



Western and Southern Area Planning Committee

Date: Thursday, 3 October 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.

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

Agenda

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

3. MINUTES 5 - 28

To confirm the minutes of the meeting held on 05 September 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 01 October 2024.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- | | | |
|-----------|---|--------------|
| a) | Application P/FUL/2023/06930 New Look Site including areas off Chandler Close and Souter Way, Mercery Road, Weymouth, DT3 5FU
Construction of a Class E(a) retail unit for the sale of food and non-food goods, associated customer car park, cycle parking, hard and soft landscaping, infrastructure and associated works. | 29 - 70 |
| b) | Application P/RES/2022/04434 Land to the north and west of Cockroad Lane Beaminster
Application for the approval of layout, scale, appearance and landscaping (condition 2 - 'the reserved matters'), construction traffic management plan (condition 6), attenuation pond details (condition 9), finished floor levels (condition 10), tree protection details (condition 11), ground remediation scheme (condition 12), highway details (condition 17), bridge details (condition 18), electric vehicle charging points (condition 19) and travel plan (condition 20) pursuant to outline planning permission ref. WD/D/19/000613 for the erection of 58 No. dwellings and associated works. | 71 - 102 |
| c) | Application P/FUL/2023/07313 528 Littlemoor Road Weymouth Dorset DT3 5PA
Proposed 2No New Two Storey Dwellinghouses and Conversion of Existing Coach House to Holiday Let Accommodation. | 103 -
118 |
| d) | Application P/FUL/2024/04204 Highlands Greenway Lyme Regis DT7 3EY
Erect new dwelling with car port on garden west of Highlands. | 119 -
136 |

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.

This page is intentionally left blank



WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 5 SEPTEMBER 2024

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

Apologies: Cllr Belinda Bawden

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

Joshua Cawsey (Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer), Jo Langrish-Merritt (Planning Officer), James Lytton-Trevers (Lead Project Officer), Elaine Tibble (Senior Democratic Services Officer), Katrina Trevett (Development Management Team Leader) and Thomas Whild (Senior Planning Officer)

22. Declarations of Interest

Cllr Northam declared an interest in item 5d, because he had previously heard the item at a Weymouth Town Council meeting and as such was predetermined and would speak as a Ward Member for the item.

23. Minutes

The minutes of the meeting held on 25 July 2024 were confirmed and signed.

24. Registration for public speaking and statements

Details of public representation have been listed in the details of the planning applications below.

25. Planning Applications

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

26. Application P/RES/2024/03002 Phases 1C (II) and 1C (III) Land at Foundry Lea Vearse Farm Bridport

The Lead Project Officer presented the reserved matters application for a residential development within Bridport. The parameters of the application were detailed and the location was highlighted on a site map. The previously approved plans were shown, to give members an indication of the parameters of the

development. It was also explained that the new application was similar to the previously approved one and significant weight was given to the fact that the previous application already had approval.

The proposed plans were shown to members, including details of the number and sizes of dwellings, access and parking and an area of landscaping. The Lead Project Officer explained that there were three defined character areas within Bridport that related to this application and that the application was acceptable in appearance, landscaping, layout and scale in relation to the character areas.

Public representation in objection to the application was received from Mrs Hudson, who expressed concerns about the usage of S106 funds and the increased traffic generated from the development. Cllr Mooney, representing Bridport Town Council, also spoke in objection to the application, noting the Town Council's disappointment with the lack of sustainable materials used in the construction process.

Mr Mantell, representing the applicant, spoke in support of the application, expressing that the applicant had committed to certain sustainability targets and had adopted a carbon strategy to reduce carbon emissions from the development.

The Lead Project Officer confirmed that the S106 funds would be used for a variety of projects within the local area and the roundabout referenced by Mrs Hudson was not being paid for with funds secured by the S106 agreement.

In response to questions from members the Lead Project Officer and the Development Management Area Manager provided the following responses:

- Policy states that affordable housing should consist of a split of 70% of affordable rented housing and 30% shared ownership properties.
- The affordable housing provision is assessed across the entire development project rather than through each individual stage of the development.
- The S106 legal agreement ensures that the affordable housing provision would be met by the applicant.

Having had the opportunity to debate the merits of the application, although some members had expressed concerns over the possibility of the applicant reducing the affordable housing provision in the future, there was support for the application in general.

Proposed by Cllr Kimber and seconded by Cllr Northam.

Decision: 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 the appendix to these minutes.

27. **Application P/FUL/2024/01407 Folly Mill Lodge South Street Bridport**

The Planning Officer introduced the application, which was for the replacement of timber framed windows with modern UPVC windows on a building within the Bridport Conservation Area. The building was shown on a site map and the location highlighted, as well as several nearby listed buildings. Photographs of the building and surrounding area were shown.

It was considered that the new UPVC windows would cause harm to the conservation area, as the building was prominent and would be publicly visible from the street. Also, the energy saving benefits would be minimal and the shorter lifespan of the UPVC windows was thought to counteract any of the energy saving benefits.

Cllr Mooney, representing Bridport Town Council and the agent Ms Bishop, spoke in support of the application. They explained that the UPVC windows that were proposed to be installed would be of a high quality and wouldn't be overly noticeable from the street scene and that it would not impact on the setting of the nearby listed buildings.

The Development Management Team Leader provided the following responses to members questions:

- The Local Planning Authority had taken a consistent approach and where possible had decided to retain traditional materials within the Conservation Area.
- The applicant hadn't submitted any further details of the proposed windows.
- The application did not provide details about current heat loss levels from the timber framed windows.
- No alternative proposals had been discussed, such as, keeping the timber framed windows on the front of the building and replacing the side and rear windows.

Having had the opportunity to debate the merits of the application, several members expressed disappointment at the lack of negotiation between the applicant and the Local Planning Authority to come to a suitable proposal.

It was proposed by Cllr Christopher and seconded by Cllr Shortell that the application be refused. The motion fell and members continued the debate.

It was proposed by Cllr Northam and seconded by Cllr Kimber that the application be deferred, to allow the applicant time to submit further details about the windows and liaise with planning officers. The motion to defer the application fell.

Following the debate, one member expressed that although the application as it was, was unacceptable, the applicant could consider the concerns raised and potentially bring forward a new application in the future, which could be acceptable.

Proposed by Cllr Wheller and seconded by Cllr Monks.

Decision: That the application be refused.

28. Application P/HOU/2024/02253 9 Sea View Portland DT5 1AA

The Planning Officer introduced the application for external alterations to an existing dwelling. The location of the dwelling was highlighted on a site map and various photographs were provided of the dwelling and the surrounding area. The existing and proposed elevations were shown to members, to give an indication of the proposed changes.

It was explained that the site fell within the Underhill Conservation Area and it was within the Defined Development Boundary. It was considered that the proposed changes would cause less than substantial harm to the Conservation Area, due to the visual loss of Portland stone on the exterior of the building and the increased height and bulk, which would impact the appearance of the terrace. In addition, the public benefits would be minimal and not outweighed by the harm to the Conservation Area.

Public representation was received from Mr Turner, Ms Mugford and Mr Hyde, the applicant, in support of the application. They highlighted the importance of improving the sustainability of the dwelling through modernisation and that the visual difference would be minimal, considering the exterior Portland stone was currently painted over.

In response to questions from members, the Planning Officer and Development Management Area Manager provided the following responses:

- The Conservation Officer suggested alternative options should be considered for improving the sustainability of the property, before altering the external appearance.
- Portland stone was listed as a desirable material for properties to retain in the Conservation Area Appraisal.
- The dwelling was not a listed building and any harm caused would be to the character of the Conservation Area.
- There had been no letters of objection from the public and Portland Town Council had supported the application.

Several members expressed support for the application and thought that the energy saving benefits were important and that the applicant should be able to modernise their home, as the impact on the area was minimal.

The meeting adjourned to allow officers to draft conditions for the approval of the application. 12:13 – 12:38

Members considered that the benefits from improving the thermal efficiency of the dwelling outweighed the less than substantial harm to the Conservation Area.

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

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to planning conditions, the wording of which shall first have been agreed with the Chair of the Southern and Western Area Planning Committee.

The Committee agreed to extend the meeting beyond 3 hours.

29. **Application P/HOU/2024/02788 24 Beech Road Weymouth Dorset DT3 5NP**

The Planning Officer introduced the application for the addition of a first floor extension to a residential dwelling. The location of the application site was shown to members, as well as site photographs of the property and neighbouring properties. The existing and proposed elevations of the front, side and rear of the property were shown, which gave an indication in the proposed change in size and appearance.

It was explained that although the principal of development was considered acceptable, the proposed changes did not take cues from the surrounding area and that the increased size and bulk of the building would create an unacceptable level of impact on neighbouring properties.

Mr Tonkin, the applicant, spoke in support of the application, stating that there was no desire to undermine the character of the area and that the size of the building would be in keeping with other properties on the road. Cllr Northam, also spoke in support of the application as the Ward Member, he did not believe the height of the building would significantly impose on the neighbouring properties and that there were already a variety of different sizes of dwellings on the street.

Cllr Northam left the Council Chamber.

In response to members questions the Planning Officer confirmed the distance between the semi-detached properties and that any new windows in the side elevation could consist of obscured glass, as they were bathroom windows.

One member expressed support for the application, as they did not believe that the property would significantly overlook the neighbouring properties and given the variety of properties already on the street, the character of the area would not be negatively impacted.

The meeting adjourned to allow officers to draft a set of conditions for approval of the application. 13:42 – 13:52

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

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to planning conditions, the wording of which shall first have been agreed with the Chair of the Southern and Western Area Planning Committee.

Cllr Northam returned to the Council Chamber 13:56.

30. **Application P/VOC/2024/02912 Lyme Regis Industrial Estate Uplyme Road Lyme Regis**

The Development Management Team Leader introduced the application that proposed to re-site several storage containers. The location of the site was shown to members, as well as the previously approved site plan and the proposed site plan. Photographs were also provided, showing the current progress of the application. It was explained that the application had come to the committee for determination as the access road to the site was owned by Dorset Council.

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

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

31. **Application P/FUL/2024/01817 Mobile Home Watery Lane from Tincleton Cross to Junction Woodsford Road Tincleton Dorchester**

The Senior Planning Officer introduced the application for the replacement of a mobile home with a new dwelling and detached garage. Members were shown the location of the site and the boundaries of the site and surrounding area were highlighted, part of which was also owned by the applicant. Photographs of the existing mobile home and land around the site were shown. A flood risk map was also provided, showing that the site was in a low-risk flood zone.

The proposed plans were shown, which gave an indication of the size and appearance of the proposed dwelling, as well as the floorplan of the property. The proposed dwelling would be located in the centre of the site, with the detached garage and solar panels situated nearby. The existing gate access was proposed to be moved further into the site.

The planning history of the site was summarised and included a certificate of lawfulness issued for mixed use of the land for agricultural purposes and the siting of a caravan, which meant the applicant already had permission to site a mobile home. The Senior Planning Officer provided the legal definition of a caravan and provided images of the type of mobile home that could be situated given the certificate of lawfulness.

It was considered that while development would not usually be granted in this area, due to the existing permission, the proposed dwelling was acceptable.

Mr Cooper, Mr Whittingham and Cllr Tarr, the Ward Member for the area, all spoke in opposition to the application. Their concerns included flooding in the area recorded by residents, over development of the countryside and loss of agricultural land.

Ms McLoughlin, the agent for the applicant, spoke in support of the application, noting that the applicant wished to create a sustainable dwelling and that the proposed bungalow would be a visual improvement on the current mobile home.

In response to questions from members the Senior Planning Officer and Development Management Area Manager provided the following responses:

- The S106 agreement would restrict usage of the land under the applicant's ownership, so that a caravan could no longer be sited there, in addition to the proposed dwelling.
- There were no proposed restrictions on the occupation of the dwelling, as the current permission had no such restrictions.
- Dorset Fire and Rescue Service were not consulted about the application, due to its small size, however any dwelling would have to conform to building regulations ensuring its safety.

Proposed by Cllr Northam and seconded by Cllr Kimber.

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

And

Refuse permission for the reason set out in the appendix to these minutes, 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.

32. **Urgent items**

There were no urgent items.

33. **Exempt Business**

There was no exempt business.

34. **Update Sheet**

Decision Sheet

Duration of meeting: 10.00 am - 2.57 pm

Chairman

.....

This page is intentionally left blank

Western & Southern Area Planning Committee 05 September 2024 Decision List

Application: P/RES/2024/03002

Site Address: Phases 1C (II) and 1C (III) Land at Foundry Lea Vearse Farm
Bridport

Proposal: 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"

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.

Decision: 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 below.

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:
 - 10042-DR-L-0100 P03 Sheet layout plan
 - 10042-DR-L-0101 P03 Detailed planting plan 1 of 8
 - 10042-DR-L-0102 P03 Detailed planting plan 2 of 8
 - 10042-DR-L-0103 P03 Detailed planting plan 3 of 8

10042-DR-L-0104 P03 Detailed planting plan 4 of 8
10042-DR-L-0105 P03 Detailed planting plan 5 of 8
10042-DR-L-0106 P03 Detailed planting plan 6 of 8
10042-DR-L-0107 P03 Detailed planting plan 7 of 8
P7351 P04 Bridge Sections and Flood Compensation Calculations Eastern Structure
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
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
P3721 P2 Highways Surfacing Specification sheet 2
P3722 P2 Highways Surfacing Specification sheet 3
P3723 P2 Highways Surfacing Specification sheet 4
P3724 P2 Highways Surfacing Specification sheet 5
P3725 P2 Highways Surfacing Specification sheet 6
P3726 P1 Highways Surfacing Specification sheet 7
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
2221 Northay Elevations
2222 Northay Elevations
2223 Northay Elevations
2230 Yonderover Floor Plans
2231 Yonderover Elevations
2240 Westhay Floor Plans
2241 Westhay Elevations
2242 Westhay Elevations
2243 Westhay Elevations
2244 Westhay Elevations
2250 Hoyton Floor Plans
2251 Hoyton Elevations
2260 Watton Floor Plans
2261 Watton Elevations
2270 Maperton Floor Plans
2271 Maperton Elevations
2400 Littlebredy Floor Plans
2401 Littlebredy Elevations

2410 Abbotsbury Floor Plans
2411 Abbotsbury Elevations
2412 Abbotsbury Elevations
2413 Abbotsbury Elevations
2420 Bexington Floor Plans
2421 Bexington Elevations
2422 Bexington Elevations
2430 Birdsmoor Floor Plans
2431 Birdsmoor Elevations
2440 Frampton Floor Plans
2441 Frampton Elevations
2442 Frampton Elevations
2450 Wynford Floor Plans
2451 Wynford Elevations
2452 Wynford Elevations
2460 Hampton Floor Plans
2461 Hampton Elevations
2470 Martinstown Floor Plans
2471 Martinstown Elevations
2472 Martinstown Elevations
2480 Coneygar Floor Plans
2481 Coneygar Elevations
2482 Coneygar Floor Plans
2483 Coneygar Elevations
2484 Coneygar Elevations
2490 Allington Floor Plans
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
2602 Chilfrome Elevations
2610 Muckleford Floor Plans
2611 Muckleford Elevations
2612 Muckleford Elevations
2620 Gabriel Floor Plans
2621 Gabriel Elevations
2630 Oakes Floor Plans - Bespoke
2631 Oakes Elevations - Bespoke
2640 Portesham Floor Plans

2641 Portesham Elevations
 2642 Portesham Elevations
 2700 Chilfrome Floor Plans
 2701 Chilfrome Elevations
 2702 Chilfrome Elevations
 2703 Chilfrome Elevations
 2710 Muckleford Floor Plans
 2711 Muckleford Elevations
 2712 Muckleford Elevations
 House Type Drawings Heading Page
 2200 Spyway Floor Plans
 2201 Spyway Elevations
 2202 Spyway Elevations
 2203 Spyway Elevations
 Enclosures Detail Header Page
 3005 Trip Rail - Plans & Elevations
 3006 Low Brick Wall & Estate verticle railings Ball Top
 3007 Vertical Railing - Plans & Elevations
 3008 Cock n Hen Stone Wall - Plans & Elevations
 3000 Brick Screen Wall - Plans & Elevations
 3001 Closeboard Fence - Plans & Elevations
 5100 House Type Elevational Key
 5102 Park Edge House Type Elevational Key
 5103 West Mead House Type Elevational Key
 5101 Central Vearse House Type Elevational Key
 Garages & Other Structures Header Page
 5000 Single Garage- Floor Plan & Elevations
 5010 Twin Garage- Floor Plan & Elevations
 5011 Double Garage (Gabled Roof)- Floor Plan & Elevations
 5020 Substation Floor Plans & Elevations
 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: P/FUL/2024/01407

Site Address: Folly Mill Lodge South Street Bridport

Proposal: Replace all existing timber-framed windows with UPVC framed windows

Recommendation: Refuse

Decision: That the application be refused 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).

Application: P/HOU/2024/02253

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.

Recommendation: Refuse

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to planning conditions, the wording of which shall first have been agreed with the Chair of the Southern and Western Area Planning Committee.

Application: P/HOU/2024/02788

Site Address: 24 Beech Road Weymouth Dorset DT3 5NP

Proposal: Proposed addition of first floor storey

Recommendation: Refuse

Decision: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to planning conditions, the wording of which shall first have been agreed with the Chair of the Southern and Western Area Planning Committee.

Application: P/VOC/2024/02912

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).

Recommendation: Grant subject to conditions.

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

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

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.

Application: P/FUL/2024/01817

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.

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.

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:

Decision:

A: That authority be delegated 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 below.

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>

B: That the application be refused 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).

Application Number	P/FUL/2023/06930
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	New Look Site including areas off Chandler Close and Souter Way, Mercery Road, Weymouth, DT3 5FU
Proposal:	Construction of a Class E(a) retail unit for the sale of food and non-food goods, associated customer car park, cycle parking, hard and soft landscaping, infrastructure and associated works
Applicant name:	LondonMetric Property and Avercet Limited
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Barrow and Cllr Gray (prior to May 2024 local elections) Cllr Bell and Cllr Brown (post May 2024 local elections)

1.0 Reason for consideration of application by planning committee

1.1 This application is brought before the Western and Southern Area Planning Committee in accordance with Para. 134(iv) of the Scheme of Delegation due to the development being contrary to the Development Plan (employment policy ECON2).

2.0 Summary of recommendation:

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the Secretary of State notifying the authority that he does not intend to issue a direction under Section 77 of the Town and Country Planning Act 1990 and 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 Head of Legal Services to secure:

- Sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes.

And subject to the planning conditions detailed at Section 18 of this report.

B) Refuse permission for the reasons set out at Section 18 of this report if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 3 April 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

- The proposed development is within the Weymouth Defined Development Boundary (DDB).
- The proposed development has satisfied the sequential test.
- Subject to planning conditions, the proposed development would not lead to a significant adverse impact on Weymouth Town Centre or any other town centre.
- On balance it is considered that the benefits of the proposed scheme outweigh the loss of part of the key employment site.

- The proposed development is not considered to result in significant harm to neighbouring residential amenity.
- The proposed development is considered acceptable in its design and general appearance.
- Highway impacts would not be severe and there are no highway safety concerns.
- There are no material considerations which would warrant refusal of this application
- Should the Committee resolve to grant planning permission, the application will be referred to the Secretary of State in accordance with the relevant Consultation Direction (2021) due to the scale of out-of-centre retail development. The Secretary of State will inform officers whether the application will be called in for determination by him instead of the Local Planning Authority. Whilst the Local Planning Authority cannot grant planning permission for the application until a response has been received from the Secretary of State, or the expiry of 21 days following acknowledgement of the consultation, this does not prevent the Local Planning Authority from refusing the application or the committee resolving to grant planning permission. If the application is called in for determination by the Secretary of State, the resolution of the Committee will form the basis of the authority's submission.

4.0 Key planning issues

Issue	Conclusion
<p>Principle of Development</p> <p><i>Loss of Employment Potential (Key Employment Site)</i></p> <p><i>Sequential Test</i></p> <p><i>Impact Test</i></p>	<p>The application site is located within the defined development boundary for Weymouth.</p> <p>The proposed development has satisfied the sequential test.</p> <p>The proposed development would not lead to a significant adverse impact on Weymouth Town Centre or other town centre.</p> <p>On balance it is considered the benefits of the proposed scheme outweigh the loss of part of the key employment site.</p>
<p>Residential Amenity</p>	<p>Subject to conditions, the proposal would not have a significant adverse impact on neighbouring residential amenity.</p>
<p>Visual Amenity</p>	<p>The proposed development would not have an adverse impact on the visual amenities of the site or locality.</p>
<p>Highways and Parking</p>	<p>The proposed development is not considered to present a material harm to the transport network or to highway safety subject to conditions and a contribution towards sustainable transport measures.</p>
<p>Air Quality</p>	<p>Impacts are not considered to be significant.</p>

Flood Risk and Drainage	Lead Local Flood Authority has no objection subject to conditions.
Biodiversity	Biodiversity Plan agreed. The proposal would deliver a measurable biodiversity net gain.
Contamination	Acceptable subject to conditions.

5.0 Description of Site

5.1 The application site comprises 1.85ha of cleared undeveloped land within the Mount Pleasant Business Park / Weymouth Gateway. The site is bounded by: retail units and associated parking areas to the west; commercial units and a pedestrian/cycle route to the north; open space to the east; and residential properties to the south (along St Andrews Avenue). Between the southern site boundary and St Andrews Avenue is a tree lined bank.

5.2 The Mount Pleasant Business Park includes the New Look headquarter offices, Sainsbury's food store, Premier Inn, Aldi supermarket, Medisave building, Dunelm, B&M, McDonalds and Costa Coffee. Aldi and Sainsbury's formed Weymouth Gateway Phase 1 and the adjacent units of Dunelm, B&M, McDonalds and Costa Coffee formed Weymouth Gateway Phase 2. The site of the proposed development has planning permission for a retail unit (Phase 3A) and includes land identified for future employment use (Phase 3B).

5.3 Vehicle access is provided from the north west via Souter Way, off Mercery Road. Pedestrian and cycle access is via the east (Jurassic Cycle Route 4) which link to National Cycle Network (NCN) 26 to the north by the Veasta Roundabout.

5.4 The application site is located within the defined development boundary for Weymouth and is within an allocated key employment site.

6.0 Description of Development

6.1 The proposal is for a retail development comprising a 4,059sq.m (GIA) Class E(a) retail unit for the sale of food and non-food goods with associated car parking, cycle parking, hard and soft landscaping, infrastructure and associated works. The intended occupier is M&S.

6.2 The rectangular shaped retail warehouse building would be sited along the eastern perimeter of the site with a 234 space customer car park to the west. The building would be approximately 11m to parapet height and 12m to ridge height.

6.3 The design of the building has been amended over the course of determination in response to officer comments. The rear (east elevation) and parts of the site (north and south) elevations would be clad in vertical composite cladding panels of green/earthy tones. The lower part of the east elevation would be brick. The front (west) elevation and the remaining parts of the side elevations would be clad in white composite cladding with black ceramic tiles below (to a height of approximately 3.5m). The two customer entrances would be clad in green ceramic tiles. The lower part of the roof would be green.

6.4 A service yard enclosed by timber fencing is located to the rear of the unit. Access to the service yard would be via secure access gates and an extended service yard access road that links with the service yard access to B&M and Dunelm. Deliveries to the unit would be via the roller shutter within the east elevation of the building. Two plant equipment enclosures are proposed within the service yard, one to the east and one to the south. The fencing to the south east and south of the service yard and to the southern plant enclosure would be acoustic fencing to tie in with existing fencing at Phase 2.

6.5 Customer vehicle access to the unit would be off of Souter Way to the north and via the customer car park associated with Dunelm and B&M, to the west. Cycle and pedestrian access would be provided via the north, off of the existing pedestrian/cycle route, and via the customer car park associated with Dunelm and B&M. Two covered cycle stores each with five Sheffield stands are proposed, one to the north of the unit and the other adjacent to Dunelm.

6.6 The car park would include 10 EV charging spaces sited closer to the customer entrance. A border of soft landscaping would be provided along the west and north boundaries. Tree planting is proposed within the car park and to the east/west between Phase 2 and the entrance to the building.

7.0 Relevant Planning History

7.1 As noted above, the Weymouth Gateway Site has already been partly developed in two phases. Aldi (WP/18/00489) and Sainsbury's (WP/19/00778/FUL) formed Weymouth Gateway Phase 1 and the adjacent units of Dunelm, B&M, McDonalds and Costa Coffee formed Weymouth Gateway Phase 2 (P/VOC/2022/00471).

7.2 Under the planning permission for Phase 2, the site of the proposed development has planning permission for a retail unit 'Unit 4' (Phase 3A) and includes land identified for future Class-B employment use (Phase 3B). Approved Unit 4 comprises a 1,848sq.m retail with customer entrance and car parking to the north and service yard to the south.

7.3 Planning condition 2 of P/VOC/2022/00471 restricts the sale and display of goods to the following:

- *“Home and garden furniture, carpets and floor coverings, DIY home improvement and gardening goods, bulky office supplies, bulky electrical home goods, pets and pet related goods, vehicle accessories, bicycles and bicycle accessories.*
- *The sale of non-bulky home electrical goods shall not exceed 10% of the sales floorspace and for the avoidance of doubt the unit shall not sell fashion clothing and footwear.*
- *The sale of fashion accessories, jewellery, watches, health and beauty and personal care items, pharmaceutical/medical products, toys, sports and hobby goods, books and stationery from this unit is not permitted unless ancillary to the main use.”*

7.4 The units approved under P/VOC/2022/00471, with the exception of Unit 4 were opened in November 2022.

7.5 The site of the proposed development overlaps with the application site of P/VOC/2022/00471 and comprises the site of Unit 4 and the land identified for future Class-B employment use. The site has been levelled and made available for future development in accordance with planning condition 8 of P/VOC/2022/00471.

7.6 Pre-application advice has not been sought in relation to this current planning application.

7.7 The planning history is summarised below:

Table 7.1 – Planning History (Summary)

Application No.	Proposal	Decision	Date
07/00442/OTLE	Redevelopment of site to provide office accommodation (B1(a)); an Enterprise Zone (B1, B8) including Enterprise Centre; non-food retailing (A1); and a Community Zone including a hotel (C1), fire station, medical centre and ambulance station (all sui generis), plus associated parking.	Granted	29 August 2007
Weymouth Gateway Phase 1: Sainsbury's and wider masterplan			
11/00096/HYBE	Hybrid application for the erection of New Look office building (5,840sqm) including access, parking, cycle parking and servicing facilities (full planning application); erection of a foodstore, associated petrol filling station and parking (outline planning application with all matters reserved except layout); development of the remainder of the site to provide employment floorspace, hotel, pub/restaurant plus associated parking (outline planning application with all matters reserved) – New Look Site, Mercery Road, Weymouth	Granted	18 July 2011

Weymouth Gateway Phase 1: Aldi			
WP/18/00489/FUL	Erection of discount food store (use class A1) with customer car parking, soft & hard landscaping & associated works.	Granted	18 March 2019
Weymouth Gateway Phase 2: B&M, Dunelm, Costa Coffee and McDonalds			
WP/19/00778/FUL	Erect retail development comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks.	Granted	29 September 2021
P/NMA/2021/04264	Amendment to planning permission WP/19/00778/FUL - Minor alterations to approved elevations and additional door to east elevation.	Granted	3 December 2021
P/VOC/2022/00471	Erect retail development comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks (Variation of condition 2 of planning approval WP/19/00778/FUL - Relocation of attenuation pond).	Granted	9 August 2022
P/NMA/2022/05670	Non material amendment to vary condition 21 and proposes the provision of 32 electric car charging spaces should be available within 3 years of occupation of Units 2 and 3. (Variation of condition 2 P/VOC/2022/00471 -Relocation of attenuation pond to planning approval WP/19/00778/FUL - Erect retail development	Granted	5 October 2022

	comprising five units (Use Classes A1, A3 and A5) with associated car parking, servicing arrangements, landscaping and groundworks).		
--	--	--	--

8.0 List of Constraints

Within Defined Development Boundary

Key Employment Site; Mount Pleasant Business Park

Flood Zone 2 and 3 – along the eastern boundary of the site

Risk of Surface Water Flooding Extent 1 in 30 year (high risk) and 1 in 100 year (medium risk) – along the eastern boundary of the site (medium risk) and to the south of the proposed access (medium and high risk)

Tree Preservation Order (WPBC/209) – along southern boundary

Existing ecological network – majority of site

Higher Potential ecological network – northern portion of site

9.0 Consultations

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

Consultees

Natural England – No comments received.

Environment Agency

9.2 No objection subject to planning conditions (Construction Environmental Management Plan). The EA endorses the increased water efficiency for all new developments and notes the incorporation of water efficiency measures into the scheme will: contribute to climate change resilience; reduce abstraction pressure on water resources and riverine ecosystems; reduce the pressure on sewage infrastructure and treatment systems; and benefit future residents by reducing water bills. The EA recommends that all new non-residential developments of +1,000sq.m should meet BREEAM ‘Excellent’ standards for water consumption.

Highways Authority

9.3 The Highways Authority provided initial comments in March 2024. The comments requested a series of minor design changes and confirmed no objection subject to recommended conditions. In summary:

1. Highway modelling undertaken in relation to previously approved development (P/VOC/2022/00471) forms the ‘base’ trip generation to compare the proposals against;
2. Junctions would function well within capacity and residual cumulative highway impacts would not be severe;

3. Contribution towards setting up a cycle hire scheme at Weymouth Gateway requested. Comprising a parking bay space and 10 e-bikes;
4. Inclusive mobility and step-free access should be considered;
5. Electrical Vehicle (EV) charging should be provided closer to blue badge/parent and child spaces; and
6. Planning conditions recommended in relation to: manoeuvring, parking and loading areas; cycle parking scheme; Construction Traffic Management Plan; and Framework Travel Plan.

9.4 Subsequent comments in May 2024 noted:

1. Earlier comments in relation to inclusive mobility and EV charging points addressed;
2. A contribution towards a bike hire scheme is likely to be secured by way of a Section 106 Agreement, aligning with Dorset Council's policies and guidance for active travel; and
3. Updated Transport Assessment confirms highway impacts will not be severe in accordance with the NPPF. No further testing or mitigation is required by the applicant.

Highways Asset Manager – No comments received.

Public Transport

9.5 Note Section 106 contributions would be sought to improve the bus stop infrastructure around the development, including in relation to real-time bus departure screens.

Landscape

9.6 The initial response from the council's Landscape Officer objected to the proposals for a number of reasons, principally:

1. Visually dominant elevational treatment and poor relationship to the open countryside to the east, including through the proposed palette of materials;
2. Inadequate hard and soft landscape provision to satisfactorily assimilate the scale and massing of the development into the setting;
3. Inadequate links to the existing pedestrian and cycle network.

9.7 In addition, the Landscape Officer notes the use of permeable paving blocks is a positive measure and recommends additional tree planting to improve the legibility of the site and breaking up the mass of the building. The Landscape Officer also notes that pedestrian access through the car park could be improved.

9.8 Following consultation on revised proposals, the landscape officer advised they were happy with the changes to the materials palette noting the revised elevational treatment will significantly assist in the assimilation of the building into the edge of the site. Whilst the officer notes the soft landscaping remains a little disappointing, they confirm they are satisfied with the revised proposal subject to appropriate planning conditions.

Trees

9.9 Note key trees are the linear group along the southern boundary. The Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) are adequate. Support grant of planning permission subject to compliance with the AIA and TPP.

Natural Environment Team

9.10 Following submission of additional surveys, NET confirmed there will be no adverse impacts on any ecological receptors, subject to securing the mitigation and enhancement described in the Biodiversity Plan signed by NET on 28 February 2022 and the Ecological Impact Assessment dated 2019 which was submitted in support of Weymouth Gateway Phase 2.

Rights of Way Officer – No comments received.

Planning Policy

9.11 The Planning Policy Team identifies the main planning policy issues as: the location of the development; compatibility with the employment allocation; and the retail sequential test and impact assessments. Independent verification of the retail related conclusions within the Applicant's Planning and Retail Statement is recommended.

Lambert Smith Hampton (Retail Advisor)

9.12 Lambert Smith Hampton (LSH) was instructed by Dorset Council to provide an independent review of the proposed development against retail and town centre policy.

9.13 LSH provided initial consultation responses in March and July 2024 to which the applicant responded with updated retail analysis. LSH's final response of August 2024 advises, in summary:

1. The applicant has demonstrated compliance with the sequential test, provided the trade draw of the new store is focussed on Weymouth rather than the wider area.
2. Whilst the applicant's assessment is not fully agreed, LSH conclude that the proposed development would not have a significant adverse impact on the health, vitality and viability of Weymouth town centre. Impact is expected to be higher than applicant suggests in the submitted Retail Impact Assessment (RIA).
3. Taking into account the health of Dorchester town centre, the proposal would have a negative impact on the town centre but not one that can be considered to be significantly adverse.
4. Majority of convenience retail trade draw will come from other out of centre stores, particularly Sainsbury's and Morrisons stores within Weymouth Gateway.
5. Comparison retail trade draw would primarily be drawn from out-of-centre stores within Weymouth. The impact on these outlets is expected to be substantially higher than the applicant suggests (RIA Table 13). However, the forecast impacts on defined centres would not be expected to change significantly.

6. The proposals will have an adverse impact on a number of centres, including Weymouth and Dorchester town centres, Easton and Fortuneswell in Portland and the local/neighbourhood centres of Chickerell and Littlemoor. The impacts would not be significant and should be considered against any potential benefits of the development.
7. The proposals would not have a significant adverse impact on any individual local/neighbourhood centre (including Chickerell and Littlemoor) or investment to it (approved Littlemoor local centre).
8. On the basis of Levelling Up Funding (£19.5m confirmed in February 2024) going towards the Weymouth Bowl site rather than the more central New Bond Street/Commercial Road Area, the proposed development is expected to have a limited impact on known investment plans.
9. Should the Council be minded to approve the application, planning conditions are recommended to ensure that changes to the unit or offer that could alter the trade draw and subsequent impacts are not permitted without the appropriate scrutiny. Conditions recommended in relation to: total net retail sales area; comparison/convenience split; range of comparison goods; and limited sub-division to no more than two retail units.

Flood Risk Management (Lead Local Flood Authority)

9.14 Following an initial holding objection and review of further submissions by the applicant, the LLFA confirmed no objection subject to planning conditions related to surface water management and maintenance.

Environmental Health

9.15 Note the site lies in an area identified with historic potentially contaminative land uses (the Lodmoor North landfill site) and therefore recommend consultation with a suitably qualified expert to ensure the submitted Environmental and Geotechnical Site Investigation Report deals with the potential for contamination and to ensure the integrity of the capping is not compromised.

9.16 Comment on the Noise Assessment and proposed acoustic barrier and time restrictions to mitigate impacts on residential amenity. Recommend a construction method statement is provided to minimise adverse amenity impacts during the construction process, including from noise, vibration and dust.

Dorset Waste Team – No comments received

Public Health – No comments received

Economic Development and Tourism – No comments received

Building Control – No comments received

Licensing

9.17 Note a premises licence would be required for the sale of alcohol.

Dorset Fire & Rescue Service – No comments received

Dorset Police Architectural Liaison Officer – No comments received

Dorset Wildlife Trust – No comments received

Ramblers Association – No comments received

Bournemouth Water Ltd

9.18 Note the site is outside of Bournemouth Water's catchment area.

Wessex Water

9.19 Wessex Water (WW) initially objected on the grounds of conflict between WW's existing assets and the proposed retail unit and attenuation pond. Following review of the proposed diversion, WW confirmed no objection subject to conditions.

Weymouth Town Council

9.20 Weymouth Town Council fully support the proposal but would like to see further consideration for public transport links for around the town, Portland and active travel.

Ward Councillors – No comments received.

Representations received

9.21 In total, three third party responses have been received, one in support, one in objection, and one comment. In summary, the responses raise the following points:

Support:

- i. Proposal would improve retail choice and reduce the need to travel to M&S in Blandford or Yeovil.
- ii. M&S is a major draw for many towns and should be encouraged to stay in Weymouth.
- iii. The location closer to other retail stores would be good for shoppers and offer competition.
- iv. The site is well served by bus routes.

Comment:

- i. Restricted delivery times should be considered in the interests of residential amenity.
- ii. Concerns with increased noise and disturbance. Acoustic fencing should be high enough to reduce impacts. Advanced erection of acoustic fencing to mitigate construction noise impacts should be considered.
- iii. Trees between site and housing to the south are deciduous and don't provide screening during the winter months. Request that the area is planted with evergreen trees.
- iv. Since development of Phases 1 and 2 Weymouth Gateway residential gardens at St Andrews Avenue have been flooded by raw sewage and toilets have become unusable. Concerns development will exacerbate this issue.
- v. Traffic measures should be considered given existing congestion.

Objection:

- i. Proposal will take more business from the town centre.
- ii. Potential for increased surface water flooding.
- iii. Potential to exacerbate foul sewer flooding of residential gardens and overwhelm existing drainage system.
- iv. Concerns with noise and disturbance, increased traffic and light pollution.
- v. Landscaped bund between site and homes on St Andrews Avenue should be widened.

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

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape and sites of geological interest
- 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
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- ECON1 - Provision of employment
- ECON2 - Protection of key employment sites
- ECON4 - Retail and town centre development
- COM7 - Creating a safe and efficient transport network
- COM9 - Parking standards in new development
- COM10 - The provision of utilities service infrastructure

Material Considerations

Emerging Local Plans:

11.1 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).

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

National Planning Policy Framework

11.3 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.

11.4 Other relevant NPPF sections include:

4. Decision-making
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Proposing sustainable transport
11. Making effective use of land
12. Achieving well-design and beautiful places
14. Meeting the challenge of climate change, flooding and coastal change.

Other material considerations

Joint Retail and Commercial Leisure Study, including Weymouth and Portland Borough Council (May 2018)

Dorset Retail and Leisure Study – 2022 Update (January 2023)

The Bournemouth, Dorset and Poole Workspace Strategy (October 2016)

Workspace Strategy Evidence Update: Employment Protection (January 2020)
Urban Design (2002)

Weymouth and Portland Landscape Character Assessment (2018)

Dorset Council Parking Standards Guidance

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

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.

13.3 In the context of the above PSED, the proposal would provide conveniently located disabled parking and step free access to the store from the adjacent public right of way would be provided.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Construction jobs and associated benefits within supply chain	Unquantified
Permanent jobs	104 permanent full and part time jobs (66 full time equivalent (FTE)), of which 57 full and part time jobs (36FTE) are proposed to be retained and relocated from the existing M&S store in Weymouth Town Centre.
Gross Value Added (GVA)	Estimated to be £1.54m per annum

Non Material Considerations	
Business rates	In accordance with ratable value.
CIL Contributions	N/A – Development is not CIL liable.

15.0 Environmental Implications

15.1 The proposed retail unit would utilise a brownfield site that was levelled ready for redevelopment when the adjacent Phase 2 development was constructed.

15.2 The proposed retail unit would be served by a large car park and would generate additional vehicular movements and associated emissions from visitors and deliveries. 10 customer car parking spaces are identified for electric vehicles. The proposals also include cycle parking and the site would be served by existing public transport with bus stops on Mercery Road. A financial contribution towards the provision of an electric hire bike service would help to support active travel, increasing options to visit the site via non-car modes.

15.3 An Energy Strategy has been submitted as part of the application. The report identifies: the proposed fabric performance, utilising a fabric first approach with thermally efficient building fabric; high performance building services; provision of 200sq.m of solar photovoltaic (PV) panel. The PV panels are shown on the proposed drawings. The Energy Strategy estimates that the proposed measures would achieve a 28.12% reduction compared to Building Regulations and the energy generated by the PV panels would produce the equivalent of 30.81% of the site's energy demand.

15.4 The applicant proposes that the development would achieve BREEAM 'Very Good' including water credit WAT02 (water monitoring). This is proposed to be secured via planning condition. It is anticipated that BREEAM water credit WAT03 (water leak detection) would also be achieved. Given water credits related to consumption (WAT01) and water efficient equipment (WAT04) are dependent on tenant internal fit out, achievement of those credits to BREEAM 'Excellent' standard are encouraged via an informative.

15.5 Overall, the proposed sustainability measures would achieve a high standard of environmental performance in accordance with Policy ENV13 of the Local Plan.

16.0 Planning Assessment

Principle of Development

16.1 The following sections assess the main matters of principle related to:

1. General location of development
2. Compatibility with the site's employment allocation
3. Retail sequential test
4. Retail impact

General Location of Development

16.2 The application site is located within the defined development boundary (DDB) of Weymouth. Policy SUS2 of the adopted Local Plan seeks to direct development to the main settlements with the main towns of Dorchester and Weymouth being the highest priority locations for new development. The proposed development is considered to comply with Policy SUS2 being located within the DDB for Weymouth and in close proximity to a bus route.

16.3 The site also formed part of a historic permission for employment-led redevelopment of the Weymouth Gateway site granted in July 2011 (11/00096/HYBE) and, more recently, the 2021 and 2022 detailed permissions (WP/19/00778/FUL and P/VOC/2022/00471) for retail-led redevelopment of land to the south of Souter Way and east of Mercery Road, known as Phase 2 Weymouth Gateway, now occupied by Dunelm, B&M, McDonalds and Costa Coffee.

16.4 The principle of developing the site is fully established.

Compatibility with Employment Allocation

16.5 The application site is located within the key employment site, Mount Pleasant covered by the Local Plan Policy ECON2. Within key employment sites traditional B-class employment uses comprising light industrial, general industrial and storage and distribution uses are supported. Part ii) of the policy allows for non B-class employment uses which provide on-site supporting facilities or demonstrate that there is an economic enhancement over B-class uses. Part iii) of the policy states that “*retail uses will not generally be supported*” on key employment sites.

16.6 The supporting text explains that key employment sites are the larger employment sites that contribute significantly to the employment land supply for B class uses. The supporting text also acknowledges (at Para. 4.3.5) that there may be circumstances where alternative uses may be considered where there is no reasonable prospect of an employment site being used for employment purposes. In such cases, the supporting text notes that information justifying the alternative use will be required, including details of how the site has been marketed and what other suitable, viable, alternative sites are available locally for employment uses. The supporting text goes on to note the Council will require applicants to demonstrate that real effort has been undertaken to achieve employment uses on the site.

16.7 The Planning Policy Team were consulted on the application and raised concern noting that the council’s evidence indicates that the land allocated for employment purposes at Mount Pleasant Business Park is still needed for these purposes and that the sites at the Park remain suitable for employment use.

16.8 As summarised in the planning history section of this report, the site has a long history of redevelopment proposals and there have been multiple planning applications for redevelopment of the site and surrounding area.

16.9 Hybrid planning permission for the employment-led redevelopment of the Weymouth Gateway site was granted in July 2011 (11/00096/HYBE). The application site together with adjacent land to the east of Mercery Road and south of Souter Way was identified within the ‘office and employment zone’ of the masterplan.

16.10 Detailed planning permission on the opposite (west) side of Mercery Road to the application site was approved for the erection of an Aldi foodstore in 2019 (WP/18/00489/FUL). The site also falls within the key employment site and a more flexible approach was considered appropriate in assessment of the application given:

the historical lack of interest in the site from prospective B-class occupiers; the site's surrounding uses; and the net job creation of some 15-20 jobs from the creation of the larger Aldi store on the site.

16.11 Detailed planning permission for the erection of five retail, restaurant and takeaway units on part of the application site and land to the west was approved in 2021 (WP/19/00778/FUL). With the exception of the application site, the site has been redeveloped and the units were occupied in November 2022. The units are currently occupied by Dunelm, Pets at Home, B&M, McDonalds and Costa Coffee.

16.12 The site of the proposed M&S Store incorporates the site of Unit 4 granted planning permission under WP/19/00778/FUL and the adjacent parcel of land to the east which was identified as a future Class-B based employment development plot on the approved drawings. Planning condition 9 of that permission required that the site *"be left in a ready state including remediation and levelling of the site, provision of the access from Souter Way and installation of fencing to secure the site within 3 months of Units 2 and 3 being brought into first use."* In accordance with this condition, the site has been remediated, levelled and access has been provided.

16.13 The Applicant's Planning and Retail Statement confirms that a marketing exercise has been undertaken, further details of which have been supplied to the council during the determination of the application.

16.14 Despite the application site being cleared for development no B-class employment use has come forward for the site despite the principle for the development having been established through the approved application and the site having been made available for the development. Within the wider Gateway site, only a small quantum of B-class employment exists – the employment units to the east of the New Look offices and the Medisave Building to the south of Sainsbury's.

16.15 The proposal seeks planning permission for construction of a Class E (a) retail unit for the sale of food and non-food goods. The proposed use is for retail development and not B-class employment, as envisaged at the time of the original hybrid application and promoted via the Local Plan.

16.16 The definition of employment in the adopted Local Plan includes the following statement *"it also applies to non B class development which provides direct, on-going local employment opportunities such as tourism and retail"*. The application would provide direct, ongoing local employment opportunities. As part of the application the Applicant has estimated the economic benefits of the proposal. These include:

1. 57 retained part time and full time jobs (36 full time equivalent jobs) from the relocation of existing employees at the Weymouth M&S;
2. 47 new jobs (30 FTE jobs); and
3. £1.54m per annual in Gross Value Added (GVA) to the local economy.

16.17 In addition, it is also recognised that the development would support a range of construction jobs during the construction stage of development and there would be wider benefits in supply chains during both construction and operation of the development.

16.18 Whilst the applicant has not demonstrated that the benefits would be greater than (former) Class B1 and/or Class B2/B8 development, in conflict with part ii of

Policy ECON2, the lack of interest for employment use is a material consideration. The economic benefits generated by the proposal would be significant

16.19 Of relevance to employment matters, the other key employment site for Weymouth as detailed in the Local Plan is the proposed Littlemoor Urban Extension. The outline permissions WP/16/00253/OUT and WD/D/16/000739 at Land to North of Littlemoor Road, Weymouth were approved on in December 2020 and include the provision of 7.95ha of employment land. No Reserved Matters have yet been submitted in relation to the employment element.

16.20 Given the above factors of the approved Aldi supermarket and adjacent retail-led phase, and that the site has remained vacant with no employment uses coming forward, it is considered on balance that the job creation and investment in the local area that the proposed scheme would provide would outweigh the loss of the key employment site in this case despite conflict with Policy ECON2 of the Local Plan.

Sequential Test

16.21 The proposed development is for out of centre retail development and therefore Local Plan Policy ECON4 is applicable.

16.22 Policy ECON 4 requires a sequential approach to be taken for applications that involve new retail and town centre uses. Para. 91 of the NPPF states that “*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.*” The proposed development is for a 4,059sq.m retail store in an out-of-centre location. Accordingly, the submitted Planning and Retail Assessment includes a sequential test and impact assessment.

16.23 The proposed unit is intended to be occupied by M&S. The Planning and Retail Assessment clarifies that the current proposals for M&S’ national estate strategy is to modernise its retail and shopping offer. As part of this, M&S proposes to close 60 stores which have been assessed as no longer meeting retailer and customer expectations. The existing M&S store at St Mary’s Street, Weymouth, is one of these stores. It has a floorspace of 920sq.m. The applicant’s Planning and Retail Assessment confirms that this existing store will close even in the event that the current planning application is refused. The existing lease is noted to run out in 2027. It is noted that M&S has also closed stores in Dorchester (2020) and Poole (2022) in recent years.

16.24 The M&S Operator Statement appended to the Planning and Retail Assessment explains M&S’ business strategy focussing on M&S Foodhall in smaller markets and department store style ‘full-line’ offering comprising clothing, homewares, food and café. The Operator Statement identifies that M&S has 36 new or relocated full-line department store requirements and over 235 new Foodhall requirements across the UK. New full-line stores opened since the Covid-19 pandemic include: Thurrock (12,015sq.m), Leeds White Rose (7,210sq.m), Birmingham Bull Ring (6,245sq.m), Liverpool One (6,228sq.m), and Purley Way (3,545sq.m). The Purley Way store is broadly comparable to the proposed development.

16.25 The sequential assessment within the applicant’s Planning and Retail Assessment considers potential sequentially preferable sites within Weymouth. It reviews three larger vacant sites within Weymouth Town Centre and 15 development

sites identified as part of the Council's Joint Retail and Commercial Leisure Study (2018) and Retail Study Update (2022). The sequential assessment concludes that there are no sequentially preferable sites to accommodate the proposed development.

16.26 The Council's Planning Policy Team note the sequential test results set out within the applicant's Planning and Retail Assessment should be independently reviewed by a retail consultant. They recommend that the sequential test is reviewed to consider whether other sequentially preferable sites within other nearby town centres within the catchment area of the development need to be considered.

16.27 Lambert Smith Hampton (LSH) were instructed by the Council to undertake an independent assessment of the proposal to consider compliance with retail planning policy. LSH's initial assessment found that the applicant's sequential assessment was incomplete in that it had failed to consider possible edge of centre sites that could be sequentially preferable. LSH requested further information over the course of determination, including in relation to the former Currys retail unit which was vacated at the Jubilee Close Retail Park on 1 March 2024. The requested information was subsequently provided by the applicant.

16.28 As part of LSH' review, it considered:

- Weymouth provides an appropriate area of search based on the anticipated retail impact of the proposal;
- The minimum size of unit that should be considered as suitable would be one of around 3,500sq.m gross, given it is consistent with recent M&S full-line developments elsewhere;
- None of the existing units within Weymouth Town centre are of sufficient size to meet the M&S requirements; and
- The allocated development sites are unlikely to be suitable for the proposed use, although an allocation for an alternative use is not a sufficient reason to dismiss a site in isolation.

16.29 The applicant's further submissions provided the requested information on the former Currys site and also considered other sites owned by Dorset Council, including the Gasholder site on Westwey Road. In respect of the former Currys unit, marketing particulars show that the unit extends to 931sq.m at ground floor. The applicant notes that even with a full cover mezzanine floor, the maximum floorspace would not exceed 1,862sq.m (significantly below the minimum required unit size of 3,500sq.m). This consideration complies with the NPPF (Para. 92) in demonstrating appropriate flexibility on format and scale in assessing the potential of the unit.

16.30 LSH advise that, providing that there are no other sequentially preferable sites that have not been assessed, the applicant has demonstrated that there are no sequentially preferable and suitable sites available within or on the edge of Weymouth Town Centre. Officers are not aware of any other potentially sequentially preferable sites.

16.31 Given the above, it is considered that the proposed development has satisfied the sequential test and therefore complies with criteria iii) of Local Plan Policy ECON4 and the NPPF.

Impact Test

16.32 Local Plan Policy ECON4, part iv) states that “development likely to lead to significant adverse impacts on existing centres will be refused”. The supporting text to the policy sets out that proposals exceeding 1,000sq.m floorspace in locations outside of town centre areas will be required to submit an impact assessment. This is supported in para 94 of the NPPF. The submitted Planning and Retail Assessment includes an impact assessment of the proposed development on town centres, principally Weymouth Town Centre.

16.33 The Planning and Retail Assessment explains that M&S, the intended occupier, proposes to operate a full-line store from the 4,059sq.m unit. This would comprise the operator’s Foodhall range, as well as home, clothing (including footwear) and beauty offer.

16.34 Planning Policy commented that the impact test should be independently verified by retail planning consultants. Planning Policy note that their biggest concern is that should the planning application be approved, the named applicant could potentially walk away from the site and another retailer takes this site forward instead. As the new retailer’s proposal would not have been independently assessed for its potential impact, the assessment of the proposal should include appropriate sensitivity analysis and planning conditions to ensure that any changes would avoid a significant adverse impact on town centres.

16.35 Of relevance to the impact assessment, the site of the proposed development has extant planning permission for another retail unit (Unit 4) which was approved as part of Weymouth Gateway Phase 2 development (P/VOC/2022/00471). The approved unit is 1,848sq.m (GIA). The planning permission includes a restrictive condition (No. 4) on the sale of goods from Unit 4, as follows:

“Unit 4 shall be used for the sale and display of the following goods:

- *Home and garden furniture, carpets and floor coverings, DIY home improvement and gardening goods, bulky office supplies, bulky electrical home goods, pets and pet related goods, vehicle accessories, bicycles and bicycle accessories.*
- *The sale of non-bulky home electrical goods shall not exceed 10% of the sales floorspace and for the avoidance of doubt the unit shall not sell fashion clothing and footwear.*
- *The sale of fashion accessories, jewellery, watches, health and beauty and personal care items, pharmaceutical/medical products, toys, sports and hobby goods, books and stationery from this unit is not permitted unless ancillary to the main use.*

Unit 4 shall only be used for the sale of the goods above and shall not be used for the sale and display of any other goods

REASON: The application is justified on the basis of the provision of goods as stated because the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of Weymouth Town Centre.”

16.36 By comparison with approved Unit 4, the proposed development seeks to both increase the amount of retail floorspace (1,848sq.m to 4,059sq.m, +2,211sq.m) and expand the range of goods that can be sold (to include food, home, clothing (including footwear) and beauty products).

16.37 The applicant's Planning and Retail Assessment assesses the impact of the development assuming a M&S Foodhall (convenience) net sales floorspace of 1,406sq.m and home and clothing (comparison) net sales floorspace of 1,817sq.m. Whilst the application site has extant permission for Unit 4, the applicant's assessment undertakes an assessment on a standalone basis, with the proposal assessing the impact of the full floorspace rather than the uplift in floorspace between approved Unit 4 and the proposed development. The turnover and resultant trade draw estimated by the applicant has been informed by M&S' turnover at other stores and Experian data. The applicant's analysis concludes that the development would have an adverse impact on a number of centres across Dorset. Those with a combined (convenience and comparison) impact of greater than 1% are summarised in the table below:

Table 16.1 – Applicant Assessment of Retail Impacts (Summary)

Centre	Impact of development (2026)		
	Convenience	Comparison	Combined
Weymouth & Portland			
Weymouth Town Centre	4.01%	0.89%	1.13%
Portland, Easton	4.84%	3.41%	4.53%
Portland, Fortuneswell	0.81%	3.78%	1.11%
All Smaller Villages / Local Centres	3.48%	1.54%	2.52%
All Out-of-Centre	5.25%	3.22%	4.55%
West Dorset Area			
Dorchester	3.55%	0.65%	1.30%
Sherborne	3.62%	0.28%	1.26%
All Out-Of-Centre	1.52%	2.45%	1.64%

16.38 LSH were also instructed to consider the impact assessment as part of their retail assessment. Further information and an addendum were submitted in response to the comments of LSH. LSH's final response, concludes that the trade draw from outlets in the Weymouth area will be higher than suggested by the applicant given LSH consider that the turnover of the proposed store is likely to be greater than suggested in the submitted Planning and Retail Assessment and trade draw will be more localised. Nevertheless, LSH conclude that the development would not have a significant adverse impact on any defined centres in the area, either in terms of the impact on town centre vitality and viability or investment.

16.39 LSH consider the main convenience sales trade draw will come from other out of centre stores, particularly Sainsbury's and Morrisons within Weymouth Gateway. On this basis, LSH conclude that the impact on defined centres, including

Weymouth, Dorchester and other local centres would not change significantly from that concluded by the applicant even if the proposed development drew more trade from nearby out of centre convenience retail stores. Similarly, LSH consider additional comparison trade draw would be derived from out of centre stores.

16.40 Overall, LSH identify that the proposals would have an adverse impact on a number of centres, including Weymouth, Dorchester, Easton and Fortuneswell and the local centres of Chickerell and Littlemoor. Given the retail impact of the proposal has been assessed on the basis of a full-line M&S, planning conditions are recommended in order to safeguard the retail impact of the development should the development not be occupied by M&S. LSH note that an increase in the health and beauty offer could result in a significant adverse impact on Weymouth town centre and/or the local centres in the immediate vicinity; wherein pharmacies play an important role in supporting vitality and viability.

16.41 In respect of the impact of the proposed development on existing, committed and planned public and private investment into town centres, Dorset Council has secured £19.5 million of Levelling Up Funding. The successful bid focusses on three key sites in Weymouth: the Peninsula; North Quay; and originally the town centre. The Council subsequently asked the Ministry of Housing, Communities and Local Government (MHCLG) for permission to re-allocate funding originally intended for the town centre, to the Weymouth Bowl site. The main focus of the work includes:

- installation of utility infrastructure and repairs to the harbour walls at the Peninsula and North Quay which will allow proposals from private investors for new residential, commercial and leisure to be invited;
- the business case for the harbour wall repairs is based on bringing work forward by 10 years, so redevelopment can happen sooner; and
- the Weymouth Bowl site and land acquisition on the west side of the marina, known as West Marina Sites (Westway Road/ Newstead Road).

16.42 There are several outcomes that Dorset Council aims to achieve through the projects, including: the creation or improvement of hospitality space; the provision of new residential units; the creation or improvement of public spaces; and the creation of retail space. However, given the scale of the proposed development, the proposal is not considered to have a significant adverse impact on planned investment into Weymouth through Levelling Up Funding given it would not compete directly with the type of development sought.

16.43 Given the above it is considered that the proposed development, subject to conditions controlling the maximum floorspace, range of goods that can be sold and subdivision (limited to two units) would not lead to a significant adverse impact on Weymouth Town Centre or other centre. The proposal therefore complies with criteria iv) of Local Plan Policy ECON 4 and the NPPF.

Residential Amenity

16.44 The closest residential properties to the site are located along St Andrews Avenue. The rear gardens of the closest properties are approximately 16.5m from the southern boundary of the application site. They are separated from the site by an intervening bank of trees.

Overbearing impact, overlooking, privacy, daylight, sunlight and overshadowing

16.45 The retail unit would be positioned with the rear elevation facing the boundary with the neighbouring properties. The topography of the local area means the application site sits lower than that of the properties to the rear and would be separated by the existing tree lined bank, the gardens of the neighbouring properties also provide further separation of the rear of the houses from the boundary. Given this, the proposed development is not considered to result in overlooking, loss of privacy or an adverse overbearing impact on the neighbouring residential properties.

16.46 Due to the location of the building northwest of residential properties, with sufficient separation, any daylight, sunlight and overshadowing impacts would be negligible.

Noise impacts

16.47 The Planning Permission for Weymouth Gateway Phase 2 (P/VOC/2022/00471) included a 1,848sq.m retail unit (Unit 4) adjacent to Dunelm and land identified for future class-B Based employment development to the east of Unit 4. The approved drawings show Unit 4 would have been served by a rear service yard in a similar way to the existing retail units. As noted above, Unit 4 has not been constructed and the proposed retail store is located on the site of approved Unit 4 and the land identified for employment use.

16.48 The Phase 2 planning permission include noise related planning conditions in relation to:

- Fixed plant and machinery (Condition 11)
- Noise barrier/acoustic fencing (Condition 12)
- Service Yard Management Plan (Condition 13)

16.49 The proposed development adopts a similar approach to that established by Weymouth Gateway Phase 2. The service yard for the proposed retail unit is proposed to wrap around the southern and eastern sides of the unit. Delivery vehicles would access the service yard via Mercery Road, Souter Way and the existing shared service yard access to the east of Dunelm. Loading/unloading would take place via a roller shutter door on the eastern elevation (rear) of the unit. Two plant enclosures are proposed within the service yard, one to the east of the unit and one to the south adjacent to the service yard turning circle. The southern boundary of the southern plant enclosure is also proposed to be bound by a 2.7m high acoustic fence. A 4m acoustic fence is also proposed along the boundary of the service yard adjacent to nearby residential properties. This would link with the existing acoustic fence to the south of the Phase 2 units.

16.50 The Environmental Noise Assessment submitted with the application considers noise impacts from: fixed plant/machinery; servicing activity; and car parking activity. It assesses baseline noise levels from a location within the site.

Fixed plant and machinery

16.51 As fixed plant/machinery would be specified by the occupier, the Environmental Noise Assessment seeks to establish appropriate parameters for plant noise limits so that significant adverse noise impacts are avoided. Accordingly, it is proposed that plant rating levels do not exceed baseline daytime (43dB) and nighttime (35dB) noise levels at the closest noise sensitive facade.

16.52 The Council's Environmental Health Officer has reviewed the proposal and confirms that the parameters established by the Assessment are appropriate and should be conditioned. The proposed condition requires details of plant to be submitted and approved prior to operation.

Servicing activity

16.53 The Environmental Noise Assessment assesses the anticipated worst case noise impacts from servicing the unit in relation to the closest noise sensitive façade. Noise levels are expected to be 39 dB *LAeqT* during the daytime and 41 dB *LAeqT* during the nighttime (below WHO daytime (55dB *LAeqT*) and nighttime (45 dB *LAm_{ax}*) guidelines) and maximum noise levels from the arrival, unloading and departure of vehicles are predicted to be well below WHO guidelines (54 dB *LAm_{ax}* vs. 60 dB *LAm_{ax}*). The Assessment concludes that the noise levels would not be significant and justify deliveries between 0600 and 2300hrs.

16.54 The Council's Environmental Health Officer considers that the proposed noise attenuation measures are appropriate and recommends conditions related to delivery vehicles in line with the Assessment. A Service Management Plan condition is also proposed in line with the Phase 2 permission. This would assist in keeping delivery noise levels to a minimum.

Car parking activity

16.55 The closest car parking spaces are approximately 28m from the boundaries of residential properties along St Andrews Avenue. The noise impacts from the slamming of car doors is assessed in the Environmental Noise Assessment and found to generate a maximum noise level of 43dB *LAm_{ax}*. Given this level is below the WHO daytime (55dB *LAeqT*) and nighttime (45 dB *LAm_{ax}*) guidelines, restricted trading hours are not considered to be justified.

Construction noise

16.56 Construction also has potential to cause adverse residential amenity impacts. Through an appropriately worded planning condition, noise impacts during construction would not have a significant adverse impact on residential amenity.

16.57 Objectors raise concern with increased noise and disturbance, request that the acoustic fencing is high enough to reduce impacts and is erected at an early stage in order to mitigate construction noise impacts. The proposed conditions requires that the acoustic fencing is erected prior to any development above damp proof course level. It would therefore provide some mitigation to construction noise.

16.58 Overall, subject to planning conditions (in respect of: acoustic fencing; fixed plant/machinery; delivery hours; Service Management Plan; and Construction Management Plan) the proposed development is not considered to give rise to significant adverse impacts on residential amenity. The proposal therefore complies with Local Plan Policy ENV16.

Visual Amenity

16.59 The site, although currently undeveloped does form part of the wider Weymouth Gateway Site and Mount Pleasant Business Park.

16.60 The application site is an undeveloped parcel of land that has been vacant for many years. As a designated key employment site, it has been considered previously for development. It was cleared as part of the adjacent Phase 2 Weymouth Gateway development. This included planning permission for redevelopment of the application site to provide a retail unit (Unit 4), adjacent to Dunelm, together with land to the east identified for future employment development.

16.61 The approved design of Unit 4 aligned with the design of adjacent units; fronting north onto the car park with full height glazing framed with an external feature canopy. The approved facing materials comprised pale grey/buff facing brick to lower levels/around the entrance, off-white composite panels to upper levels and a composite white roof. Vertical emphasis was provided around the entrance of the building. The approved building had a height of approximately 9m to parapet and 11m to ridge.

16.62 The proposed retail unit has been designed to face inward (west) towards the wider retail park with the rear elevation and service yard facing east towards the open space. It has a height of approximately 11m to parapet and 12m to ridge, taller than approved Unit 4 and the adjacent retail units. The design of the building has been amended over the course of determination in response to officer comments and to include a store to the rear of the building.

16.63 As originally submitted, the proposed development included white composite cladding to all elevations of the building. The Landscape Officer raised concerns with this approach, principally due to the adverse impact of the building on visual amenity when viewed from the open space to the east. The Landscape Officer considered the white panelled elevations to be stark, with the pale roof exacerbating the massing of the building.

16.64 The revised proposal has addressed this through revisions to the colour of composite cladding and the roof. The rear (east elevation) and parts of the side (north and south) elevations are proposed to be clad in vertical composite cladding panels of green/earthy tones, including: khaki green, willow green, cream and mushroom. The front (west) elevation and the remaining parts of the side elevations would be clad in white composite cladding with black ceramic tiles below (to a height of approximately 3.5m). The two customer entrances would be clad in green ceramic tiles and a large proportion of the west elevation would be glazed at a lower level. The roof would be khaki green.

16.65 The revised proposal represents a significant improvement to the design that was originally submitted. The use of coloured cladding panels will present a more sensitive edge to the open space to the east and assist in assimilating what is a relatively tall and lengthy (approximately 85m) building with the surrounding context. The design measures are considered to be appropriate to moderate the visual impact of the development. Subject to securing the external materials by planning condition, the proposal would not have a significant adverse affect on the character or visual quality of the local landscape in accordance with Policy ENV1 of the Local Plan.

16.66 The proposal has been designed to face the public realm of the proposed car park and integrate with the adjacent Souter Road and pedestrian/cycle route (to the north). The site would be viewed and experienced in relation to the existing development of the business park, principally Phase 2 (to the west) and also the

wider retail park comprising the Medisave building and Sainsbury's to the west, ambulance station and New Look building with larger areas of associated car parking to the north. The business park is currently visible from the pedestrian and cycle route to the east of the site across intervening trees. The rear elevation would obscure medium-to-longer views to the west, towards the business park and the building would terminate views toward the site from Mercery Road. Overall, the development would provide an appropriate interface to the north, south and west.

16.67 The tree lined bank to the south provides separation from the neighbouring residential properties behind and the orientation of the proposed development means the proposal would be viewed in the context of the business park with which it is sympathetic. Whilst the proposed retail unit is taller than the adjacent retail units, the building is positioned further north at greater distance (approximately 48m) from adjacent residential properties compared to the adjacent retail units (approximately 30m). The size, design and layout of the development is considered to be in keeping with the design of the business park.

16.68 A landscaping plan has been submitted as part of the application. The landscaping includes the provision of trees within the car park and planting to the edge of the car park. The landscaping has been amended over the course of determination to break up the long runs of car parking. Whilst additional planting would have been beneficial, overall, the proposed landscaping would soften the proposed development, appropriately integrate the site with the wider business park and enhance the setting of the site. The development would therefore maintain local identity and enhance it through provision of planting along the pedestrian/cycle route to the north. Planning conditions in respect of hard and soft landscaping details are proposed in order to secure the detailed design of the landscaping.

16.69 As the site is cleared, no trees would be removed to facilitate the proposed development. Existing trees to the south and east of the site would be protected during the construction period. An appropriately worded condition is proposed in respect of tree protection measures.

16.70 Given all of the above it is considered that the proposed development would not have an adverse impact on the visual amenities of the site or locality. The proposed development is therefore considered to comply with Local Plan policies ENV1, ENV10 and ENV12.

Highways and Parking

16.71 The Transport Assessment (TA) submitted by the applicant considers the likely impact of the development traffic upon the highway network. It assesses the key junctions at which the traffic flows are dispersed into the network and provides a prediction of new trips that are likely to be on the network, allowing for existing trips.

16.72 The TA explains that the transport modelling underpinning the approved Weymouth Gateway Phase 2 development tested a range of scenarios. The TA for the approved Phase 2 development tested an earlier iteration of the approved development comprising a 4,077sq.m GEA non-food retail unit (Unit 4) and a 2,460sq.m GEA DIY store without garden centre (Unit 5). This is referred to as the 'tested' traffic levels within the TA submitted with the current application. The approved Phase 2 development of a 1,952sq.m GEA / 1,858sq.m GIA non-food retail

unit (Unit 4) and future class-B employment was justified on the basis of impacts being significantly lower than the tested scenario, which was found to be acceptable.

16.73 The TA explains how car parking data for the Phase 2 development gathered over 10 months between December 2022 and September 2023 when the site was fully operational has been utilised to test the accuracy of pre-development trip estimates. The data reveals average peak two-way trips at 11:00-12:00 on weekdays (374 two-way trips) and weekends (525 two-way trips). The comparison shows the estimates were accurate, being within 10% of the actual traffic levels recorded on site. The data has therefore been used to inform the trip generation of the proposed development.

16.74 The applicant's assessment of trip generation estimates there will be +56 additional two-way primary (new and transferred) trips during network peak periods compared to the consented development. The Highways Authority notes there would be no more than 30 two-way trips in the peak hour, indicating the highway impacts would not be severe. The Highways Authority find this acceptable and note that all tested junctions are found to operate within capacity.

16.75 In terms of parking, sufficient car parking is provided including accessible bays and EV charging (exact number to be provided in accordance with Building Regulations). Two customer cycle stores are proposed, each with capacity for 10 bikes. Both stores would be covered and would be conveniently located for visitors. The applicant has amended the pedestrian/cycle access to the north of the site to provide ramped access from the adjacent pedestrian/cycle path. The revised proposal will encourage active travel and supports step-free access to the site, thereby supporting customers on bikes or with buggies or mobility issues. Within the service yard an additional cycle store with capacity for 10 bikes is proposed for staff cycle parking.

16.76 The application includes a Framework Travel Plan (FTP), which is based on the Overarching Framework Travel Plan (OFTP) adopted for the site. The final Travel Plan would seek to encourage visits to the site via non-car modes and seeks to reduce single occupancy vehicle trips by 10%, with modal shift to more sustainable modes of travel. A final Travel Plan based on the FTP is proposed to be secured via planning condition in order to seek to reduce car journeys.

16.77 As part of the approved Phase 2 development, a financial contribution of approximately £144k was required to support sustainable transport improvements, notably improvements to works at the Mercery Road / Dorchester Road signal junction to tackle the increased primary trips associated with the development and support trips by active travel. The Highways Authority notes that the Council is keen to work to secure improvements in active travel and that Weymouth Gateway is a key opportunity for promoting further cycle trips using the local cycle network, including Jurassic Cycle Route 4 and National Cycle Network Route 26. A contribution towards establishing a cycle hire scheme has been requested based on the provision of 10 parking bays and 10 e-bikes.

16.78 The applicant's highways response (dated 2 May 2024) notes Beryl (the intended operator of the cycle hire scheme) recommends a total of 10 geofenced parking bays for larger developments and that additional e-bikes are funded by larger developments. Bays are priced at £500 and e-bikes are priced at £2,600. In the absence of a formula for calculating the need for additional e-bikes, the applicant

considers that two additional Beryl e-bikes are justified. This is based on the targeted increase in cycling trips by 2-trips during the Saturday peak.

16.79 Officers consider that funding towards the provision of 10 bays and two e-bikes is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly, a contribution of £10,200 is sought via a S106 Agreement.

16.80 Overall, the proposed development is not considered to present a material harm to the transport network or to highway safety subject to conditions and the contribution as detailed above. The proposed development is therefore considered to comply with Local Plan Policy COM7.

Air Quality

16.81 The Air Quality Assessment submitted with the application considers air quality impacts in relation to construction impacts and during the operation of the development (i.e. associated vehicle movements).

16.82 As confirmed by the Council's Environmental Health Officer, construction impacts can be appropriately controlled via a Construction Management Plan condition requiring details of dust suppression measures. Impacts of NO², PM¹⁰ and PM^{2.5} during the operation of development are not considered to give rise to significant impacts and the development is considered to be acceptable in respect of air quality matters.

Flood Risk and Drainage

16.83 The majority of the application site is within flood zone 1 however part of the site along the eastern boundary falls within flood zone 2 and 3. These areas are associated with breach conditions of the Preston Road tidal flood defences at Weymouth Bay. The site falls outside of the functional floodplain (Flood Zone 3b). Areas of the site are also at high (1 in 30 year) and medium (1 in 100 year) risk of surface water flooding along the eastern boundary of the site (medium risk) and to the south of the proposed access (medium and high risk).

16.84 As part of the determination of the planning application for Phase 2 Weymouth Gateway, the EA confirmed that the flood zones contained within the flood mapping are tidal and would therefore not be advising that the site is within the functional floodplain (flood zone 3b) or seeking floodplain compensatory storage for the development. The Level 1 Strategic Flood Risk Assessment (SFRA) published by Dorset Council in March 2024 confirms the site does not fall within the functional floodplain and does not materially change the understanding of flood risk within the site since the planning application for Phase 2 was determined.

16.85 As a retail development, the proposed development falls within the 'less vulnerable' flood risk vulnerability classification. Such development is identified as being compatible within flood zones 1, 2 and 3a. Given the presence of flood defences, the site has an equivalent risk of a site within flood zone 1. Accordingly, no mitigation is necessary in respect of tidal or river flooding and the sequential and

exception tests are not required to be applied. The Environment Agency has no objection.

16.86 In relation to surface water flood risk, the LLFA has reviewed the supporting Drainage Strategy submitted with the application and the Strategy has been updated in response to comments from the LLFA. The Strategy confirms the surface water drainage would be provided in the subbase of the permeable paving within the car park and within the attenuation pond approved as part of the Phase 2 Weymouth Gateway development. Subject to planning conditions requiring the detailed surface water management scheme and details of maintenance and management, the LLFA has no objection.

16.87 Subject to planning conditions, the proposed development complies with Local Plan Policy ENV5.

Biodiversity

16.88 The site has been cleared ready for redevelopment in accordance with the Weymouth Gateway Phase 2 permission. Accordingly, the site has very limited ecological value.

16.89 The proposed development would result in the vast majority of the site being covered in hardstanding. Trees are proposed along the boundary of the car park and native scrub planting and trees are proposed to the north west along the existing pedestrian/cycle route.

16.90 The extent of building development does not exceed what was anticipated as part of the Phase 2 Weymouth Gateway Development. Accordingly, the biodiversity enhancement measures contained within the certified Biodiversity Plan are still relevant, subject to updated surveys which have been provided and reviewed by the Council's Natural Environment Team. Subject to securing the biodiversity enhancement measures via condition, the proposed development would result in a net gain in biodiversity (note: development is not required to demonstrate 10% biodiversity net gain as the application was submitted before the mandatory BNG came into effect).

16.91 As the external lighting of the scheme ties into biodiversity a condition would be placed on any approval for a detailed lighting scheme informed by the submitted External Lighting Report to be submitted and approved.

16.92 The Air Quality Assessment submitted with the application considers air quality impacts on Lodmoor and Lorton SSSI, Radipole Community Woodland and Radipole SSSI. It identifies that the development would result in elevated nitrogen oxides (NOx) at Radipole SSSI due to changes in traffic movements associated with the development, albeit overall impacts would be negligible.

16.93 Given the above, the proposed development is not considered to have an adverse impact on biodiversity and therefore is in accordance with Local Plan Policy ENV2.

Contamination

16.94 As part of the earlier development phase, a Phase 1 Preliminary Risk Assessment and Phase 2 Environmental and Geotechnical Site Investigation Report covering the entirety of the Phase 2 site were submitted and consulted upon. Planning conditions in respect of contamination under P/VOC/2022/00471 were subsequently discharged following the confirmation that no remediation was required. Accordingly, a planning condition in respect of unexpected contamination is considered necessary and the proposed development is considered acceptable in relation to contamination under Local Plan Policy ENV9 subject to this condition.

Other Matters:

Utilities

16.95 A foul sewer passes through the application site. The existing route of the foul sewer was agreed through a diversion as part of the Phase 2 development to align with the approved footprint of Unit 4. The proposed footprint of the retail development conflicts with the foul sewer route. Accordingly, a further diversion is necessary to ensure the statutory undertakers rights are not compromised. This is proposed to be secured via a pre-commencement planning condition and an informative is suggested to advise the developer of the need to agree the route with the undertaker.

16.96 Third party comments raise concern with sewer capacity. However, Wessex Water confirms there is sufficient capacity to accommodate the development.

16.97 With an appropriately worded condition in respect of the necessary sewer diversion, the development is considered acceptable in relation to utilities.

17.0 Conclusion

17.1 The proposed development involves the construction of a 4,059sq.m (GIA) Class E(a) retail unit for the sale of food and non-food goods, associated customer car park, cycle parking, landscaping, infrastructure and associated works. The intended occupier is M&S.

17.2 The site is located at Weymouth Gateway, an established multi-phase out-of-centre retail park which includes: Aldi and Sainsbury's (Phase 1); and the adjacent units occupied by Dunelm, B&M, McDonalds and Costa Coffee (Phase 2).

17.3 The application site forms part of the Weymouth Gateway Phase 2 site. As part of the planning permission (P/VOC/2022/00471), the application site has permission for a retail unit 'Unit 4' (Phase 3A) and includes land identified for future Class-B employment use (Phase 3B). Since planning permission was granted, the site has been cleared and remediated. Unit 4 has not been constructed and an occupier for the employment land has not been identified by the applicant.

17.4 The proposed development has satisfied the retail sequential test and subject to conditions would not lead to a significant adverse impact on Weymouth Town Centre or other designed centres. It is therefore considered to comply with Local Plan Policy ECON4.

17.5 The application site forms part of a key employment site which has largely been redeveloped for retail development. The proposed development would result in retail development of the site and therefore the loss of part of the key employment site. However, on balance, and noting the site has remained vacant for many years, it is considered that the economic benefits of the scheme would outweigh the loss of part of the key employment site in this case.

17.6 The proposed development is considered acceptable subject to conditions in relation to residential amenity, visual amenity, highways, flooding and drainage, biodiversity, air quality and contamination.

17.7 As the recommendation is for approval and the proposed development involves retail development outside of the town centre which meets the following criteria:

- is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
- is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and
- consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - 5,000 square metres or more; or
 - Extensions of new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

it will be referred to the Secretary of State (SoS) to give the SoS an opportunity to consider whether to exercise call-in powers under Section 77.

18.0 Recommendation

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the Secretary of State notifying the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 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 Head of Legal Services to secure:

- Sustainable transport measures in the form of: 10 e-bike spaces and two 2-bikes.

And subject to the following planning conditions:

Approved Plans

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

23239-0301 P-00 Location Plan

23239-0302 P-07 Proposed - Plan - Site Plan

23239-0310 P-06 Proposed - Plan - Ground Floor Plan

23239-0311 P-04 Proposed - Plan - Roof Plan

23239-0320 P-06 Proposed - Elevations

23239-0325 P-00 Proposed – Elevations – Substation

23239-0330 P-06 Proposed – Sections

1167-3-001 P06 Landscape General Arrangement

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

Time Limit

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

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

Retail

3. The net retail sales area of the retail unit hereby approved shall not exceed 3,223sq.m, of which no more than 1,817sq.m shall comprise comparison retail sales floorspace and no more than 1,406sq.m shall comprise convenience retail sales floorspace.

Reason: The application is justified on the basis of the comparison and convenience floorspace stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

4. Within the convenience goods floorspace hereby permitted, the sale of horticultural goods, pharmaceutical goods, greeting cards, and other ancillary product ranges shall be sold from no more than 10% of the net sales area.

Reason: The application is justified on the basis of the provision of goods as stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

5. The comparison retail sales floorspace within the retail unit hereby approved shall be used for the sale and display of the following comparison goods:
 - i. Clothing and footwear, home and garden furniture and furnishings.

The comparison retail sales floorspace shall only be used for the sale of the goods above and shall not be used for the sale and display of any other goods unless ancillary to the above comparison goods and not comprising more than 10% of the comparison retail sales floorspace.

Reason: The application is justified on the basis of the provision of goods as stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

6. With the exception of subdivision of the retail unit hereby approved to create two separate units, the smaller being no less than 1,406sq.m GIA, the unit shall not be sub-divided into smaller units without the prior written consent of the Local Planning Authority.

Reason: In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

Deliveries

7. No deliveries shall be taken at or dispatched from the retail unit hereby approved outside of the following times: 06:00 and 23:00 Monday to Sunday, including Bank Holidays.

Reason: In the interests of neighbouring amenity.

Noise

8. No development shall take place until details including dimensions, materials and positioning of the noise barrier/acoustic fence to be located along the rear of the service yard and along the service yard access road as identified within the Environmental Noise Assessment (ref. 2322119 prepared by Sharps Redmore and dated 5 January 2024) have been submitted to and agreed by the Local Planning Authority in writing. The agreed noise barrier/acoustic fence shall be erected prior to any development above damp proof course level and shall be permanently retained and maintained as such thereafter.

Reason: In the interests of neighbouring amenity.

9. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 43 dBA between 0700 and 2300 hours

and 35 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019. Thereafter the fixed plant and/or machinery shall be operated strictly in accordance any approved mitigation measures which shall be retained, maintained and operated for the lifetime of the fixed plant and/or machinery.

Reason: In the interests of residential amenity.

External Lighting

10. No external lighting shall be erected on the building hereby approved or within the application site boundary identified on the Location Plan (ref. 23239-0301 P-00) without a detailing lighting scheme having first been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall accord with the External Lighting Report prepared by Insignis (ref. 0113-INSIG-RP-MEP-32 Rev 02 dated 10 November 2023). Thereafter, the development must be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity mitigation.

External Materials

11. There shall be no development above the damp proof course level until details (including colour photographs) of all external facing materials for the walls and roofs of the approved retail unit and substation have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

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

Landscaping and Trees

12. No development shall take place until the tree protection fencing/barriers as shown on the plan Tree Protection Plan (ref. 05016-East-TPP-Phase-3-Rev-A-03.10.2023) has been erected. Thereafter the trees shall be protected in accordance with the tree protection measures as shown on the plans during the course of the construction until such time as the development is completed.

Reason: To ensure the trees are protected.

13. Prior to the commencement of any development hereby approved, above damp course level, full details of hard landscape proposals shall be submitted

to and approved in writing by the Local Planning Authority. These details shall include a timetable for implementation and where appropriate: proposed finished ground levels or contours; means of enclosure; car parking layout; other vehicular and pedestrian access and circulation areas; hard surfacing materials; and minor artefacts and structures (such as furniture, bollards, trolley bays, refuse or other storage units). The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure satisfactory landscaping of the site and to maintain the visual amenity and character of the area.

14. Prior to the commencement of any development hereby approved, above damp course level, full details of soft landscaping and planting 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. Any trees, shrubs or plants that die with a period five years from completion of development or are removed and/or become seriously damaged or diseased in that period shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of a similar size and species unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscaping of the site and to maintain the visual amenity and character of the area.

Highways

15. A Travel Plan must be submitted to and approved in writing by the Local Planning Authority in strict accordance with the agreed timescales presented in Table 8.1 of the Framework Travel Plan prepared by Exigo (dated December 2023). Thereafter the measures of the agreed Travel Plan shall be implemented upon commence of the development hereby approved and in line with the provisions and timescales set out within the approved Travel Plan and maintained for the lifetime of the development.

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

16. Operations within the service yard shall be carried out strictly in accordance with the approved measures within the Service Management Plan (Rev A received 19 September 2024) for the lifetime of the development.

Reason: In the interests of neighbouring amenity.

17. Before the development is occupied or utilised the areas shown on approved Site Plan (ref. 23239-0302 P-07) for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

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

18. The development hereby approved must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved by the Local Planning Authority. The approved scheme must be constructed and made available for use before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified for the lifetime of the development.

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

Construction Management Plan

19. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The management plan shall provide for:
- i. Construction vehicle details (number, size, type and frequency of movement)
 - ii. A programme of construction works and anticipated deliveries
 - iii. Timings of deliveries so as to avoid, where possible, peak traffic periods
 - iv. A framework for managing abnormal loads
 - v. Contractors' arrangements (compound, storage areas, parking, turning, surfacing and drainage)
 - vi. Wheel washing and vehicle wash-down facilities and measures for the disposal of resultant dirty water
 - vii. Arrangements for inspection of the highways serving the site (by the developer or its contractor and the Highways Authority) prior to work commencing and at regular, agreed intervals during construction
 - viii. A scheme of appropriate signing of vehicle route to the site
 - ix. A route plan for all contractors and suppliers to be advised on
 - x. The use and routing of heavy plant and vehicles
 - xi. Temporary traffic management measures where necessary

- xii. Details of construction lighting
- xiii. Hours of construction
- xiv. Location of loading/unloading and storage of plant, waste or debris and construction materials
- xv. Pollution prevention measures, including related to: oils/chemicals and materials
- xvi. Noise reduction measures
- xvii. Dust suppression measures
- xviii. Details of where contact details will be displayed on site for members of the public and any notifications to adjacent residents
- xix. Details of waste disposal, including the control and removal of spoil and any hazardous waste that may be found or generated on site. No bonfires shall be held on site at anytime.

Reason: In the interests of biodiversity, residential amenity and to minimise the likely impact of construction traffic on the surrounding highway network, including preventing the possible deposit of loose material on the adjoining highway.

Remediation

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

Reason: To ensure risks from contamination are minimised.

Biodiversity Plan

21. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 28 February 2022 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

Surface Water Drainage

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

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

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

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

BREEAM

24. The retail unit hereby approved shall be registered with Building Research Establishment (BRE) and shall achieve BREEAM Rating Very Good including water credit WAT02 (water monitoring).

- i. Within six months of the completion of the development, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.
- ii. Within twelve months from the date of first use of the retail unit hereby permitted commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures that have been implemented.

Thereafter the approved measures and technologies to achieve BREEAM Rating Very Good including Water Credit WAT02 shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change, securing sustainable development and achieving high levels of environmental performance.

Sewer Diversion

25. Prior to commencement of development details of the proposed diversion of the existing public sewer as shown on Proposed New Unit Layout Overlay drawing (ref: 2443-EVE-02-XX-T-C-003 Rev C dated 4 September 2024) together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the diversion shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the public sewer is re-routed and the rights of the statutory undertaker are not compromised.

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: S106 Agreement
This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to sustainable transport measures.
3. Informative: Electrical Vehicle Charging
The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

4. Informative: Travel Plan monitoring
The applicant is advised that as part of the continued monitoring of the Travel Plan, they are required to regularly liaise, at regular time periods to be agreed, with Dorset Council's Travel Plan Team (Emma.Andre@dorsetcouncil.gov.uk) for the lifespan of the Travel Plan lifespan. The Travel Plan surveys, and other pertinent information should be submitted to Dorset Council to ensure that continued progress is being made to meet the targets of the Travel Plan.

5. Informative: Construction Management Plan
The CMP should include arrangements for protecting the environment and residents from noise, vibration, dust and site lighting. The CMP should have regard to the following recommendations from Environmental Health:
 - a. Hours of construction are to be limited to Monday – Friday 0700 – 1900 Saturday 0800 – 1300, with no noisy activity on Sundays or Bank Holidays. If there are to be any proposed deviations from these hours, please contact Environmental Protection to discuss these.
 - b. Start up and movement of vehicles / equipment etc will be limited to 30 minutes prior to the hours of construction only.
 - c. To minimise disturbance, broadband alarm or video shall be fitted to works vehicles instead of the conventional beepers when reversing.
 - d. Activities which may give rise to dust shall be controlled, as far as practicable, to minimise dust emissions. This must include controlling dust from regularly trafficked road areas. Dust suppression may be achieved using water and locating equipment and machinery, away from residential areas.
 - e. At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.
 - f. Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Protection must be informed if this occurs.
 - g. The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.
 - h. Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc, made in as part of the determination of this application.

6. Informative: Wessex Water
The site includes a foul sewer managed by Wessex Water. The necessary diversion must be agreed with Wessex Water prior to the diversion of the foul sewer being carried out.

7. Informative: BREEAM

To reduce potable water consumption in the development through water-efficient components and recycling systems it is recommended that BREEAM Excellent standards are achieved in respect of credits WAT01 (water consumption), WAT03 (water leak detection) and WAT04 (water efficient equipment).

B) Refuse permission for the reason set out below if the legal agreement under section 106 of the Town and County Planning Act 1990 (as amended) is not completed by 3 April 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning of Service Manager for Development Management and Enforcement.

- 1) In the absence of a completed Section 106 legal agreement to secure provision of sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes, the highway impacts of the development would not be appropriately mitigated and would result in a severe residual cumulative impacts on the road network in conflict with West Dorset, Weymouth & Portland Local Plan (2015) Policy COM7.

This page is intentionally left blank

Application Number:	P/RES/2022/04434
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land to the north and west of Cockroad Lane Beaminster
Proposal:	Application for the approval of layout, scale, appearance and landscaping (condition 2 - 'the reserved matters'), construction traffic management plan (condition 6), attenuation pond details (condition 9), finished floor levels (condition 10), tree protection details (condition 11), ground remediation scheme (condition 12), highway details (condition 17), bridge details (condition 18), electric vehicle charging points (condition 19) and travel plan (condition 20) pursuant to outline planning permission ref. WD/D/19/000613 for the erection of 58 No. dwellings and associated works.
Applicant name:	Oriel Housing Limited
Case Officer:	Bob Burden
Ward Member(s):	Cllr Monks

This application is referred to committee for determination because the Town Council recommendation is contrary to the officer recommendation and as this is a major application the scheme of delegation requires that it be determined by the planning committee.

1 Summary of recommendation:

Approve this Reserved Matters application subject to planning conditions as set out in section 17 of this report.

2 Reason for the recommendation:

- Para 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 proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

3 Key planning issues

Issue	Conclusion
Principle of development	Site allocated for development in adopted Local Plan under policy BEAM1. Outline permission WD/D/19/000613 establishes principle of up to 58 dwellings.
Layout	Layout provides varied street scenes and tree planting. Perimeter block principle is used. Public open space/attenuation basin locations provide framework for desirable “sense of place” to be created.
Landscaping	Principles of retention of peripheral tree planting and significant further tree planting provided. Use of street trees to provide “avenue” feel.
Scale	Development based on two storey buildings; reflects scale of adjacent and near-by buildings.
Appearance	Designs include detached, semi-detached and terraced units. Dwellings have variety of architectural details and an acceptable palette of wall and roof materials.
Residential amenity	Scheme has an acceptable relationship with adjacent development and is acceptable in residential amenity terms.
Highways	Scheme follows highway principles suggested at outline. Subtle hierarchy of routes within site is acceptable.

4 Description of Site

The site lies on the west side of Beaminster to the west side of Cockroad Lane, which in turn is accessed from Ridgeway View / St James Road. Cockroad Lane is an unadopted private access road, typically 2.4-2.6m wide but widens as it leads towards St James Road. The 4.57 ha site has a gentle slope to the south-east/south and mainly comprises rough pasture grazing land. A native species hedgerow runs along the southern and western edges of the site. There is a mature belt of trees on the eastern flank of the site with a tributary of the River Brit draining southward within it. On the eastern edge is a derelict Dutch barn. To the south is a stable yard with varied external materials including corrugated metal, ply and felt roofing to the stables, tack room and an outdoor equestrian training area (these structures are removed as part of the scheme). To the north-east there is an “outshoot” of land - part of the old farmyard with concrete apron, a variety of small trees and brambles and some miscellaneous agricultural storage.

Beyond the western and southern site boundaries is open agricultural land (the other portion of the BEAM1 allocation with current planning permission for 100 dwellings (outline permission WD/D/18/000115 and reserved matters P/RES/2021/01944). Beyond the northern boundary is pasture land rising slightly northwards. There is a recent stables complex of white render and timber boarding to the north. Beyond Cockroad Lane to the east of the site, the more northern part of the site is opposite the buildings of Cockroad Farm; an assemblage of relatively modern blockwork and corrugated roofed farm buildings. South of this is the recent Aster Homes residential development comprising two storey housing of “Ridgeway View” including red brick and grey concrete tiles.

5 Description of Development

The scheme proposes 58 two storey dwellings with vehicular access off Cockroad Lane. The dwellings are served by a network of roads and footpaths within the site, including a potential vehicular link with the “100 dwelling” site to the south. The scheme also includes public open space, a locally equipped area for play (LEAP), landscaping, tree planting, an attenuation pond area and road-bridge. The site can be accessed via St James Road to the east with the road sweeping north and then curving south-westwards. The road is on a south-east/north-west axis providing a lower hierarchy of roads running off it to the south-west and north-east, together with a private drive sweeping round the east/northern side of the scheme. All dwellings are of two-storey form with a mix of terraced, semi-detached and detached units. The scheme comprises 20 affordable dwellings comprising 6 for shared ownership and 14 for affordable rent. These comprise 4 x 1 bedroomed flats, 11 x 2 bed houses, 4 x 3 bed houses and 1 x 4 bed house. The open market housing comprises 4 x 1 bedroomed flats, 4 x 2 bed houses, 29 x 3 bed houses and 1 x 4 bed house. The materials palette includes red brick, off-white render, hamstone, dark grey roof tiles and some deeper red roof tiles.

6 Relevant Planning History

WD/D/19/000613

Land to North and west of Cockroad Lane, Beaminster. Erect up to 58 dwellings, amenity space, landscaping, informal public open space, and children’s play area. Demolition of agricultural structures (outline).

Approved: 7/4/2020.

P/MPO/2023/01704

Modification of Section 106 agreement 6 April 2020 - planning approval
WD/D/19/000613

Approved: 2/7/2024

(Adjacent site-other part of BEAM1 applications -Broadwindsor Road frontage)

WD/D/18/000115

Outline application for residential development of up to 100 dwellings and associated infrastructure (means of access to be determined)

Approved: 21/11/2019.

P/RES/2021/01944

Application for approval of reserved matters of appearance, landscaping, layout and scale of outline approval WD/D/18/000115 for 100 dwellings with associated infrastructure and public open space.

Approved: 17/10/2022.

P/VOC/2024/01333:

Outline planning application for residential development of up to 100 dwellings and associated infrastructure (means of access to be determined) - With variation of conditions 1 & 14 of outline planning permission WD/D/18/000115 - to amend access arrangement from roundabout to T junction.

Decision pending

7 List of Constraints

BEAM1; Land to the North of Broadwindsor Road

ENV 1; Area of Outstanding Natural Beauty

SUS2; Within Defined Development Boundary

SUS 2; Land Outside Defined Development Boundary (part of landscaping)

Neighbourhood Plan Area; Name: Beaminster; Status Designated 11/12/2017

Legal Agreements S106

Right of Way: Footpath W21/72

Right of Way: Footpath W21/71

Right of Way: Bridleway W21/73

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Agricultural grade: Grade 4

Site of Special Scientific Interest (SSSI) impact risk zone

Minerals and Waste Safeguarding Area

National Landscape: Dorset Area of Outstanding Natural Beauty : (statutory protection in order to conserve and enhance the natural beauty of their landscapes -

National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

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

8 Consultations

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

(NOTE: Comments have been summarised to those relevant since original ecology and surface water-related condition submissions were withdrawn from application for additional work and submission at a later date).

8.1 Natural England

Like the Dorset Wildlife Trust, Natural England consider there to be inadequate information to allow approval of Reserved Matters related to Landscaping (Condition 2).

Revised plans

Natural England has no further comment on this. (*Note: This relates to the landscaping aspect*).

8.2 Dorset Wildlife Trust

DWT consider there to be insufficient information currently provided to allow approval of Reserved Matters related to Landscaping (Condition 2).

Planting scheme: The planting scheme should be designed in line with the Dorset Biodiversity Appraisal Protocol Advice Note: Planting scheme recommendations must not include Amelanchier which is a non-native species which is identified to be near invasive or problematic.

8.3 Crime Prevention Design Advisor, Dorset Police

I would recommend that the security of the development meets the standards laid out in the SBD Homes 2019 guide. This is Police guidance around crime prevention and security which will help with the sustainability of the new development. I would recommend that all gates that lead to rear gardens are key lockable from both sides. The majority of burglaries occur at the rear of the premises where access is not restricted. I have public safety concerns in relation to the proposed public footpath that is shown to be running through the LEAP area. If this is a public footpath then people with dogs or cyclists could use this path legitimately which could have an impact on the children using the LEAP. Unfortunately, dogs and cyclists do not mix well with children playing. There are also safeguarding issues to be considered. If the proposed footpath is granted then I would recommend that it is re-routed to the

left to link up with the public right of way. This would allow the LEAP to be fully enclosed (apart from the access point from the public right of way, although I would want to see a gate at this point) ensuring that the children remain safe within that area and safe from cyclists and members of the public walking through.

8.4 Land Contamination Consultant – (comments on revised plans)

WPA Consultants confirms that the continuance of matters relating to land contamination and remediation requirements from ref WD/D/19/0000613 are evident. WPA notes the remediation scheme proposal from T&P Regen and the Acheson CEMP relate to condition 12 of this application and have been reviewed as suitable documents to meet condition 12 subject to the verification and validation of requirements. Soils and Waste Management plans need also to be submitted and reviewed in due course.

In summary we agree that the remediation scheme has been submitted and the documentation to date meets with requirements, we now await the verification documentation with details of the fulfillment of the remediation scheme that will include details of soils and waste management procedures (in due course).

8.5 AONB Landscape Officer

The site forms part of West Dorset Local Plan allocation BEAM1. The area had initially been envisaged for employment uses but has subsequently gained outline permission for up to 58 Dwellings (WD/D/19/000613). The reserved matters application seeks approval of details for a number of matters, including layout, scale, appearance and landscaping (condition 2).

In allocating the overall site, the Local Plan envisaged a relatively generous amount of greenspace and strategic planting. To the east of the site, there is a wooded river channel, that the Plan recognises should be protected by incorporating a suitably wide green buffer zone (likely to be at least 10 metres wide). Overall, the policy required structural woodland planting along the western and northern boundaries, and that existing trees and hedgerows be retained where possible.

The RM application contains a landscape compliance statement that compares the strategic landscaping with the Development Framework Plan that was submitted at outline stage. This indicates that the amount of landscaping provided within the eastern area, associated with the river channel, is sufficient to meet the requirements of the Local Plan. The area contains a relatively generous amount of landscaping, including an area containing an orchard. For a detailed opinion as to the design of this area in relation to biodiversity interests, we would primarily refer you to a suitably qualified ecology advisor.

Concerning the northern landscaping, whereas the Framework provided at outline stage had indicated a minimum planting depth of 16m, this is now described as

varying in width from 7m at the narrowest point to 50m at the widest. Within our response to the outline application, we noted the potential benefit of widening the woodland planting in areas, particularly with consideration to the interface with the landscaping proposed within the adjacent Cavanna Homes site. Whereas the pre-application plans showed too little landscaping along the northern boundary, the submitted plans have increased the amount proposed and have achieved a broadly satisfactory width, albeit with some areas that are a little narrow. However, in such areas it is noted that the housing development does not abut the woodland buffer and that there are other aspects of public open space adjoining the buffer, including some further individual tree planting. Overall, we are of the opinion that a reasonable balance has been struck in relation to the aspiration of the Local Plan to set the development within an enhanced, tree framework and the provision of functional public open space within the site.

We have briefly reviewed the design of the houses and overall layout. These illustrate a development that is not substantively different to that which had been envisaged and expected for an urban extension to the town. Overall, the AONB Team defer to other consultees with interests in street and urban design for advice on the merits of the site's internal design.

8.6 Senior Landscape Officer- (summary)

The 'principle' of development is established but further clarification is required around some issues before I can fully support this application.

(Case Officer Note: Appropriate amendments now received to fully address Landscape Officers comments).

The main changes to the Scheme have been summarized as follows:

8.6.1 The Northern Boundary

With reference to the latest revised 'Proposed Site Layout Dwg. 004 Rev: P8' and detailed planting proposals - the northern 'woodland buffer' depth remains the same as the previous iteration 'P7' (ranging from ~25m down to 12m in width) - which reflects a modest improvement when compared to the previously submitted proposals. This proposed 'northern buffer' planting continues to fall short of the stipulated width of planting that was illustrated at Outline stage (*where a minimum of 16m width was illustrated*). I am aware, however, that this width is considered acceptable within the planning balance by the Planning Case Officer – so I shall refrain from offering further advice on this matter.

8.6.2 Tree Planting to the immediate north and east of the LEAP

Within my previous comments I had requested that 5no. trees were reinstated. The latest Proposed Site Layout drawing (004 Rev. P8) illustrates that these trees have now been reinstated.

8.6.3 The Eastern Boundary

Within my previous comments I had queried how this area of POS was to 'function' in terms of its management for public access and the provision for biodiversity. At the Meeting (4th June 2024) it was agreed that the Landscape Consultant indicate a hoggin pathway through the POS. This Path is illustrated clearly on the latest Site Layout Plan.

8.6.4 The Southern Boundary

I had previously queried the status of the southern boundary hedgerow and the dimensions of the 'Maintenance Strip' that was to run between the southern boundary hedge and the proposed development. A buffer of 3.5m was previously requested by NET. At the Meeting on the 4th June this 'Maintenance Strip' was discussed and concerns were raised over the potential for residents accessing this area. It was suggested that a gate be installed in the vicinity of Plot 23. I note that 3no. Gates have been introduced to deter access to this Area. The specification for the Gates is stated on the On-Plot Landscape Plans as timber 'Jacksons Bridle Gates'. This would be acceptable.

There is a clear disparity between the depth of the Maintenance Strip as illustrated on the Site Layout Plan Rev. P8 and the On-Plot Planting Plans. A depth of 3.50m is shown on the Site Layout Plan – and reduced widths of 1.50m to 2.20m shown on the On-Plot Planting Plans. Further clarification is required as to the precise design of this Strip.

8.6.5 Retention and Protection of the Existing Vegetation (Condition 11)

Within my previous observations I had expressed concern over the placement of protective barriers directly against the existing hedgerows – rather than providing a 'set-back/buffer'. I also noted that the BMEP had suggested a 5m + 'buffer' for hedgerow protection. To my knowledge the proposed hedgerow protection measures have not been revised – and I would advise that this remains unsatisfactory.

The On-Plot Planting Plan as being shown on 'Drawing 10415-FPCR-XX-XX-DR-L-010' required.

8.6.6 Provision of Open Areas

The proposed design of the LEAP: Within my previous comments I had advised that the planting palette be revised to provide greater biodiversity benefits – referring to the Natural Environment Team's Planting Scheme Recommendations. Limited proposed planting for the LEAP is indicated on the latest On-Plot Planting Plan. Clarification is required as to how this Area is to be planted – and if the species proposed align with NET Guidelines? *(NOTE: Case Officer -Applicant has confirmed planting will accord with NET guidelines)*

8.6.7 Lighting

With reference the previously submitted Proposed Site Layout 004 Rev. 7 – I note that the Councils Lighting Engineer had advised that there would be conflicts between the proposed tree locations and the provision of lighting. On the latest iteration (004 Rev. 8) I would advise that the street light locations remain the same – but a number of the proposed street trees have been removed from the vicinity of Lights No. 6 and 10. I would advise that you seek the approval of the Lighting Engineer on this matter. Further clarification on the suitability of the proposed tree planting/lighting is required in order to comply with Para. 136 of the NPPF.

(NOTE: Case Officer - Applicant will submit lighting details at a later date-currently working on this with their ecologist).

8.6.8 Design and materials

Within previous advice concern was raised regarding the materials palette and the potential for the proposed 'red brick' and 'off-white' rendered elevations to visually 'jar'. There is a need to ensure a more muted palette of materials is used.

8.6.9 Layout

The latest iteration of the Proposed Site Layout (004 Rev. 8) illustrates minor changes from the previous version (Rev. 7). I note the following revisions:

- Re-positioning of Units 23 and 24 and associated parking bays.
- Introduction of linear planting to break up blocks of carparking bays (using Escallonia).
- Removal of hedge to edge of Private Drive (NW of Plots 53 and 54) and relocation of specimen tree planting. Introduction of a timber knee rail to boundary.
- Access Gate design – it was agreed at the Project meeting in June 2024 that this feature be removed. (It has been).

8.6.10 Tree Planting (general)

I am generally happy with the proposed distribution of trees and their species.

Tree Planting and the SuDS Area

With reference to the proposed trees within the SuDS Basins – I am aware that the Flood Risk Engineer is happy with the principle of the planting. The existing trees (to be retained) are located to the SE of the Basins and are to be retained.

Street Trees

I am generally happy with the quantum of proposed street trees. Details of the proposed tree crates are required (technical cross-sections and installation specification). Are street tree locations acceptable to lighting engineer?

NOTE: Case Officer - Applicant will submit lighting details at a later date-currently working on this with their ecologist).

8.6.11 Ground Remediation Scheme (Condition 14)

I had previously expressed concerns over the proposed remediation requirements and the potential impacts on the northern and eastern buffer zones. I note the correspondence from David Norris (dated the 5th June 2024) in which he writes:

“I have looked through the ground contamination information and there is a requirement that the levels be returned to existing. It is unlikely that the soil to be removed will be 400mm at max (minimum 300mm) and therefore reimportation will not be a significant issue. I appreciate concerns about impact upon trees, ecology etc – but the treatment of contaminated land was required by the outline permission”.

My concerns remain as previously stated within my Response dated the 11th April 2024 – as details on the groundworks to be carried out remain scant. The implications for the large areas of proposed woodland planting, therefore, cannot be assessed.

NOTE: Case Officer-The councils landscape officer has raised the above query over a possible requirement in some parts of the site to remove up to 300mm depth of ground (and replace with “good” soil) as part of the works. This is because of possible adverse effects on existing tree root systems on the site. This is something which the applicant must be mindful of. Most of the potentially affected ground is not supporting existing substantive tree cover, although particularly some to the east of the stream might be affected. The applicant would need to contact the LPA if it was apparent that these might be affected as the agreed landscaping scheme requires their retention.

8.7 Tree Officer- (summary)

The supplied information is suitable to discharge condition 11: FPCR Environment and Design Ltd, Arboricultural Method Statement Rev C dated: February 2024

8.8 Housing Enabling Team - (summary) revised plans

This application proposes up to 58 homes, of which 38 will be open market housing and 20 will be Affordable Housing Homes (14 Affordable Rent and 6 Shared Ownership).

This site is required to provide 35% affordable housing which equates to 20.3 units. The application proposes 20 affordable homes. If no more than 20 affordable homes are provided on-site then the requirement of 0.3 of a home should be provided by a financial contribution. *(Case Officer note: The financial contribution is controlled under the s106 agreement associated with the outline planning permission).*

The West Dorset/Weymouth & Portland Local Plan (Chapter 5 HOUS1. iv) also requires a minimum 70% level of rented homes and maximum 30% intermediate housing, within all affordable housing. This is met by this proposal.

The mix of affordable housing ensures a range of needs are being met. The development now includes a four-bedroom house for rent which is particularly welcomed as there is a high need for larger homes. This application, and new affordable housing mix, is supported by the Housing Enabling Team.

8.9 Heathland Mitigation and Public Open Space Coordinator- (summary)

Key comments around the proposal related to approval of layout, appearance and landscaping, attenuation pond details (condition 9) are:

1. Public Open Space (POS) (summary):

1.1 The open space within the site layout appears of adequate size. Infrastructure and design need to be sympathetic to the natural environment and surrounding landscape. NET welcome the opportunity to work with the developers to hone existing plans particularly if there is any intention or a request, that the land be transferred to Dorset Council management.

1.2 The layout of the POS will be influenced greatly by other consultees comments (such as the Ecology Unit within NET). For recreational purposes it appears adequate, however the following should be considered:

Surface and pathways

- A construction detail should be submitted during planning to make sure the routes across the POS are of a suitable width and surface as appropriate. The PRow surfacing should be agreed with DC Senior Ranger for the area and construction detail provided if requested. Path surfaces should be considered for suitability for all members of the community, accommodating various needs, ages and abilities – for example, people unsteady on their feet or using pushchairs, wheelchair/trampers etc.
- Signage for routes and waymarking should be carefully considered to ensure that they complement the local character of the overall area.
- Pathway surface should be appropriate for its status, robust for the varied “footfall” it will receive and recessive in colour and blend into the landscape character.

2. Locally Equipped Area for Play - LEAP:

2.1 Play space needs to be designed as an integral part of its surroundings through a holistic approach. I have the following comments for consideration on the proposed design:

The path running through the play space appears to be the main walking route through the POS from the housing. This could cause

user conflict, for example, people walking dogs through the space and children scared of dogs. I would advise relocating the LEAP to one side of the path. *(Case Officer note - this has been done).*

In areas where safety surfacing is required, I advise that the grass matt is reconsidered. The reason is based on well-known issues around compaction of ground materials and as a result the future failure to meet safety standards. As a preference we recommend wet pour surfacing or Tiger mulch or similar in these areas, with any surrounding areas landscaped and grassed.

2.2 I advise that play is included within the open space site management plan, covering the following information (for purposes of maintenance, repair, and replacement).

(Case Officer note: In addition to amendments made to this application regarding the LEAP, the relevant section 106 agreement linked to the outline permission also controls specifications of this area.)

2.3 We highly recommend that any developers/designers look at the Play England advice on planning design for play. Design for Play – Play England

Our expectation is that the play area will be signed off by a suitably qualified play inspector after installation and prior to Dorset Council final sign off.

3. Wetland Features:

3.1 We recognize the invaluable role wetland features play. These are locally valued to provide a variety of roles, invaluable amenity, and biodiversity value. Wetland features need to be carefully designed. Considerations should include:

Future management of the SuD feature needs careful consideration. Especially access for desilting and capacity retention work. Details of which should be included in a management plan for the site.

I specifically note the intention of a 1 in 3 slope for the sides of the attenuation basin. Whilst this meets requirements I advise, for safety, maintenance and to naturalise the feature, a more gradual slope.

3.3 Further advice can be found here: Sustainable Drainage Systems Advice Note (dorsetcouncil.gov.uk)

NOTE - Case Officer Note: (Outline conditions to address surface water drainage (conds 7 and 8), a biodiversity plan (cond 14) and the LEMP (cond 15) will be the subject of later Discharge of Condition submissions.

8.10 Minerals and Waste Officer

Thank you for consulting the Mineral & Waste Planning Authority on the above application, our comments are set out below. The MPA notes that this current

application relates to reserved matters on a site with outline permission for built development. The MPA has no comment to make. This without prejudice view is an Officer comment only and does not affect any other comment, observation or objection that Dorset Council as MPA may wish to make on this proposed development, now or in the future.

8.11 Environmental Services -Environmental Protection- (revised plans)

No further comment at this stage.

8.12 Senior Ranger - (revised plans)

Qualified objection; not shown all the public rights of way on the submitted plans or how accommodated. (*NOTE: Case officer comment: Public rights of way routes now added*).

8.13 Ramblers

All public rights of way (PROW) should be shown on relevant plans. Slight misalignment of recorded alignments to proposed footways. "Access wall" and planting may reduce visibility for vehicles crossing the bridleway at entrance to the site. Scope to dedicate proposed new footpath on north of site as PROW. Scope to link northern path to PROW to east. Suggest applicant seeks improvement to condition of PROW route extending to the north by liaising with landowner and the Greenspaces Team.

8.14 Service Manager, Growth and Economic Regeneration

Support use of this site for housing.

8.15 Emergency Planning Officer

Emergency Planning would advise residents / property owners to sign up to the EA flood warning service for that area and to ensure they have appropriate evacuation plans in place and safe places to go to (friends and family etc.) should the need for evacuation occur.

We would also advise them to have an emergency plan and further advice and help can be found here: <https://www.gov.uk/government/publications/preparing-for-emergencies/preparing-for-emergencies>

<https://dorsetprepared.org.uk/emergencies/>

The local town or village may have their own community resilience plan as well that they may wish to look at. They may also have a Community Sandbag Store; [Sandbags and local flooding advice - Dorset Council](#)

8.16 Environment Agency

No comments received.

8.17 Bournemouth Water Ltd (South West Water)

Bournemouth Water has no comment.

8.18 Flood Risk Management Team- (revised plans)

Further to an initial response of 21 August 2023 (elements deleted since then) this is a follow up response and is reviewed as an application to amend the reserved matters layout and not an application for discharge of conditions. The reserved matters layout with regards to surface water management is generally consistent with the approved layout (WD/D/19/000613) and that previously assessed for the reserved matters. Condition 9 of the decision notice for WD/D/19/000613 requires that for the reserved matters application, details for the SUDS pond shall be submitted; these are to include location, depths and cross sections.

The applicant has submitted the following drawing to support the reserved matters application (and presumably in support of the above condition), with regards to surface water drainage:

- Surface Water Drainage Detention Basin Details, by GAP, ref 20402-GAP-XX-XX-DRC, drawing no. 9700, rev P04 and dated 23/01/24.

With regards to surface water management and flood risk, the amended plans show the following amendments:

- Three linked attenuation basins rather than one large basin. A slightly greater storage capacity is shown to be provided by the three basins as opposed to the single basin. This is acceptable for the reserved matters layout. A detailed design is still required for the discharge of conditions for WD/D/19/000613.
- A bridge design has been submitted. The drawing states that design has been designed/substantiated using hydraulic modelling. This is acceptable.

Informative note: prior land drainage consent is required for the crossing and is independent of any planning permission that may be granted.

The above document, combined with the reserved matters layout provides the necessary detail with regards to surface water management for me not to object to the reserved matters layout. A detailed surface water drainage design is still required to discharge the drainage related conditions for WD/D/19/000613.

Update: Surface Water Drainage Detention Basin Details, by GAP, ref 20402-GAP-XX-XX-DRC, drawing no. 9700, rev P05 is acceptable (reduction in slope gradient).

8.19 Project Engineer-Bridges

The form of structure proposed consisting of precast concrete culvert units and steel vehicle restraint barriers is acceptable. However, the full Technical Approval of Highway Structures process contained in the Design Manual for Roads and Bridges

(DMRB) is a separate approval and will need to be followed. [Standards For Highways](#)

Checks will be required to follow as part of the above process to consider the proposals in more detail if the bridge is to be adopted. These would include consideration of all structural details to ensure the required loads can be carried safely and maintenance requirements will be minimised. Details requiring consideration include provision of waterproofing, extent and benching of reinforced earth, design of slab for variable ground conditions etc.

8.20 Highways Officer

The Highway Authority confirms that Conditions 6,17,19 and 20 may be discharged.

8.21 Town Council

Beaminster Town Council considered the above application and in principle SUPPORT the application however they were particularly concerned at the unrealistic content of the Travel Plan submitted (Condition 20) particularly in view of the current position where the town is to lose its weekday bus service in October and with the vague 'minded to' with no firm commitment.

Therefore, the members were happy to support the application on the condition the Travel Plan is removed from the above application, if that were not the case the Town Council recommend refusal of the application. I trust a satisfactory position can be reached.

Revised Plans

Members of the Planning Advisory & Highways Committee considered the amended plans in respect of the above application and made the following observations:

- COM7 – Whilst traffic within the site has been considered there would appear to have been no consideration or comment on the impact of the potential for 116 additional vehicles going in and out of Cockroad Lane and St James. The Town Council have previously highlighted this concern together with concerns regarding construction traffic accessing the site via Cockroad Lane and the impact on the amenity of residents of Ridgeway View and St James. Construction traffic using the A3066 (Hogshill Street) and Clay Lane was also a concern.

Vehicle movements to/from the site when all the properties are occupied will be considerable bearing in mind the lack of employment within the town and minimal public transport services, this causes concern with regard to pedestrian safety particularly the children attending St Mary's Primary School and the elderly residents in sheltered accommodation in Clay Lane.

- COM10 – Utility services infrastructure – can the developers be confident, bearing in mind the proposed other development of a larger size on an adjacent site that:

- The current electricity sub station will be sufficient to cope with the increased provision of EV charging points and PV's on the site.
- Surface water run off – problems currently exist with regard to inadequate culverts taking excess surface water.
- The sewerage system is capable of taking the pressure placed on it by 58 fully occupied dwellings.
- The existing Wessex Water system is strained in most areas of the town – is it capable of taking the additional pressure.

Concern remains with regard to the location of the children's play area, the area proposed is on the perimeter of the development barely visible from dwellings, with the additional screening proposed the children's safety would be compromised.

Concern remains with regard to the attenuation pond, with no protective measures poses a serious risk of drowning, again sited on the perimeter of the development.

9 Representations received

1 letter of objection/comment received. The main planning related points include:

- construction traffic via Cockroad Lane - highway safety dangers to road users and pedestrians.
- noise pollution and disturbance to residents.
- could restrict access for emergency vehicles.
- contractors vehicles may park on residential roads worsening existing on-street parking situation.
- construction access should be from the B3163 Broadwindsor Road frontage.
- no objection to the (needed) housing and affordable housing.

10 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015:

BEAM1 Land to the North of Broadwindsor Road

ENV1 Landscape, seascape and sites of geological interest

ENV2 Wildlife and habitats

ENV4 Heritage assets

ENV5 Flood risk

ENV9 Pollution and contaminated land

ENV10 Landscape and townscape setting

ENV11 The pattern of streets and spaces

ENV12 Design and positioning of buildings

ENV15 Efficient and appropriate use of land
ENV16 Amenity
SUS1 The level of economic and housing growth
SUS2 Distribution of development
HOUS1 Affordable housing
HOUS3 Open market housing mix
COM1 Making sure new development makes suitable provision for community infrastructure
COM4 New or improved local recreational facilities
COM7 Creating a safe and efficient transport network
COM9 Parking standards in new development
COM10 The provision of utilities service infrastructure

National Planning Policy Framework 2023:

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed and beautiful places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

Other material considerations

Beaminster Parish Plan 2013-23- This site (part of BEAM1) is specifically referred to under the “Built Environment -Planning for the future” section of the Parish Plan.

Design and Sustainable Development Guidelines 2009

WDDC Landscape Character Assessment

AONB Management Plan 2019-2024

Dorset Council Parking Standards

11 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 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The application often includes parking in close proximity to the respective dwellings thereby easing access for elderly or less able persons. The application also includes measures to assist with the (potential) pedestrian/cycle linkages between this site and the remainder of BEAM1, thereby facilitating ease of movement to bus stops and other local facilities for less able persons.

13 Financial benefits

13.1 Material considerations

The scheme includes 35% affordable housing (20 units)
Green infrastructure including community facilities: 2.91 ha
Locally equipped area for play (LEAP) 400m²
Spending in local economy by residents of 58 dwellings
Employment created during construction phase

13.2 Non material considerations

Contributions to Council Tax revenue
Community Infrastructure Levy- CIL contributions

14 Climate Implications

The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction period. When occupied the development would generate vehicular movements releasing carbon monoxide (from non-electric vehicles). Heat escape from dwellings would contribute to greenhouse gases. Details of EV charging facilities for the scheme have been provided. It should be noted that modern building regulations would help minimise such heat release, and the use of petrol/diesel cars could be partly reduced due to the option of public transport (buses). A balance has to be struck between providing housing to meet needs (both open market and affordable) versus conserving natural resources and minimising energy use.

15 Planning Assessment

15.1 Principle of development

The principle of the development of this site has been established by outline permission WD/D/19/000613 dated 7 April 2020 for up to 58 dwellings. This is the reserved matters application following on from that outline and proposes 58 dwellings. This site covers the smaller portion of the allocated site for residential development under policy BEAM 1 of the adopted Local Plan (the remainder is covered by outline permission WD/D/18/000115 (approved 21/11/19) and reserved matters P/RES/2021/01944 (approved 17/10/22) for 100 dwellings).

This reserved matters application seeks approval for the layout, scale, appearance and landscaping. (Note: Nine other condition submissions relating to the outline permission were made simultaneously. These are considered separately as they were specific to the outline requirements).

This site comes forward in the context of Policy BEAM1 of the Local Plan which states:

LAND TO THE NORTH OF BROADWINDSOR ROAD

i) Land to the north of Broadwindsor Road, as shown on the policies map, is allocated for housing, employment and public open space.

(Case Officer Note: It was determined at outline stage that employment land was not included in the approved outline due to changed circumstances since the original allocation of this site).

ii) The development will include structural woodland planting along the western and northern boundaries, and existing trees and hedgerows within and around the boundaries of the site, should be retained where possible. The development will also ensure the protection of the wildlife interest of the wooded river channel along the eastern boundary of the site.

iii) The development should create a positive frontage onto Broadwindsor Road, with parking and servicing requirements within the site.

iv) The development will provide a safe and attractive pedestrian route into the town centre, which should include a footway along the Broadwindsor Road.

Following negotiations, some revisions have been made to the reserved matters scheme. These have been mainly in relation to the detailed layout and designs with adjustments to dwelling designs and some materials revisions, amendments to planting and landscaping, fencing/hedgerow protection, public footpath routes clarification, adjustments to the LEAP shape and design, potential lighting positions amended to avoid trees and recently -inclusion of a 4 bed house as an affordable dwelling.

15.2 Layout

15.2.1 Road layout and connectivity

The layout generally follows the principles of the illustrative outline layout. It demonstrates a subtle hierarchy of roads; on entering the site from St James' Road the main access road curves northward and then southward skirting the open space associated with the attenuation basins. This then alters to a main spine road aligned north-west/south-east (which deliberately "picks up" the straight alignment of an existing public footpath that crosses the site). Housing generally follows the perimeter block principle. Slightly narrower roads run off the "spine" road to the south-west and the north-east. To the north and east a mix of road, footpaths and private drives "embrace" the schemes outer built edge with the landscaping beyond. Existing public footpaths south of the site will be accommodated or diverted so as to pass through the application site to access the countryside beyond.

The BEAM 1 allocation also covers land to the south of this site. The section 106 agreements for both sites ensure there will be connectivity between these two large sites so that they can function as one if both are built-out; There would be a vehicular access link from the western part of the site together with three additional pedestrian links spread along the southern/western site boundary of the current site to aid permeability.

Parking provision comprises car spaces and one garage. Most car parking is on-plot, plus a small courtyard area to the south-west of the site. The scheme provides 106 resident parking spaces and 10 visitor unallocated spaces. The Highways Officer has assessed the quantum and mix of parking and is satisfied this is acceptable.

Two public footpaths currently cross the site; W21/71 runs north-south entering through the west part of the site, while W21/72 runs north-west/south-east through the eastern part. The routes would be accommodated mainly on pavements and across green spaces and would be of broadly similar lengths to the existing routes. Any necessary formal footpath diversion applications would need to be made.

15.2.2 Public open space

The site provides different areas of open space to meet different needs; informal recreation/walking is accommodated to the north/east, particularly associated with the existing woodland and attenuation basin areas. The equipped LEAP area to the north-west provides a more “formal” play area for children. The Heathland Mitigation and Public Open Space Co-ordinator has made comments on the LEAP including comments on relocating the LEAP to one side of the public right of way and on the surfacing. (The LEAP has been now re-located as advised and the surfacing, together with other LEAP details, is controlled under the s106 agreement completed at the outline stage which requires full details of the public open space (including play areas) to be provided and approved and these points will be taken into account in that process. Equipment is likely to include a swing, clamber stack, slide, see-saw and balance walk. Housing to the south of this would provide surveillance of this area.

Located towards the south-east is the surface water attenuation area. This comprises 2 smaller depressions and one larger basin. The larger basin has a volume of 837m² (total volume 1,132m²). Basin gradients are acceptable and generally between 1 in 3 and 1 in 5. The maximum depth is 0.7m up to 0.9m

The new vehicular access into the site from St James’ has been designed to provide a “sense of arrival” at the site with a wooded edge to both road sides, the road then curving first right, then left to open up a view of the curved terrace facing southward.

The layout provides the required 35% affordable housing (20 dwellings equalling 34.5% with the extra 0.5% made up with an off-site affordable housing contribution (£9,187). These include 6 affordable rent and 14 shared ownership units.

The Housing Enabling Officer supports this scheme and was pleased the applicant added a 4 bedroom unit after his initial comments regarding need. Full details of the affordable housing scheme would be submitted to satisfy the terms of the relevant s106 agreement.

Having regard to the sense of place and variety of public open spaces proposed it is considered that the layout is acceptable.

15.3 Landscaping

The site lies within the Area of Outstanding Natural Beauty and within the Brit Valley Landscape Character Area. The site is overlooked by areas of the Dorset AONB including Gerrards Hill and the South Wessex Ridgeway to the south.

Following from the context of policy BEAM1 the proposals incorporate a green infrastructure strategy which links with the adjoining development site. In terms of this reserved matters application the detailed landscaping design and species has been amended in response to comments of the Senior Landscape Officer. The

strategic buffer would include native species such as beech, oak, field maple, holly, hazel and alder.

An extensive new tree planting belt would be carried out along the northern boundary (minimum 15m width) which would then form an almost continuous link with the existing eastern woodland section. Regarding the site boundaries, the existing hedging/planting would be reinforced.

Negotiations with the applicant have led to improvements to the planting strategy within the site; this has included a more appropriate approach particularly to the planting around the attenuation basins area, and to the inclusion of street trees- particularly along the main straight spine road to help give more of an “avenue” feel to this area. Tree planting would occur in the vicinity of the LEAP but would avoid the line of sight between this and the closest dwellings in order to provide surveillance to this area.

Woodland tree species include species such as oak, field maple, hawthorn, holly and yew. Individual trees would include species such as birch, lime, apple, beech and alder. The planting over the site would range from native woodland to copse planting, individual trees, shrub planting, wetland meadow seeding and wildflower meadow areas.

One issue is the placing of trees relative to street-lighting in the scheme. Accordingly, plans have been discussed with the Street-lighting Engineer to seek to minimise any further necessary adjustment to the landscaping scheme. Regarding hard landscaping, the road network is primarily tarmac roads with areas of raised platform (traffic calming). The parking courtyards/ manoeuvring areas and final access routes surfacing materials are being clarified.

Details of the layout, provision and maintenance/management of the structural woodland and other landscaping are controlled under the section 106 agreement requirements. The Senior Landscape Officer has reviewed the soft landscaping and with additional clarification on the southern maintenance strip, hedge protection, and some additional landscaping details now supports the application.

In summary it is considered that the landscaping proposed is acceptable.

15.4 Scale

All dwellings are of two-storey, although with variations in depth/proportions and design there are consequent (and visually beneficial) variations in scale and height. The scale of the units also reflects the objectives of policy BEAM 1.

Slight rises in levels on the site also helps to give more articulation to the street scenes. At two-storeys the scheme is broadly consistent with the scale of existing residential housing in the wider vicinity.

15.5 Appearance

The appearance of the dwellings is largely based on cottage-type proportions or slightly larger designs with varying design treatments to provide street-scene variety and help contribute towards a sense of place. In response to comments of officers the materials palette scheme has been adjusted; the materials palette includes red brick, off-white render, hamstone, dark grey roof tiles and some deeper red roof tiles. It is considered important by officers that the final choice of materials is of subdued colours so the final choice would be controlled by planning condition.

Regarding the designs, negotiations have been carried out to increase the quality of these; dwellings now include features such as chimneys, oversailing eaves, quoins at building “corners” and to window surrounds, arched heads to windows and porch canopies.

It is considered that the design and materials proposed for the development would result in an acceptable appearance on this important allocated site within the Area of Outstanding Natural Beauty.

15.6 Residential amenity

There are no dwellings immediately adjacent to the site although this scheme would be adjacent on its south and west boundaries to the approved residential development on the remainder of the BEAM1 land. However, the relationship between the sites is acceptable in residential amenity terms. Whilst there is a proposed LEAP at the north-west end this is appropriately distanced from the nearest dwelling. As such the activities in this area are considered acceptable in residential amenity terms. There is a stables complex to the north although the nearest building to the nearest proposed dwelling is at least 25m away and as such has an acceptable relationship. Within the scheme itself, dwellings have been laid out in such a way so as not to result in unacceptable overlooking and to provide adequate garden areas or access to public open space near-by.

In light of the above the scheme is considered acceptable in residential amenity terms.

15.7 Highways

The point of vehicular access from the St James Road was established as part of the outline approval. The nature of the highway network within the site has been described earlier in the “layout” with a subtle hierarchy of roads and access routes permeating the site. The Highways Officer made comments on the earlier layout which has led to revisions to the scheme including inclusion of traffic calming measures such as raised platforms at certain points. The scheme includes the potential for a road link between this and the previously approved adjacent site if both are built-out.

The Highways Officer required a further adjustment to a central area of the site to adjust footway width and some traffic calming inclusions on site-now received. The scheme is now acceptable in terms of highway considerations.

15.8 Comments on Town Council Concerns

The Town Council have made a number of comments on this application. On the earlier original plans submitted they considered the Travel Plan submitted was unrealistic, saying: *particularly in view of the current position where the town is to lose it weekday bus service in October (2022) and with the vague 'minded to' with no firm commitment.* Following this and comments from the Council's Transport Planner the Travel Plan has now been revised and is now considered acceptable and no further comments on the revised Travel Plan were received from the Town Council.

Regarding the revised plans the Town Council commented:

COM7 – Whilst traffic within the site has been considered there would appear to have been no consideration or comment on the impact of the potential for 116 additional vehicles going in and out of Cockroad Lane and St James. The Town Council have previously highlighted this concern together with concerns regarding construction traffic accessing the site via Cockroad Lane and the impact on the amenity of residents of Ridgeway View and St James. Construction traffic using the A3066 (Hogshill Street) and Clay Lane was also a concern.

Vehicle movements to/from the site when all the properties are occupied will be considerable bearing in mind the lack of employment within the town and minimal public transport services, this causes concern with regard to pedestrian safety particularly the children attending St Mary's Primary School and the elderly residents in sheltered accommodation in Clay Lane.

The Case Officer regarding the above would comment that the principle of 58 dwellings served via St James and the base of Cockroad Lane, and in relation to other affected parts of the highway network was fully considered on the approved outline application WD/D/19/000613; the Highway Authority were consulted and raised no objection subject to highways layout, turning and parking condition. Similarly, the effect on residential amenity of properties close to that route was also assessed and regarded as acceptable by the Case Officer at the time.

As a general observation, the fact that site was allocated in the adopted West Dorset, Weymouth and Portland Local Plan under the BEAM 1 policy indicates a general context of acceptability since key statutory undertakers/utility providers were consulted about the site in principle at that stage. Furthermore, the applicant has said: *When assessing the suitability of a potential development site, the applicant/developer carries out a full utilities survey/appraisal to ensure that the site can be delivered. Ensuring that the necessary infrastructure can be delivered is key consideration as any problems can cause delays and be very costly.*

Regarding specific points raised by the Town Council around utility/services infrastructure the applicant has responded indicating they have been in discussions with Western Power for some time. There is an agreement in principle with the supplier and it is likely that a new substation will be required. The inclusion of EV points does create additional requirements, and this is something that the power suppliers are having to deal with across the country.

In regard to the Town Council's comments about surface water run-off the development was considered acceptable in principle under the outline permission. Outline conditions include a detailed surface water drainage scheme and arrangements for its maintenance and management. The applicant will need to submit details as a Discharge of Condition application in due course. These will be assessed by the Council Flood Risk Management Team to ensure they are acceptable in all respects.

Additionally, the applicant has indicated that drainage and the disposal of surface water is properly considered prior to a housing scheme being designed. The topography of the site, ground conditions and existing watercourses are fundamental to the layout of the development. The Lead Local Flood Authority has made comments on the drainage strategy and the design has evolved. The developer is required to use a Sustainable Urban Drainage system (SUDs) to ensure that any run off from the site is less than it would be in its current state. SUDs include use of attenuation ponds, swales and permeable surfaces which will retain water within the site and allow it to be released at a controlled rate.

In respect of the Town Council's comment about the sewerage system Wessex Water were consulted on the outline application and accepted that the 58 dwelling development was acceptable in principle at that time.

In respect of the comment about the location of the LEAP the Heathland Mitigation and Public Open Space Co-ordinator is content with the location of the play area (LEAP). There are dwellings to the south-east that would provide surveillance towards the play area. Proposed trees which might have obscured this view have now been removed from the scheme.

The Flood Risk Management Team have responded to the Town Council's comment about the attenuation ponds as below:

- It should be noted that the linked basins are not actually ponds as is commonly interpreted from plans – especially common when landscaping plans often show the basins in a blue colour. These are basins rather than ponds. Their normal state is dry – empty of water. They should only fill with water temporarily and during a rainfall event. Even during normal rainfall events, the basins will not fill to any significant depth and there should be no fast-moving water of any significant depth within the basins. After a rainfall event the basin should drain to empty and return to dry. As the detailed design with calculations has not yet been submitted, I cannot give exact

temporary depths for various rainfall events, or durations, but for normal yearly rainfall the basin should return to dry after a number of hours following dry weather. However, I can give the following information: The larger basin has a design depth of 0.9m. This is the maximum design depth of water during a 1 in 100-year rainfall event with a 45% uplift in rainfall for climate change predictions. This is obviously a very uncommon event. Their appearance should be of landscape features rather than drainage features. The smaller of the basins has a maximum design depth of 0.7m during the 1 in 100-year rainfall event + a 45% rainfall uplift for climate change.

- Fencing of attenuation basins is generally discouraged by CIRIA in favour of landscaping and shallow depths. The health and safety section of the CIRIA SuDS manual (p760) quotes RoSPA 'We must try to make life as safe as necessary, not as safe as possible'. It is not normal practice to fence 'dry' attenuation basins. It is more normal for the developer to put up educational signs promoting the function of the basins within the water cycle, and perhaps warnings of when not to enter the basins (during heavy rainfall). In terms of other 'water features' within the site, it should be noted that there is an existing open watercourse/ditch within the development site that is to remain unmodified.

In the light of the above various responses to the Town Councils concerns it is considered that the scheme is acceptable in these respects.

15.9 Other matters being considered by this reserved matters application

The applicant has chosen to submit details in respect of a number of conditions attached to the outline planning permission reference WD/D/19/000613 in order that they be considered as part of this application for reserved matters. These are considered in turn below and all condition numbers refer to the conditions attached to the outline planning permission.

15.9.1 Condition 6 - Construction Traffic Management Plan (CTMP)

The Acheson Construction Traffic Management Plan received 19/7/22 sets out how construction activities on site will be regulated to ensure the proposed development will have an acceptable effect on residential amenity and allow safe operation of the surrounding highway network. The Highway Authority has no objection to this and it is considered an acceptable condition submission.

15.9.2 Condition 9 - Surface water attenuation details

The applicant has submitted drawing Surface Water Drainage Detention Basin Details ref 20402-GAP-XX-XX-DRC, drawing no. 9700, rev P04 and dated 23/01/24.

This drawing and accompanying information has been considered by the Flood Risk Management Team. They are satisfied that with regards to surface water management and flood risk, the amended plans show three linked attenuation basins rather than one large basin. A slightly greater storage capacity is shown to be provided by the three basins as opposed to the (superseded) single basin.

The form and basic dimensions of the attenuation basin and the two smaller basins (swales) are acceptable. Details of the wider drainage strategy will be provided in due course to discharge conditions 7 and 8 of the outline permission.

15.9.3 Condition 10 - Finished Floor Levels

Finished Floor Levels Plan Drawing 20402-GAP-XX-XX-DR-C-9112 P03 has been submitted as part of this application to clarify finished floor levels. This plan is considered acceptable.

15.9.4 Condition 11 - Tree Protection

The applicant has submitted FPCR Environment and Design Ltd, Arboricultural Method Statement Rev C dated: February 2024 setting out how the existing trees are to be protected and managed before, during and after development. This information is acceptable in connection with this tree protection condition. The submitted details indicate that a pre-commencement site meeting with the Councils Tree Officer to agree an arboricultural supervision statement will be arranged.

15.9.5 Condition 12 - Ground Remediation Scheme

The applicant has submitted a Remediation Strategy prepared by T and P Regen reference P0214/CS-J-1195 received 19/7/22. This has been referred to the Councils independent land contamination consultants. They advise that the submissions received are acceptable in connection with condition 12 of the outline permission. Additionally, on completion of works, the condition also requires a written report confirming all works completed in accordance with agreed details, and a verification report be provided.

The councils landscape officer has raised a query over a possible requirement in some parts of the site to remove up to 300mm depth of ground (and replace with "good" soil) as part of the works. This is because of possible adverse effects on existing tree root systems on the site. This is something which the applicant must be mindful of. Most of the potentially affected ground is not supporting existing substantive tree cover, although particularly some to the east of the stream might be affected. The applicant would need to contact the LPA if it was apparent that these might be affected as the agreed landscaping scheme requires their retention.

15.9.6 Condition 17 - Highway Design Details

The applicant has submitted plans:

- Proposed site layout 004 P8
- Site access general arrangement 21172-HYD-XX-XX-DR-TP-0001 P02
- Refuse vehicle swept paths 21172-HYD-XX-XX-DR-TP-1002 P05
- Fire tender swept paths 21172-HYD-XX-XX-DR-TP-1003 P04

The details demonstrate that the proposed development will not have a severe detrimental impact upon highway safety for all users and can accommodate the likely

volume of traffic generated. The Highway Authority have been consulted and, whilst they do not object to these details, there are slight revisions required to address traffic calming/part of a footway width (drawings awaited). The above drawings are considered acceptable in connection with condition 17, subject to the adjustments indicated.

15.9.7 Condition 18 - Bridge Design Details

The site access would be from St James to the east. Shortly after entering the site a bridge is required to cross the River Brit tributary; a small stream that flows southward on the east of the site. The following plans have been submitted:

- Watercourse crossing general arrangement plan 20402-GAP-XX-XX-DR-S 1000 P02
- Watercourse crossing general arrangement sections 20402-GAP-XX-XX-DR-S 1001 P02

The stream crossing is proposed by a 16 m long 3 m wide deep culvert under the carriageway designed to adoptable standards. The culvert incorporates a mammal ledge and separate mammal tunnel to allow access for otters and other riparian mammals based on ecological advice. The councils Principal Engineer has reviewed these details and comments:

Purely from a highway structures viewpoint and agree with the general comments from John Burrige (former Bridge Engineer) (refer email dated 23/08/2022).ie The form of structure proposed consisting of precast concrete culvert units and steel vehicle restraint barriers is acceptable. However, the full Technical Approval of Highway Structures process contained in the Design Manual for Roads and Bridges (DMRB) is a separate approval and will need to be followed. Checks will be required follow as part of the above process to consider the proposals in more detail if the bridge is to be adopted. These would include consideration of all structural details to ensure the required loads can be carried safely and maintenance requirements will be minimised. Details requiring consideration include provision of waterproofing, extent and benching of reinforced earth, design of slab for variable ground conditions etc.

No comments have been received from the Environment Agency.

The Flood Risk Management Team have commented, including the following:

A bridge design has been submitted. The drawing states that the design has been designed/substantiated using hydraulic modelling. This is acceptable.

Note: Prior Land Drainage Consent may be required for the crossing and is independent of any planning permission that may be granted. The applicant should make enquiries of the Environment Agency regarding the above.

The design also incorporates measures to facilitate the movement of wildlife from one side to the other of the bridge beneath carriageway level.

The Senior Ecologist comments:

The culvert meets the specifications set out in the Biodiversity Plan in terms of providing a mammal ledge, and being large enough to allow Lesser Horseshoe bats to pass through. However the technical drawings refer to a grille at either end of the culvert, which we would need more details about to ensure that it does preclude use of the culvert by bats.

From a planning viewpoint the bridge design is considered acceptable in connection with condition 18, subject to confirmation regarding grille “mesh” design.

15.9.8 Condition 19 - Electric Vehicle Charging Points

The following plans/documents have been submitted:

- Proposed electric vehicle charging points plan 009 P3
- Zaptec Pro/Zaptec Go charging unit details received 8/7/24.

Each dwelling will be provided with an electric charging point in accordance with the latest Building Regulations. Charging points will be provided normally on the side elevations of dwellings with on-plot parking spaces. Where allocated parking bays are proposed the charging points will be provided adjacent. These details are considered acceptable in connection with condition 19.

15.9.9 Condition 20 - Travel Plan

The initially submitted Travel Plan has been updated and the revised version has now been submitted; this is the Travel Plan prepared by Hydrock Doc ref: 21172-HYD-XX-XX-RP-TP-6001 dated 7/6/24. The Travel Plan is based upon the Framework Travel Plan submitted with the outline planning application and includes physical measures to promote sustainable travel (electric charging points, cycle storage, improved footpath links) and other measures to promote sustainable patterns of behaviour by residents such as travel information packs. The Travel Plan includes targets over a 5 year period. This will help to reduce reliance upon the private car and encourage use of sustainable transport modes. This has been referred to the councils Transport Planner who is content with this. The revised Travel Plan is considered acceptable in connection with condition 20.

16 Conclusion

The principle of up to 58 dwellings on this site was established by outline planning permission WD/D/19/000613. This reserved matter application proposes a visually interesting scheme to create a sense of place including a “sense of arrival” into the site with curved dwelling frontages, avenue sections and with varied public open

space areas and pathways linking the areas. The scheme has a visually interesting layout with extensive planting and the varied dwelling designs and materials contribute to this. The scheme is considered to be in accordance with the policies of the West Dorset, Weymouth and Portland Local Plan 2015 and in accordance with the National Planning Policy Framework as set out earlier in the report.

17 Recommendation

Approve this Reserved Matters application subject to the following planning conditions:

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

- 001 P1 Location Plan
- 003 P1 Existing Site Plan
- 004 P10 Proposed Site Layout
- 005 P5 Proposed Streetscapes
- 009 P3 Proposed Electric Vehicle Charging Points
- 010 P3 The Arun Semidetached House Type
- 011 P2 The Arun Terrace House Type
- 012 P3 The Blackwater Detached House Type
- 014 P2 The Cheriton Detached House Type
- 016 P2 The Cranked House Semidetached
- 017 P4 The Itchen Semidetached House Type
- 018 P3 The Itchen Terrace House Type
- 019 P2 The Stour Semidetached House Type
- 021 P2 The Test Semidetached House Type
- 022 P3 Garages Floor Plans and Elevations
- 023 P3 The Cheriton Detached House Type with bay window
- 024 P4 The Stour House + Cranked House Semidetached
- 025 P4 The Cheriton (Brick) Detached House Type
- 026 P1 The Arun Semidetached House Type
- 027 P1 The Arun Semidetached House Type 2
- 028 P2 The Itchen semi-detached and Cranked House
- 029 P2 The Test Semi-detached House Type
- 031 P5 Tenure Plan

032 P3 Refuse Plan
033 P1 The Stour Detached House
034 P1 The Stour Semidetached House Type Render/Stone details
035 P2 The Terrace House Type Floor Plans Plot 1-6
036 P3 The Terrace House Type Elevations Plot 1-6
037 P2 The Cheriton (Brick) Detached House Type
038 P1 1Bed Maisonettes Brick
039 P2 1Bed Maisonettes Stone/Render
IDV-PD1557 B Play-space layout
20402-GAP-XX-XX-DR-S 1000 P02 Watercourse Crossing General Arrangement Plan
20402-GAP-XX-XX-DR-S 1001 P02 Watercourse crossing General arrangement sections
22172-HYD-XX-XX-DR-TP-0001 P02 Site Access General Arrangement
21172-HYD-XX-XX-DR-TP-1002 P05 Refuse Vehicle Swept Paths
21172-HYD-XX-XX-DR-TP-1003 P04 Fire Tender Swept Paths
10415-FPCR-XX-XX-DR-L-0001 P15 General Arrangement Plan
10415-FPCR-XX-XX-DR-L-0002 P15 On-Plot Planting Plan (Sheet 1 of 8)
10415-FPCR-XX-XX-DR-L-0003 P15 On-Plot Planting Plan (Sheet 2 of 8)
10415-FPCR-XX-XX-DR-L-0004 P15 On-Plot Planting Plan (Sheet 3 of 8)
10415-FPCR-XX-XX-DR-L-0005 P15 On-Plot Planting Plan (Sheet 4 of 8)
10415-FPCR-XX-XX-DR-L-0006 P15 On-Plot Planting Plan (Sheet 5 of 8)
10415-FPCR-XX-XX-DR-L-0007 P15 On-Plot Planting Plan (Sheet 6 of 8)
10415-FPCR-XX-XX-DR-L-0008 P15 On-Plot Planting Plan (Sheet 7 of 8)
10415-FPCR-XX-XX-DR-L-0009 P15 On-Plot Planting Plan (Sheet 8 of 8)
20402-GAP-XX-XX-DR-C-9112 P03 FFLs-related to OSBM
006 P1 Indicative PV panels layout
9700 P05 Surface water drainage basin and swale details
007 P5 Site materials plan

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

2. Whilst based on the submitted Proposed Site Materials Plan 007 P5, prior to development above damp-proof course, full details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority, including the erection of sample panels on site for approval. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

3. Prior to development above damp-proof course, full details and samples of all external facing materials for the hard-surfacing areas and roads shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

Application Number:	P/FUL/2023/07313
Webpage:	Planning application: P/FUL/2023/07313 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	528 Littlemoor Road Weymouth Dorset DT3 5PA
Proposal:	Proposed 2No New Two Storey Dwellinghouses and Conversion of Existing Coach House to Holiday Let Accommodation
Applicant name:	Lucy Finnemore
Case Officer:	Darren Rogers
Ward Member(s):	Cllr Northam

1.0 Reason for referral:

This application is reported to Committee for determination as a narrow strip of land along the Littlemoor Road site frontage is Dorset Council owned.

2.0 Summary of recommendation:

Refuse on the basis of detrimental to protected trees and ecology.

3.0 Reason for the recommendation:

- The location of the proposed development is considered to be a sustainable one it being within the defined development boundary but the proposal is unacceptable given its adverse impact on protected trees and ecology matters.
- The proposals in terms of their design and general visual impact are considered satisfactory.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no other material considerations which would warrant refusal of this application other than the adverse impact on trees and ecology.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposal lies within the defined development boundary of Weymouth as set out in the adopted local plan.
Scale, design, impact on character and appearance	The general scale design and impact on the character and appearance of the area are considered acceptable except for the adverse impact on protected trees and ecology.
Impact on the living conditions of the occupants and neighbouring properties	There is not considered to be any significant harm to neighbouring residential amenity.

Impact on landscape or heritage assets	There are no adverse impacts on any wider landscape or heritage assets.
Flood risk and drainage	There are no flood risk or drainage issues arising.
Highway impacts, safety, access and parking	There are no adverse highway safety implications arising.
Impact on trees	The proposed development would have an adverse impact on protected trees at this site.
Biodiversity	At the time of the report the proposal is unsatisfactory in relation to ecology matters.

5.0 Description of Site

- 5.1 The application site relates to a two-storey detached dwelling situated in extensive grounds on the north side of Littlemoor Road just to the east of Dorchester Road.
- 5.2 The site is characterised by a high feature stonewall circa 70m in length fronting Littlemoor Road which encloses the existing site itself with a single access point on the site frontage serving the one dwelling. The site lies within the defined development boundary (DDB) for Weymouth.

6.0 Description of Development

- 6.1 It is proposed to erect 2 new two storey dwellinghouses and convert the existing coach house to holiday let accommodation. The existing vehicular access serving the one dwelling would be widened in order to provide a new revised access to serve the existing dwelling as well as the proposed dwelling and the converted coach house. A new vehicular access would be provided along the eastern site frontage to serve a new dwelling to the east of the existing house.
- 6.2 Both of the new dwellings would be two storey detached 4 bedroomed accommodation with walls constructed of facing brickwork with vertically hung tile cladding, plain roof tiles with windows and doors in uPVC white. The proposed coach house would comprise of a lounge/kitchen/diner on the ground floor with a single bedroom and bathroom above and it would incorporate a roof light on the rear northern elevation.
- 6.3 As outlined above the existing access that serves the existing dwelling would be slightly altered to the west in order to provide a new driveway to the new detached dwelling and coach house holiday accommodation as well as providing access to the existing dwelling. In addition, a new vehicular access to the eastern frontage would be provided in a similar manner to the existing vehicular access and this would provide access to the proposed dwelling to the east of the existing dwelling.

7.0 Relevant Planning History

87/00401/OUT - Decision: GRA - Decision Date: 23/07/198
Demolition of existing workshop buildings and erection of one bungalow

8.0 List of Constraints

Defined Development Boundary; Weymouth (Broadway Suburban Area)
Landscape Character; Weymouth Urban Area

Neighbourhood Plan - Emerging; Name: Weymouth NP; Status Reg 14 consultation completed Dorset Council Land (Freehold): Land for road improvement at 528A Littlemoor Road, Weymouth

9.0 Consultations

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

Consultees

1. **DC - Rights of Way Officer** – none received
2. **DC - Highways** – No objections subject to condition and informatives.
3. **DC - Dorset Waste Team** – None received
4. **National Grid Plant Protection** - There are no National Grid Electricity Transmission assets affected in this area.
5. **Weymouth Town Council** - The Council has no objection to the proposals.
6. **Ward members - Upwey and Broadwey** – None received
7. **DC - Building Control Weymouth Team** – None received
10. **DC - Asset & Property**– No comments received
11. **Dorset Fire & Rescue Service** - In the event that planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate. The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:
 - Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010.
 - Recommendations to improve safety and reduce property loss in the event of fire.
12. **Tree Officer** - Implementation of the proposed development would lead to the loss of mature trees. These trees provide a good level of amenity and their loss would be detrimental to the area's character.

Representations received

Weymouth Civic Society – *We note that there are trees, shrubs and other vegetation recorded on this site, which we trust will be fully taken into account in determining the planning application. We would wish to be assured that they would not be seriously impacted by the proposed development. The application form states that there are no trees or hedges on the site, contrary to the Ecological*

Appraisal information, and furthermore there is no tree survey, as required, shown with this application on the Council's website.

Total - Objections	Total - No Objections	Total - Comments
0	0	1

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

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM3. - The Retention Of Local Community Buildings And Structures
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The Provision of Utilities Services Infrastructure

Material Considerations

Emerging Dorset Council Local Plan:

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

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

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

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five year supply. In the West Dorset, Weymouth & Portland area, the published supply position of 5.28 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.

Emerging Neighbourhood Plans

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

Para 136 advises that “trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure thatexisting trees are retained wherever possible.

- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Document/Guidance

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:

Landscape Character Assessment (Weymouth & Portland)

Urban Design (2002)

Conservation Area Appraisals:

None

Village design statements:

None

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

It is considered that the proposed development would not adversely impact on persons with protected characteristics. The development would need to meet the requirements of Building Regulations as regards access for persons with restricted mobility.

14.0 Financial benefits

Material considerations:

Employment created during the construction phase

Small element of employment created through servicing of holiday let

Revenue to the economy

Holiday makers support of local businesses

Non material considerations

Community Infrastructure Levy - In accordance with West Dorset CIL Charging Schedule and CIL Regulations.

Business rates from holiday accommodation unit.

15.0 Environmental/Climate Change Implications

- 15.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.
- 15.2 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. This has to be balanced against the benefits of providing additional housing in reasonably close proximity to the services and facilities of Weymouth town centre and should be offset against factors including the provision of electric car charging, low carbon energy and the new dwellings being reasonably energy efficient as required by Building Regulations.
- 15.3 The applicant’s agent has submitted a sustainability statement which explains that

“The fabric of the buildings will reduce energy consumption via the use of brick and block construction with cavity wall to achieve 0.18 U value. A space heating demand of less than 15 kWh/m2 /yr will be aimed for. An air source heat pump will be installed to each new dwellinghouse. Electric vehicle charging points and associated infrastructure will be installed to each new dwellinghouse Passive ventilation through informed design of fenestration will reduce the risk of overheating. All materials to be used on site will be locally produced and sourced to

minimise carbon footprint. No demolition is proposed on site. The construction company used to undertake the works will be registered with the Considerate Construction Scheme. The client will be preparing and adhering to a Site Waste Management Plan (SWMP) as a way of reducing and managing construction waste. The SWMP will include information on sustainable procurement measures used to minimise the generation of waste during the construction process and the types and quantities of waste that will be generated during the demolition and construction phases and the measures to ensure that the waste is managed in accordance with the waste hierarchy. Sufficient space and safe and convenient access for waste recycling will be provided on site via the installation of a new covered bin store. Water consumption within each new dwelling will be minimised. Water efficiency in the new dwellings shall not exceed 110 litres/person/day. Hot water supply temperature to all baths in a new dwellings will be limited to 48°C. Removal of mature vegetation and trees will be minimised with a focus on retention and protection. A new soakaway will be designed in accordance with Approved Document H & BRE Digest 365, the design allows an increase of 30% for climate change. The proposed hardstanding areas shall be laid with a cross fall so all rainwater shall be directed into the ground locally and within the site boundaries. Provide a silt trap to the surface water drainage line so that the silt and debris can be removed before it can enter the soakaway. The silt trap shall be cleared weekly until the development is completed after which a three monthly inspection rota shall be followed. Additional trees and vegetation will be planted on site through a designed landscaping plan. Triple glazed windows will be installed and cross ventilations provided to the open plan ground floor layout through window design. Public transport links exist outside the side with public footpaths. A new cycle store will be provided to serve the new dwellings”.

16.0 Planning Assessment

16.1 Planning Policy

- 16.2 The site lies within the defined development boundary (DDB) of Weymouth where the adopted Local Plan confirms that development or redevelopment proposals within the DDBs will be supported, as per Policy SUS2 of the Local Plan subject to other material planning considerations and compliance with the other policies in the Local Plan.
- 16.3 The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply. In the West Dorset, Weymouth & Portland area, the published supply position of 5.28 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.
- 16.4 In any event notwithstanding this housing land supply position, any additional housing development proposals within a DDB are to be welcomed provided that they are acceptable in planning terms. That assessment is set out below.

16.5 Impact on Character and Appearance of the area

16.6 National Policy as set out in the NPPF places greater emphasis on good design. Para 135 (f) of Section 12 Achieving well-designed places of the NPPF states that (my emphasis in bold and underlined);

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

16.7 Para 135 of the NPPF is essentially reflected in Policies ENV10, 11, and 12 of the adopted Local Plan

16.8 Policy ENV15 (Efficient And Appropriate Use Of Land) of the adopted Local Plan explains that:

i) Development should optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character

16.9 The impact on the character and appearance of the area and this site in particular would ordinarily be considered acceptable. The existing site comprises of a large two storey detached house with a coach type brick built outbuilding set in extensive grounds and which provides a Sylvan setting. Given Policy ENV15 of the adopted local plan which seeks to ensure an efficient and appropriate use of land, particularly within defined development boundary areas, the proposal for two detached two storey dwellings either side of the main existing dwelling and the conversion of the coach house to a small unit of holiday accommodation is considered acceptable in principle. As such the proposed dwellings as currently

indicated would not appear unduly cramped or squeezed onto the application site and as a result the proposal would under normal circumstances be considered acceptable and in accordance with Policies ENV10, 11, 12 & 15 of the Local Plan, except for the issues associated with Tree and Ecology impacts which are set out in paras 16.19 & 16.25 below

16.10 In addition the proposed vehicular access to the site which would comprise the slight alteration of the existing 'western' access along the site frontage and a proposed new vehicle access to the 'eastern' frontage is also considered acceptable in design and townscape terms. While the proposals would see part of the removal of the existing wall frontage along the 'eastern' part, this would then mirror the 'western' access and therefore this symmetry is considered to be an appropriate response to the proposals.

16.11 Impact on Neighbours Amenity

16.12 Para 135 (f) of the NPPF and ENV16 of the adopted Local Plan deals with the issue of amenity impacts. In this regard it is considered that there would be no adverse impact on the amenity of neighbouring occupiers. By reason of the siting of the new dwelling to the east of the existing dwelling, there would be no adverse impact on the adjacent dwelling at 528a Littlemoor Road. Likewise, the proposed dwelling to the West of the existing dwelling would have no adverse impact on the existing dwelling at 528 nor on the amenity of the occupiers of the holiday accommodation at the coach house nor the occupiers of properties at 530 Littlemoor Road and 570 Dorchester Road at the rear. There would be no demonstrable overlooking of neighbouring properties sufficient to warrant refusal of planning permission.

16.13 The proposals also make good use of the coach house building adjacent to 530 Littlemoor Road. This accommodation would provide a lounge, kitchen and diner on the ground floor, with a master bedroom and bathroom above, lit by a roof light in the rear roof plane. It would provide accommodation for those wishing to use the unit for holiday accommodation purposes, and it is not considered that it would have an adverse impact on the amenity of the neighbouring occupier at 530 Littlemoor Road nor on 570 Dorchester Road at the rear. The submitted plans however do not show any external amenity space for this unit but those on holiday are likely not to require such space given their likely visits exploring the Dorset area whilst on holiday. In itself however it would not provide an acceptable unit of unrestricted residential accommodation and hence despite it being located within the defined development boundary it should be restricted by condition (if approved) to that of holiday accommodation only, along with a register being kept by owners of the names and addresses of those on holiday in order to prevent its use as an unrestricted unit of residential accommodation.

16.14 Given the above, the proposal is considered to be acceptable as regards the impact on the amenity of neighbouring occupiers and future occupiers of the proposed accommodation.

16.15 Highways

16.16 As regards this current application there are no highway objections to the proposal subject to conditions and informative notes. The highways officer comments that:

“the development proposal is located on Littlemoor Road which is a C class road with Dorchester Road to the west and A354 further east. The existing vehicular access will be retained but adjusted to allow for the additional dwelling with the holiday let and a new vehicular access is proposed for the other dwelling, visibility splays in-situ are acceptable. There is capacity to park and turn on site in a forward gear. The parking level is acceptable for each dwelling and the holiday let appears to have parking for around 4 car spaces. As per the submitted drawing there are no gates which would allow free flow of access for the holiday let but if gates are required for the residential dwellings, an amended drawing will be required and should be placed deeper into the site area as not to impact the adjacent public highway. There are sustainable transport links locally and the applicant states that they will provide on-site cycle store facility for guests and EV charging. There is no segregated pedestrian path or access, but we would expect drivers to drive with due care and give way on a shared surface and the alignment lends itself to low speed. The LPA may need to consider latest Fire Tender access provision”.

- 16.17 The Highway Authority therefore has no objection, subject to the following conditions and informative notes:

“Vehicle access construction

*Before the development is occupied or utilised the first 5 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the **Informative Note** below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.*

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

INFORMATIVE NOTE: Dorset Highways

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

Turning/manoeuvring and parking construction

*Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number **22156-00-06** 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.

Cycle parking scheme to be submitted

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

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

Access gradient 1 in 12

Before the development is occupied or utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12.

Reason: To ensure that the public highway can be entered safely.

INFORMATIVE NOTE: Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles”.

16.18 Given the above it is considered that Policies COM7 and COM9 of the adopted local plan are met.

16.19 Nature Conservation/Biodiversity/Ecology

16.20 A Biodiversity checklist has been submitted and an ecological report. However, the Councils Natural Environment Team (NET) has not issued a Certificate of Approval to the Biodiversity Plan as the ecology report has the results of a bat emergence survey and NET have requested a response about the potential loss of access points on the main house due to the renovation works and whether this constitutes “obstructing access to a bats resting place or sheltering place” and therefore requires a license. The NET team has also questioned the ecology report as regards reptiles, where the report says that it may be possible to translocate slow worms into areas of retained habitat but this has not been finalised to ensure that a suitable receptor area for the size of population can be secured on site and if not, then off site translocation may be required. The applicant’s ecologist has been asked to update the ecology report with reptile mitigation proposals but this has not been resolved. The report also identifies that there will be a loss of significant amounts of habitat including grassland, scrub and trees and no mitigation is proposed.

16.21 Works to renovate the existing house form no part of the current application proposals which relate to the erection of 2 new dwellings either side of the house and the conversion of the existing coach house to holiday let accommodation. However, the Councils NET team remain unconvinced that the above ecology issues and their impact on the proposed scheme ‘as a whole’ have been satisfied. As such the NET team have not therefore been able to formally review the ecology report and issue a Certificate of Approval under the established Biodiversity Protocol given that at the time of writing the submitted ecological report has not been updated in accordance with NET’s requirements.

16.22 Although the Council is not able to refuse planning permission because the NET team has not 'signed off' the ecology report nor issued a Certificate of Approval under our Biodiversity Protocol, the NPPF at paragraph 180 is clear and states that (my emphasis in bold) :

"Planningdecisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Policy ENV2 of the adopted Local Plan has similar objectives to the above mentioned NPPF. As such given the lack of information and clarity over mitigation it cannot be ascertained at this stage that ecology matters are fully satisfied and therefore the proposal would be unacceptable being contrary to Policy ENV2 of the adopted local plan and paragraph 180 of the NPPF.

16.23 Flood risk

16.24 The application site is located within flood risk zone 1 an area with a low probability of flooding and is not affected by any surface water or groundwater flood risk. As such no flood risk assessment is required and there are no issues as regards flood risks associated with this site.

16.25 Trees

16.26 The Council's Tree Officer was originally consulted and made the following comments:

"The development site currently comprises of a large, detached house within a generous sized garden. Within and adjacent to the site boundaries are large, mature trees comprising of Oak, Plane, Norway Maple, Horse chestnut, Yew, Cherry and Pine, to the rear of the site is an Apple orchard.

This application seeks to sub-divide the plot and construct two detached dwellings.

The existing access will be widened and a further access to the east of the site will be created. Creation of these accesses and realigned driveway will require the removal of several trees from the front boundary and internal to the site.

Construction of the proposed dwellings will require the removal of a mature Oak along with more modest sized Yew, Cherry and Apple.

The property is not within a conservation area and is not affected by TPO.

An AIA has not been submitted in support of this application.

Given the above implementation of the proposed development it would lead to the loss of mature trees. These trees provide a good level of amenity and their loss would be detrimental to the area's character”.

16.27 Since making those comments the Council's Tree Officer has again visited the site and given the mature trees that exist on the site, it has been subject to the imposition of a Tree Preservation Order. Those trees that are now subject to a TPO, comprise of a number of trees fronting Littlemoor Road which the eastern proposed vehicular access would have a direct impact on, and the proposed dwelling to the east of the existing main dwelling would be sited immediately on a tree also subject to the TPO and essentially would necessitate its removal.

16.28 Policy ENV10 of the adopted local plan criteria (ii) states:

“ii) Development will provide for the future retention and protection of trees and other features that contribute to an area's distinctive character. Such features may not always be designated or otherwise formally recognised.

In addition, paragraph 136 of the NPPF states:

“136. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users”

16.29 Given the above it is considered that the proposed development would have a detrimental and adverse impact on existing trees contrary to Policy ENV10 of the adopted local plan and para 136 of the NPPF.

17 Conclusions

17.1 The proposed development despite being located within the defined development boundary of Weymouth where the principle of new residential development is acceptable would adversely impact on the character and appearance of the area by reason of the loss of protected trees which make a positive contribution to and provide a sylvan character and appearance of the application site.

17.2 The proposal is also considered to be unacceptable in relation to ecology matters as it has not been demonstrated that the development would have an acceptable impact on biodiversity. As such the proposal is contrary to Policies ENV2 and ENV10 of the adopted local plan and the NPPF.

18.0 Recommendation

18.1 Refusal is recommended on the following grounds:

1. The proposed development despite being located within the defined development boundary of Weymouth where the principle of new residential development is acceptable, would adversely impact on the character and appearance of the area by reason of the loss of protected trees which make a positive contribution to, and provide a sylvan character and appearance of the application site. As such the proposed development would be contrary to Policy ENV10 of the adopted West Dorset and Weymouth & Portland Local Plan 2015 and paragraph 136 of the National Planning Policy Framework (Dec 2023).
2. The proposal is considered to be unacceptable in relation to Nature Conservation matters and biodiversity in that the submitted ecology report does not fully detail means of mitigation for the issues identified including the impact on protected species, reptiles and the loss of habitat. As such it cannot be ascertained that ecology matters are fully satisfied and that the development would not adversely impact on biodiversity and the development is therefore contrary to Policy ENV2 of the adopted West Dorset and Weymouth & Portland Local Plan 2015, and paragraph 180 of the National Planning Policy Framework (Dec 2023).

This page is intentionally left blank

Application Number:	P/FUL/2024/04204
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Highlands Greenway Lyme Regis DT7 3EY
Proposal:	Erect new dwelling with car port on garden west of Highlands
Applicant name:	Mr and Ms Ron and Gaby Fletcher
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Bawden

1.0 Reason for Referral

In accordance with the Constitution, following consultation, the Chair of the Committee has decided that the application is to be determined by Committee.

2.0 Summary of recommendation: Grant subject to conditions set out in section 18 of this report.

3.0 Reason for the recommendation:

- The site is within the defined development boundary where new residential development is acceptable in principle and where outline planning permission exists for a new dwelling.
- The design of the proposal would be contextually appropriate.
- The proposal would avoid harmful impacts upon the amenity of neighbours.

The development would otherwise accord with planning policies and there are no material reasons to refuse planning permission.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is located in the urban area where new residential development is acceptable in principle.
Scale, design, impact on character and appearance and the landscape	The plot created would reflect local urban grain and the design of the development would be acceptable taking into consideration the variety of building forms locally.
Impact on the living conditions of the occupants and neighbouring properties	The proposal would not lead to an unacceptable impact upon the amenity of neighbours.

Flood risk and drainage	The site is not within an area of flood risk and includes appropriate measures for the management of surface water.
Highway impacts, safety, access and parking	The proposal would not result in an unacceptable impact on highway safety.
Impact on trees	Subject to conditions, trees on the site would be adequately protected.
Biodiversity	Biodiversity mitigation and enhancement measures are to be secured through an agreed biodiversity plan.

5.0 Description of Site

- 5.1 The application site comprises garden land immediately west to the property 'Highlands' located at the western end of the southern side of Greenway, a cul-de-sac within the defined development boundary of Lyme Regis. The site was originally part of the garden to 'Highlands' but has been severed from that property through the erection of a fence which bisects the original plot.
- 5.2 Along Greenway there are various large, detached houses in a variety of styles, positioned to take in the sea and coast views provided by the sloping landscape. The Highlands house (built around 1930s) sits towards the eastern side of the original plot. The pattern of development in the vicinity of the site and on Greenway in particular is of a degree of sub-division having taken place historically, although resulting in regular, but generous plots. In this context the original plot of Highlands, was roughly twice the size of other plots on Greenway.
- 5.3 The application site slopes from north west to south east with a drop of 5.7m from the north western corner to the south eastern. Highlands to the east is situated on the higher land at the northern edge of the site. Immediately to the south the land levels continue to fall. The immediate neighbour to the south, The Red House, is a Chalet Bungalow which is set towards the back of its plot on the highest ground. It has a dormer window facing towards the site.
- 5.4 Neighbouring the site to the west, properties on Blue Waters Drive comprise mid to late 20th century bungalows with shallow pitched roofs and which sit slightly below the level of the road, but above the level of the application site, reflecting the falling levels from west to east and north to south.
- 5.5 The site's boundaries are defined by timber fencing to all sides with some mature trees on the northern and southern boundaries. The majority of the site is however largely cleared with some building debris and garden waste present.

6.0 Description of Development

- 6.1 The proposal comprises the construction of a new detached dwelling which will be part single and part 2 storey. The two storey element will be largely central within the plot, with the main elevation oriented towards the south east. Single storey wings extend either side of the central two storey element. These comprise a master bedroom in the southern part of the site, which is connected to the two storey element by a snug/reading room. To the north eastern side a single storey wing provides a study, shower, cloakroom and utility room linked by the entrance hall.

- 6.2 The two storey element of the building comprises an open plan sitting and dining room, with two double bedrooms and a bathroom at first floor level. A family sitting room with a vaulted ceiling is provide at ground floor level. To the north western side of the building the proposals include a single storey car port with workshop and plant room.
- 6.3 Access to the site will be via an existing established access at the head of the cul-de-sac into the north eastern corner of the site, where there will be a parking and turning area at the northern edge of the site.
- 6.4 The building adopts a contemporary design approach with large window openings. Materials comprise stone to the ground floor elements with timber above. The pitched roof to the two storey element and northern wing are to be finished in a seamed metal roofing. The southern wing has a flat roof which will be a green sedum roof.

7.0 Relevant Planning History

1/W/85/000784 - Decision: GRA - Decision Date: 19/12/1985

Develop land by the erection of a dwelling

WD/D/20/001279 - Decision: GRA - Decision Date: 29/09/2020

Demolition of single storey extension and balcony; construction of first floor extension over garage with sun deck above, second gable to east elevation and new balcony; installation of new windows, timber cladding to first floor and render to ground floor

P/OUT/2021/01264 - Decision: GRA - Decision Date: 22/04/2022

Construction of a single dwelling house. Outline application with all matters reserved.

8.0 List of Constraints

- Dorset National Landscape (AONB)
- Defined Development Boundary; Lyme Regis
- Lyme Regis and Charmouth Slope Instability Zones; Zone 1
- South West Water Foul Sewage
- Higher Potential ecological network
- Site of Special Scientific Interest (SSSI) impact risk zone
- Radon: Class 4: 5 - 10% - Distance: 0

9.0 Consultations

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

Consultees

1. **Highways** – no objection subject to conditions in respect of provision of turning and parking areas; and car port construction and availability.
2. **Dorset Waste Team** – No comments received
3. **Tree officer** – initial discussion confirmed that development was acceptable, however comments received requesting updated arboricultural information.
4. **Lyme and Charmouth Ward Councillor** – Concerns raised in respect of the following:
 - The dwelling occupies half of area of the plot, not one third as agreed at outline planning permission.
 - Proximity to the site boundary and resulting overbearing impact and loss of light to occupiers at The Red House, 1, 2 and 3 Blue Waters Drive.
 - Surface water flood risk from increased impermeable area.
 - Reflective glare from extensive use of metallic materials and potential impact on road users.
5. **Building Control West Team** – no comments
6. **Lyme Regis Town Council** – Object – The town council recommends refusal of the application because the overbearing nature and scale of the proposed design is not in keeping with the character or scale of existing neighbouring properties. The proximity to the neighbouring properties and the overbearing nature of the proposed development would result in a loss of residential amenity and unacceptably adverse impact on the privacy of the neighbouring property.
7. **Dorset Wildlife Trust** – No comments received
8. **Dorset Fire & Rescue Service** – No comments received
9. **Coastal risk management** – No objection. The application is located within Zone 1 of the Slope Instability Guidance Map for Lyme Regis. As such, it is unlikely that problems will arise from slope instability.

Representations received

Total - Objections	Total - No Objections	Total - Comments
8	2	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

- The proposal would result in a loss of privacy and daylight to The Red House – request that the building is set back from the boundary.
- Concern that the proposal will result in increased risk of flooding due to the increase in impermeable area on the site, and that proposed drainage solution would not be effective.
- There is a watercourse which drains the land and defines the boundary to the site, placing riparian obligations on the owners.
- The design is out of scale and character with properties immediately adjacent in Blue Waters Drive and would be overbearing and intrusive.
- Loss of privacy for properties in Blue Waters Drive.
- Overly modern design and materials.
- Use of metallic materials would add glare and contribute to the intrusive appearance.
- The proposal now covers half of the site whereas the outline planning permission was for a third.
- The building is oversized.
- The design to maximise views will have the opposite effect for neighbours.
- The design would be incongruous and has little relationship to Greenway but would to Blue Waters Drive.
- The size of the dwelling is out of scale to neighbours on Blue Waters Drive.

Summary of comments of support:

- Design is well thought out and incorporates local materials and will work in harmony with other properties in Greenway.
- Appreciation that the majority of the building is single storey as opposed to a two storey building with a smaller footprint.

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.
- 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)

11.0 Relevant Policies

Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 – Flood risk
- ENV7 - Coastal erosion & land instability
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV 13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The Provision of Utilities Services Infrastructure

Other Material Considerations

Emerging Dorset Council Local Plan:

11.2 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).

11.3 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

National Planning Policy Framework:

11.4 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.

11.5 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.

National Planning Practice Guidance

Supplementary Planning Document/Guidance

All of Dorset:

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

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. In this case, although it is not considered that the proposal would specifically impact upon persons with protected characteristics, the design of the new dwelling is such that it would be readily accessible and adaptable for those with mobility issues. The proposal includes a level access with all facilities available on a single level without steps.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Job creation during construction	Not known
Non Material Considerations	
CIL Contributions	Not known
New homes bonus	Not known

15.0 Environmental Implications

15.1 The proposal would result in an additional dwelling which would result in additional CO₂ emissions through both the construction and occupation of the building. The building would however be constructed to modern building standards which require a high level of thermal efficiency to be achieved through the building’s fabric. The building incorporates solar PV panels and would incorporate areas of green roof.

16.0 Planning Assessment

Principle of development

16.1 The site is located within the defined development boundary of Lyme Regis. It is therefore sustainably located within an area where new housing development is supported in principle, subject to compliance with other relevant development plan policies. The site also benefits from outline planning consent, granted in April 2022, for the construction of a single dwellinghouse on the site. Although the red line boundary for that consent is slightly smaller than the current proposal it does establish the principle of housing development on this site.

Scale, design, impact on character and appearance and the landscape

- 16.2 The proposal results in the severance of the application site from 'Highlands' located to the east, the plot being effectively bisected. Although the new plot is half the size of the original plot of Highlands, the size of the plot to be created, and the plot within which Highlands would continue to sit, would be reflective of the urban grain in the immediate locality, which is comprised of detached dwellings in generously sized plots of similar proportion to the application site.
- 16.3 Several third party comments and comments from the Ward Councillor have raised concern that the proposal now covers half of the site whereas the outline consent only covered one third. The outline planning application included only limited information and did not provide any details of the proposed layout siting or size of the eventual building. On this basis, these comments can only be interpreted as relating to the size of the plot created, when compared to the outline planning consent. In this context the characterisation of the outline consent only covering a third of the site (i.e. The original plot occupied by Highlands) are correct. It is true that the current application site is larger than the application site defined for the outline planning consent. However, this in itself does not have any implication for the acceptability of the proposals. As noted above, the plot sizes that would result from the proposals are characteristic of the area and would not result in an unacceptable form of development. By contrast the plot size created by the outline consent is smaller than the prevailing plots on Greenway and is therefore less characteristic of the area.
- 16.4 The proposed detached form of the house would reflect the surrounding area, and common with several other properties in the area would have an orientation to face south eastwards, aiming to maximise seaward views. The layout would ensure that the main bulk of the building and in particular the two storey element is centrally located. The design of the scheme does result in single storey elements extending towards the north and south. However, these would be subservient elements which would not be prominent elements in the street scene or wider views.
- 16.5 The modern design approach is considered to be acceptable and appropriate. There is a considerable amount of variety in building forms in the vicinity of the site, reflecting a pattern of incremental development, infilling and remodelling of housing. The immediate neighbours of the site include late 20th Century bungalows on Blue Waters Drive, a large 1930s detached house (Highlands), more modest 20th century detached housing (The Red House) and remodelled/modernised detached houses (Greenway House and Cobblers, to the north of the site). Planning consent has also recently been granted for a contemporary 2 storey dwelling with flat roof on land to the north, and there are numerous examples of contemporary dwellings either as new build or remodelling or extension of existing buildings in the vicinity.
- 16.6 The proposal incorporates the use of natural and local materials to the elevations which is considered to be appropriate. Standing seam metal roofing is a less common feature in the locality. However, images supplied by the applicant indicate the use of a brown coloured roofing which would be recessive in appearance. Precise details of materials can be secured by condition to ensure that overly reflective materials or inappropriate colours are avoided. If natural materials are to be used these would generally weather over time. Therefore, even though some

metal roofing can be reflective when first installed it will generally weather down to a more muted tone. It is therefore considered that the use of standing seam metal roofing would be appropriate to the character of the individual building that is to be created in this instance given that the site is not located in a conservation area.

- 16.7 The design of the building is considered appropriate and that the proposal complies with policies ENV10, ENV11 and ENV12 of the local plan.
- 16.8 The site is located within the Dorset National Landscape, which washes over the whole of Lyme Regis. As set out above there is therefore a statutory duty for the council to seek to further the purposes of conserving and enhancing the natural beauty of the area. The proposal constitutes a form of urban infilling within the well established urban envelope of Lyme Regis. The dwelling would be seen and experienced in the context of the other surrounding suburban development which is of a similar scale. It is not therefore considered that the development would result in a harmful impact upon the area's landscape, the character of which would be maintained. The proposals are therefore considered to comply with policy ENV1 of the Local Plan in this regard.

Impact on the living conditions of the occupants and neighbouring properties

- 16.9 For the future occupants, the dwelling would provide a very good standard of amenity. The design incorporates generously sized rooms with large window openings and extensive storage and utility spaces. The relatively shallow plan form which is used for most parts of the building would ensure good natural light penetration into the building.
- 16.10 In response to the concerns raised by several neighbours in respect of the potential for the house to give rise to harmful overlooking and overbearing, the applicant has provided additional drawings with sections through the site which show the relationship with the nearest neighbouring properties, 1 Blue Waters Drive to the west and The Red House to the south.
- 16.11 Considering the relationship to 1 Blue Waters Drive, the nearest part of the proposed house to that property would be the single storey southern wing, which incorporates the master bedroom. This is at a separation of 15.9m from the rear elevation of 1 Blue Waters Drive, with the distance of that wing to the boundary being 4.11m. Although relatively close to this property the submitted section drawings show that the proposed house is on lower ground than 1 Blue Waters Drive, which has been confirmed on site. Taking into account this difference in levels, the single storey and flat roofed design of the dwelling and the boundary fencing which would provide an effective visual barrier between the buildings, it is not considered that the proposal would result in an unacceptable impact upon 1 Blue Waters Drive.
- 16.12 Due to the orientation of Blue waters drive, other properties further to the north are located further from the site boundary and upon higher ground. Although the scale of the proposed dwelling increases to two storeys further north in the site, the layout is such that the two storey elements of the site are much further from the site boundary and neighbouring dwellings and oriented to direct any views towards the north west and south east, giving very limited opportunities for overlooking.

Towards the northern end of the site the further separation from the boundary and continued land level differences are such that there would not be a harmful impact on the amenity of dwellings to the north west.

- 16.13 To the south the proposed dwelling would come into relatively close proximity to The Red House, immediately to the south of the site, due in part to the latter being set back a long way into its plot, close to the rear boundary. The Red House also has a first floor dormer window which looks towards the site. The section drawing confirms that the proposed house is on higher ground than The Red House, with the eaves of the Red House being approximately 1.1m lower than the top of the single storey southern wing. The dormer window, being within the roof slope would be above the level of that flat roof and it is not therefore considered that the proposal would result in harmful overlooking to that window. Other windows to the Red House are located in the ground floor and, despite the change in levels the boundary fencing would provide an effective visual screen. Therefore, notwithstanding the proximity of this element of the building to The Red House, it is not considered that the proposal would result in an unacceptable impact on residential amenity for this building.
- 16.14 Comments received from The Red House have also raised concerns that the proposal would result in a loss of daylight to that property. Given that The Red House is located to the south of the application site, the path of the sun through the sky – rising in the east, through the south and setting in the west – means that there would not be any direct loss of sunlight or daylight as a result of the development.
- 16.15 Given the proximity of the southern wing to the neighbouring properties, there would be potential for harmful impacts if development were at a higher level, including use of the flat roof as a terrace. Therefore it is considered to be appropriate to impose a condition to prevent the use of that area as a terrace to ensure that the amenity of neighbours is protected.
- 16.16 To the north the neighbouring properties are on significantly higher ground than the application site, with a separation distance in excess of 30m. The closest property, immediately to the north is also orientated to present its principal elevation to the east, meaning that it presents a side elevation to the proposed dwelling. To the east, Highlands is orientated such that the side elevation faces onto the site, with a separation distance of 17m to the two storey element of the proposed dwelling, whose orientation means that direct views towards the dwelling would not be available.
- 16.17 Therefore notwithstanding the concerns raised by neighbours it is not considered that the proposal would have an unacceptable impact upon the amenity of neighbours and would therefore comply with policy ENV16 of the Local Plan.

Flood risk and drainage

- 16.18 The site is located within flood zone 1 (low risk) and is not identified as being at risk of flooding from surface water or ground water. The low level of identified flood risk and the scale of the proposals and application site mean that neither a flood risk assessment nor drainage strategy is required in this instance. Nonetheless, the

applicant has provided details of proposed surface water drainage, which is proposed to be managed through a rainwater harvesting tank beneath the driveway and a soakaway in the rear garden.

- 16.19 Although several comments have raised concern at the potential for the development of the site to result in flood risk, given the low level of flood risk that has been identified it is considered that the details provided by the applicant are appropriate in this instance. The proposals for soakaway drainage with measures to retain surface water on site through both the green roof element and rainwater harvesting follow the overarching principles for sustainable drainage and would contribute to slowing the flow of water and holding it back on the site so far as possible.
- 16.20 Comments have also been received from a neighbour referring to a watercourse on the boundary of the site. Based upon the address of the neighbour raising the concern this would appear to relate to the southern boundary of the site, although it should be noted that the application site does not actually share a boundary with the property that raised this concern. Despite the comments, there are no recorded watercourses in the vicinity of the site either on ordnance survey mapping or on Environment Agency Data.
- 16.21 It is therefore considered that the proposal would comply with the requirements of policy ENV5 of the local plan.

Highway impacts, safety, access and parking

- 16.22 The proposal includes access from the north eastern corner of the site, from an existing turning head. The principle of this access has previously been agreed at the outline application stage and the Highways Authority has confirmed that it does not have any objection to the proposals subject to conditions requiring the provision of the parking and turning areas shown on the plans, and to ensure that the proposed car port remains available for the purposes of parking cars. The proposal is therefore considered to comply with policies COM7 and COM9 of the Local Plan.

Impact on trees

- 16.23 The applicant has sought to rely on arboricultural information which was accepted through the submission of the original outline planning application. Although the tree officer has requested an updated assessment, it has been separately confirmed on site that the additional area of land which is now included within the application site does not include trees which would represent a constraint on the development and there are no protected trees on the site or its boundaries. Subject to an appropriately worded condition to require the submission of full tree protection details prior to the commencement of development it is therefore considered that the existing trees would be appropriately protected.

Biodiversity

- 16.24 A Biodiversity plan has been agreed with the council's Natural Environment Team which ensures that biodiversity interests on the site will be protected and enhanced. Subject to a condition requiring compliance with the agreed biodiversity plan, the proposal is considered to comply with policy ENV2 of the local plan.

16.25 In respect of Biodiversity Net Gain the development has been submitted on the basis that it would constitute a self build development. It would therefore benefit from an exemption for the need to provide Biodiversity Net Gain, but a necessary and appropriate condition will be applied regarding this matter.

17.0 Conclusion

17.1 The site is located within the defined development boundary of Lyme Regis and is therefore in a sustainable location where new housing is supported. The site also benefits from outline planning consent, meaning that the principle of development is both acceptable and established.

17.2 The proposals are considered to be acceptable in their design and character, taking into consideration the variety of building types and the overarching character of the areas. Notwithstanding the concerns that have been raised by third parties, the ward councillor and town council in respect of the impact on neighbour's amenity it is not considered that the relationship of the building to neighbours would result in material harm to justify the refusal of planning permission.

17.3 Although concerns have been raised in respect of drainage, the application site is not in an area identified as being at risk of flooding and the proposals incorporate appropriate SUDS measures to slow the flow of water and minimise the impacts of the development. It is considered that the proposal complies with relevant development plan policies in this regard and there is not sufficient evidence to justify refusal of planning permission on this basis.

17.4 The proposal would provide appropriate and safe access and parking for vehicles and pedestrians, would ensure the protection of onsite trees and would protect biodiversity interests, through the implementation of an agreed biodiversity plan.

17.5 Therefore notwithstanding the concerns which have been raised the proposal has been assessed as complying with relevant policies of the West Dorset Weymouth and Portland Local Plan 2015 and accordingly it is recommended that planning permission is granted.

18.0 Recommendation

Grant subject to the following conditions:

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

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

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

- 01 Location Plan
- 03 Proposed Site Plan
- 04 Proposed Ground Floor Plan
- 05 Proposed First Floor Plan
- 06 Proposed Elevations
- 07 Proposed Elevations 1
- 08 Sections

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

3. The dwelling hereby permitted shall be constructed only as a self-build house within the meaning of Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015. No development shall commence until the name(s) of the individual(s) by whom house(s) is/are to be occupied as their principal residence has/have been provided in writing to the Council. Within 14 days of first entering into occupation of the dwelling, the first occupier shall notify the Local Planning Authority in writing of the date when they entered into occupation. For a period of three years starting on the date when the dwelling is first occupied it shall not be occupied except by the individual(s) so notified to the Council and their dependants and cohabitants except with the express written consent of the Council.

Reason: Exemption from biodiversity net gain has been obtained because the dwelling is a self-build/custom build property.

4. Notwithstanding the details submitted, an up-to-date arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. All works shall subsequently be carried out in strict accordance with the approved details. The method statement must provide the following:
 - a specification and plan showing the extent and positioning of protective measures including ground protection and fencing to trees during demolition and construction which complies with BS5837:2012;
 - a specification for any works associated with the development in the tree protection zones;
 - the locations suitable for storage of materials, site hut/office, concrete mixing, use of fires and service runs;
 - cross sections including existing and proposed levels detailing any changes in levels within tree protection zones on/adjacent to the site;

Reason: This information is required prior to commencement of development in the interests of tree protection

5. 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.

6. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team on 08 February 2022, must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until:
 - i) the mitigation, compensation and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.

ii) evidence of compliance, including photographic evidence, in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved Biodiversity Plan and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

7. The flat roof area of the southern wing of the building hereby approved shall not be used as a balcony, roof terrace/garden or amenity area.

Reason: To protect amenity and privacy.

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

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

9. The proposed car port shown on the submitted plans hereby approved once constructed shall be maintained and available for the purpose of parking a motor vehicle. It shall not be converted to a use other than for the purpose of parking a motor vehicle by the provision of doors and/or walled enclosure.

Reason: To ensure that satisfactory on-site parking is provided in a form that allows a vehicle to freely turn within the site curtilage.

Informative Notes:

1. 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.

2. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and

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

In this case:

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

3. 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>

4. 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.

- Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Read more about Biodiversity Net Gain at

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

This page is intentionally left blank