating that it is at low risk of flooding from rivers or the sea. The photograph of winter flooding which has been submitted was taken from a vantage point some distance to the south of the site, close to a bridge over the River Piddle. The location of that vantage point has been confirmed as falling within flood zone 3. Therefore, while it is clear evidence of flooding having taken place where the photo was taken it does not demonstrate any additional risk of flooding at the site.
- 16.22 Notwithstanding the site's location within flood zone 1, it is identified as falling within an area at risk of flooding from groundwater. The applicant has provided a flood risk assessment which confirms that the site has not flooded in the past, noting that the area where the house is to be sited is elevated above the immediate surrounding areas. This can be seen on the existing site plan which shows the footprint of the existing structure within the 35m contour when surrounding areas to the south and east are at a lower level. The proposals do not involve any alterations to ground levels in the area, and it is therefore considered that, subject to agreement of finished floor levels of the new building, to ensure that they are set

at an appropriate level, the risk of flooding from ground water would be appropriately mitigated.

- 16.23 Several comments have also raised concerns about the suitability of drainage arrangements for the site. The applicant notes that the existing building drains to the ground without issue. Although the proposals would result in an increased footprint of the development this increase would not be significant in the context of the site and the landholding available. Drainage outflows from the proposed package treatment plant would be to an existing watercourse. While precise details have not been provided, the formation of the outfall would be subject to permitting by the Environment Agency.
- 16.24 Taking the above into consideration, the proposal is assessed as complying with policies ENV5 and ENV9 of the West Dorset, Weymouth & Portland Local Plan (2015).

Highways

- 16.25 The site is accessed from an existing access which is already established to serve the lawful residential use of the site. There would be no intensification of that use as a result of the proposals.
- 16.26 The application has been considered by the Highway Authority which considers that the proposals would not result in unacceptable impacts upon the highway, subject to conditions requiring construction of the first 6m of the vehicle access in an appropriate hard surfaced material to the satisfaction of the highway authority, the provision and maintenance of the visibility splays that have been indicated, the provision and retention of the turning and manoeuvring space indicated and the setting back of the gates by a minimum of 6m from the rear edge of the highway.
- 16.27 Subject to the imposition of the recommended conditions it is considered that the proposal would not result in unacceptable impacts on highway safety and would therefore comply with policies COM7 and COM9 of the West Dorset, Weymouth & Portland Local Plan (2015).

Habitats

- 16.28 The site is within the hydrological catchment of the Poole Harbour SAC and Ramsar Site where new dwellings must demonstrate that they would be nutrient neutral to avoid likely significant effects from nutrient deposition. The site is also within the 5km recreational catchment area of the Dorset Heathlands SPA, SAC and Ramsar Sites where additional residential development is assessed as contributing to likely significant effects through additional recreational pressures (these being capable of mitigation through the Dorset Heathlands Planning Framework SPD). In this instance, the site would not result in a net increase in dwellings, as the new dwelling would replace the existing residential caravan. As such an HRA screening has been completed which confirms that likely significant effects will be avoided, and an Appropriate Assessment is not required. The proposal therefore complies with policy ENV2 of the West Dorset, Weymouth & Portland Local Plan (2015).

Trees

16.29 There is an existing hedgerow which includes a number of trees, on the eastern boundary of the site. The applicant has provided an arboricultural report and tree protection plan which the council's tree officer has confirmed would ensure the appropriate protection of these trees, subject to a condition requiring its implementation.

Public rights of way

16.30 The ramblers' association has commented to note the proximity of the site to right of way, footpath S43/8, which they describe as being in the vicinity of or possibly crossing the application site. The definitive map shows the route of that footpath to be in the field to the south and is approximately 150m away at its closest. There is also a footpath in closer proximity (S43/7) which runs north eastwards across the field to the east of the site.

16.31 There are no public rights of way crossing the site. While no comments have been received from the council's rights of way officer, based on the definitive map no public rights of way would be directly affected by the proposals.

17.0 Conclusion

17.1 Although the site is located in a relatively remote rural area, where new housing development would not normally supported, in this instance there is a material fall back position in the form of a lawful development certificate which allows for the siting of a caravan on the site for residential use. This is a material consideration of sufficient weight to justify granting planning permission for residential development in a location which would otherwise conflict with the development plan.

17.2 The proposed dwelling is modest in its scale and its design, while utilising a contemporary palette of materials it is considered to be appropriate to the area. The dwelling would not cause harm to residential amenity and would provide an appropriate level of amenity for its occupants.

17.3 Notwithstanding comments received from third parties the site is located within flood zone 1 and is not therefore considered to be at risk of flooding from rivers or the sea. The site is in an identified area at risk of groundwater flood risk. However, this would be appropriately managed through the development.

17.4 The proposal would ensure the retention of trees and the hedgerow on the site boundary, would avoid harmful impacts upon the highway and, as there would not be any net increase in dwellings there would not result in harm to the Poole Harbour or Dorset Heathlands habitats sites through additional nutrient enrichment or recreational pressure, respectively.

17.5 The proposal is therefore assessed to comply with relevant policies of the development plan, with there being a material consideration of sufficient weight to justify the grant of planning permission in a location where a new dwelling would not normally be supported.

17.6 It is therefore recommended that planning permission is granted subject to appropriate conditions and the completion of a legal agreement to prevent the siting of a residential caravan on the site or other land within the applicant's ownership.

18.0 Recommendation

Recommendation A:

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

- No residential caravans to be sited anywhere within the land owned by the applicant and subject of the lawful development certificate (which would otherwise be allowed by the lawful development certificate)

And subject to 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:
PL-1684-200 Existing Location and Proposed Block Plan
PL-1684-201 A Proposed Site plan
PL-1684-202 A Proposed Floor plan
PL-1684-203 Proposed Elevations
PL-1684-204 Proposed Garage floor plans & elevations

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

3. Prior to commencement of the development approved details of the finished floor level(s) of all the building(s) hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and flood risk.

4. Prior to the commencement of development details of proposed flood mitigation measures as included in the Flood Risk Assessment reference 1684-70 FRA shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until such measures have been completed in accordance with the agreed details.

Reason: In order to safeguard the accommodation from unnecessary flood risk.

5. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted RNapc method statement and tree protection plan RNapc/605/TPP/1 and RNapc/605/1 shall be implemented and at least 5 working day's notice shall be given to the Local Planning Authority that it has been installed. Thereafter, tree protection measures shall be retained throughout the course of the development and only removed once construction works have been fully completed.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

6. Within 2 months of the first occupation of the dwelling hereby approved, the existing mobile home (former railway carriage) and structures and materials arising from demolition shall be permanently removed from the site.

Reason: To safeguard against otherwise inappropriate additional residential development and in the interests of visual amenity.

7. 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.

8. Before the development hereby approved is first occupied the first 6.0 metres of the vehicular access whether it be concrete, block paving or tarmac, measured from the nearside edge of the highway (see informative note below), shall have been laid out, constructed, and surfaced, to a specification which shall have first been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: In the interests of highway safety.

9. Before the development hereby approved is occupied or utilised, the visibility splay must have 43 metres of clear and unobstructed line of sight in both directions. Any obstruction on the verge both sides of the access must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

10. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the details shown on drawing number PL-1684-201-A. 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.

11. Prior to the development being first brought into use any entrance gates shall be set back a minimum distance of 6.0 m from the edge of the carriageway and hung so that the gates can open inwards only.

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 flow of traffic.

12. 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.

13. 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.

Informative Notes:

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated (date to be completed prior to issuing of decision).
2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. 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.

4. Street Naming and Numbering

The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>

5. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

6. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

Recommendation B:

Refuse permission for the reason set out below if the legal agreement is not completed by 6 months from the date of committee or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a S106 agreement to ensure a mobile home could not be sited on the land now or in the future, in accordance with lawful development certificate, the proposed development would result in an additional dwelling at the site in an unsustainable location where the future occupier would be reliant on a car to access services and facilities. Hence the development would be contrary to Policies INT1 and SUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2023).