



Western and Southern Area Planning Committee

Date: Thursday, 23 January 2025
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 3 - 10

To confirm the minutes of the meeting held on 12 December 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 21 January 2025.

5. P/FUL/2024/05538 WEYMOUTH HARBOUR WEYMOUTH DT4 8AJ 11 - 42

Replacement and strengthening of harbour walls F and G through installation of new sheet pile walls in front of the existing walls, for the portion of the new wall where it is located above the mean low water mark, tie bar extension and ground works, works to the footpaths, creation of open space along with ancillary works.

6. P/FUL/2024/02116 TYRE AND EXHAUST CENTRE WESTWEY ROAD WEYMOUTH DT4 8SU 43 - 70

Demolish existing building and erect 7no dwelling houses with associated access, parking and landscaping.

7. 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.

8. EXEMPT BUSINESS

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

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

There is no scheduled exempt business for this meeting.



WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 12 DECEMBER 2024

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

Apologies: Cllr Paul Kimber

Also present: Cllr Shane Bartlett

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

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer), John Miles (Democratic Services Officer), Robert Piggot (Planning Officer), Matthew Pochin-Hawkes (Lead Project Officer) and Steven Tapscott (Senior Planning Officer)

45. Declarations of Interest

Cllr Northam declared an interest in application P/FUL/2024/02884 and did not take part in the consideration of that item.

46. Minutes

The minutes of the meeting held on 03 October 2024 were confirmed and signed.

47. Registration for public speaking and statements

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

48. Application 1/D/11/002012 South West Quadrant, St Michaels Trading Estate, Bridport

The Development Management Area Manager provided members with the following update, which related to all applications on the agenda:

- The revised NPPF was set to be published on the day of the meeting, so the recommendation for each application was adjusted to allow the application to be determined under delegated powers, so that if there were any relevant changes in the NPPF, the application could be brought back to the Western and Southern Area Planning Committee and if there weren't any relevant changes agreement could be sought from the chair and the

application determined by the Head of Planning or Service Manager for Development Management and Enforcement.

With the aid of a visual presentation including plans and aerial photographs, the Lead Project Officer identified the site and explained the proposal and relevant planning policies to members. It was explained that the application was returning to the committee for determination following suggested changes to planning conditions in light of information published this year by the Council in respect of flood risk.

The location of the application site was shown to members and nearby listed buildings and non-designated heritage assets were outlined. Photographs of the site and surrounding area were also provided, to give members an indication of the current condition of the site. The Lead Project Officer detailed the proposal, which included the demolition of buildings on the site and the construction of new buildings for commercial and residential use.

The key planning issues were summarised for members and the Lead Project Officer explained that the applicant had submitted a flood risk assessment to ensure the buildings would be safe for their lifetime and several of the changed planning conditions related to the flood risk assessment. The planning conditions were shown and the changes to the previously approved application were highlighted.

There were no public speakers.

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

- There was not currently a named provider for the affordable housing.
- A reduced affordable housing contribution of 15% had been agreed following a viability assessment that had identified some abnormal costs on the site.
- It had been negotiated with the applicant, to provide a higher number of affordable homes in a substandard distribution, resulting in 14 affordable homes being located in the same part of the site.
- Two non-designated heritage assets within the site were set to be demolished and a balancing exercise was carried out, which concluded that the loss of the non-designated heritage assets was acceptable given the benefits of the proposal.

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

Decision:

A: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in

accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

- 2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to planning conditions set out in the appendix to these minutes and if the revised NPPF has been published prior to the issuing of the planning decision not to issue the planning decision unless and until officers have agreed with the chair of the Western and Southern Area Planning Committee that there are no changes in the revised NPPF which could have led to members reaching a materially different conclusion on the application.

B: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 12 June 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 1) In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

49. Application WD/D/16/002852 Lilliput Buildings adjoining 40 St Michael's Lane, St Michaels Estate, Bridport, DT6 3TP

With the aid of a visual presentation including plans and aerial photographs, the Lead Project Officer identified the site and explained the proposal and relevant planning policies to members.

Details of the proposed development were provided, which included the construction of 9 2-bedroom flats for residential use. There had been a slight reduction in total floor space compared to the previous application but an improvement in the useability of the space. The floor plans and elevations of the proposed development were shown, to give an indication of the scale and design of the proposed building. It was explained that the design of the proposed building took inspiration from the existing listed buildings and non-designated heritage assets in the area.

The key issues were summarised and the planning conditions were shown to members, with the changes highlighted.

There were no public speakers.

In response to a question from one member the Lead Project Officer explained that the viability assessment of the site had been conducted to include both applications together.

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

Decision:

A: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
- 2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to planning conditions set out in the appendix to these minutes and if the revised NPPF has been published prior to the issuing of the planning decision not to issue the planning decision unless and until officers have agreed with the chair of the Western and Southern Area Planning Committee that there are no changes in the revised NPPF which could have led to members reaching a materially different conclusion on the application.

B: That authority be delegated to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 12 June 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 1) In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the

50. **Application P/FUL/2024/02884 Redlands Community Sports Hub
Dorchester Road Weymouth DT3 5AW**

With the aid of a visual presentation including plans and aerial photographs, the Lead Project Officer identified the site and explained the proposal and relevant planning policies to members. The application had come to the committee for determination because Dorset Council was the landowner.

Plans showing the existing layout of the site were shown, as well as photographs of the site from various viewpoints. Members were also shown a plan of the proposed works, which included upgraded floodlights, refurbishing the existing artificial grass pitch, the construction of a maintenance building and spectator area, a pedestrian walkway around the perimeter of the site and an overflow car park.

The key planning issues were summarised and the development was considered acceptable. There had been an objection from a nearby resident on amenity grounds, however due to the nearest residents living approximately 70 meters away and the upgraded floodlights, there was not considered to be an issue with neighbouring amenity.

Public representation was received from Mr Kimberley, who represented the applicant. He noted the important charity work conducted by Active Dorset and explained that improved facilities in the area would help people from different backgrounds to access sports facilities.

Cllr Northam spoke as the local Ward Member for the application, noting the importance of the sports centre to the local community and he welcomed the addition of an overflow car park to help with congestion in nearby residential streets.

Cllr Northam left the Council Chamber at 11:17.

Proposed by Cllr Christopher and seconded by Cllr Shortell.

Decision:

That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to approve the application subject to planning conditions set out in the appendix to these minutes and if the revised NPPF has been published prior to the issuing of the planning decision not to issue the planning decision unless and until officers have agreed with the chair of the Western and Southern Area Planning Committee that there are no changes in the revised NPPF which could have led to members reaching a materially different conclusion on the application.

51. **Application P/FUL/2024/04683 Bus Shelter Dorset Mount Pleasant Park
And Ride Link Road To Park And Ride Weymouth DT3 5GD**

Cllr Northam returned to the Council Chamber at 11:19.

With the aid of a visual presentation including plans and aerial photographs, the Senior Planning Officer identified the site and explained the proposal and relevant planning policies to members. Members were informed that the proposal was for the relocation of a temporary wooden workshop and erection of a cabin to be used as a reception area. The application had come to the committee for determination because Dorset Council was the landowner.

Members were informed of the planning history of the site and that the site had temporary permission that ran until January 2028. Photographs of the site were provided, as well as a site plan.

The key planning issues were summarised and there were not considered to be an issues, given the minor changes proposed and the existing temporary permission.

There were no public speakers.

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

Decision: That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to approve the application subject to planning conditions set out in the appendix to these minutes and if the revised NPPF has been published prior to the issuing of the planning decision not to issue the planning decision unless and until officers have agreed with the chair of the Western and Southern Area Planning Committee that there are no changes in the revised NPPF which could have led to members reaching a materially different conclusion on the application.

52. Application P/FUL/2024/06068 Weymouth Beach South West of The Pier Bandstand Opposite The Prince Regent Hotel

The Planning Officer presented the application for the siting of a mobile sauna unit and ancillary shed. The location of the site was outlined and photographs of the site and surrounding area were shown. The Planning Officer highlighted the listed buildings and heritage assets that were near to the application site.

It was explained that the site fell within the Defined Development Boundary and Weymouth Conservation Area, as well as flood zones 2, 3 and 3a. The key planning issues were summarised and the development was considered acceptable in terms of design and visual amenity. A flood risk plan had been submitted and due to the mobile nature of the sauna there were no concerns over flood risk.

The Planning Officer provided the following responses to member's questions:

- The steps and ancillary shed would also be removed, when the sauna was not in use outside of the winter months.
- The Environmental Health team had considered the application and determined there would be no risk to public health.

- An informative could be included to state that the applicant should confer with Weymouth Town Council on appropriate operating times around Remembrance Sunday due to the close proximity to the Cenotaph.

Members were in agreement about adding an informative encouraging the applicant to liaise with Weymouth Town Council about operating hours during remembrance services.

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

Decision: That authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to approve the application subject to planning conditions set out in the appendix to these minutes and if the revised NPPF has been published prior to the issuing of the planning decision not to issue the planning decision unless and until officers have agreed with the chair of the Western and Southern Area Planning Committee that there are no changes in the revised NPPF which could have led to members reaching a materially different conclusion on the application.

53. **Urgent items**

There were no urgent items.

54. **Exempt Business**

There was no exempt business.

Decision List

55. **Update Sheet**

Duration of meeting: 10.00 am - 12.01 pm

Chairman

.....

This page is intentionally left blank

Application Number:	P/FUL/2024/05538
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Weymouth Harbour, Weymouth, DT4 8AJ
Proposal:	Replacement and strengthening of harbour walls F and G through installation of new sheet pile walls in front of the existing walls, for the portion of the new wall where it is located above the mean low water mark, tie bar extension and ground works, works to the footpaths, creation of open space along with ancillary works.
Applicant name:	Dorset Council
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Orrell

1.0 Reason application is going to committee:

1.1 The applicant is Dorset Council.

2.0 Summary of recommendation:

2.1 Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant planning permission subject to:

1. receiving written confirmation from the Marine Management Organisation that the parallel marine licencing application secures appropriate mitigation and compensation for marine ecology; and
2. the planning conditions at section 18 of this report.

3.0 Reason for the recommendation:

- The proposed works subject to this planning application are located above the mean-low water mark where the Local Planning Authority has jurisdiction. The Marine Management Organisation has jurisdiction for works below the mean-high water mark.
- Para. 11 of the NPPF establishes that permission should be granted for development proposals that accord with an up-to-date development plan without delay.
- The existing sea defences are in urgent need of replacement.
- The proposals would upgrade existing flood defences with necessary protection taking into account anticipated sea level rise and flood risks.
- The design is acceptable, would not cause harm to heritage assets or the amenity of the area.

- Remodelled and new open spaces would provide appropriate public amenity space and maintain panoramic views over the sea defences.
- Public access would be improved through an updated pedestrian and cycle route around the perimeter of the site.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The replacement of existing sea defences and provision of improved open space and pedestrian/cycle route is wholly acceptable in principle and compatible with the area.
Design, landscape and local character	The proposals are compatible within the area and the design and landscaping is acceptable subject to conditions.
Heritage	Harm to designated heritage assets would be outweighed by public benefits and harm to non-designated heritage assets would be outweighed by the benefits of the proposal.
Amenity	The proposals would not have a significant adverse impact on residential amenity. The new and improved public open spaces would improve public amenity within the local area.
Highways, access, parking and highway safety	The proposals would not give rise to danger to road users or have severe highway impact. Construction traffic impacts can be appropriately managed via planning condition and the slight reduction in car parking-post construction is acceptable.
Ecology and biodiversity	Biodiversity net gains would be delivered through on-site provision and the purchase of credits. Subject to mitigation and compensation being secured by the Marine Management Organisation through the parallel marine licencing application, impacts on marine ecology would be acceptable.
Flood risk and drainage	The proposals would upgrade existing sea defences and would not cause increased risk of flooding elsewhere. Adequate drainage is proposed.

Ground conditions	Acceptable subject to conditions.
Environmental Impact Assessment	The development is not considered to be EIA development.

5.0 Description of Site

5.1 The application site is located along the northern and eastern boundaries of the peninsula, Weymouth. The peninsula is set at the end of The Esplanade opposite the Nothe Fort at the gateway to Weymouth Harbour.

5.2 The 1.09-hectare L-shaped site encompasses two sea walls, the adjacent pedestrian and informal cycle route, areas of public realm, vehicle routes and areas of car parking. The application site boundary extends beyond the existing sea walls to include land up to the mean-low watermark.

5.3 Wall G forms the northern boundary of the site. The 349m wall starts at the stairs leading to the southern end of the beach and continues to the interface with Wall F to the east at the northern edge of the peninsula. The section of the piled wall from the beach steps to the 'Pleasure Pier' signage is topped with balustrading. The retained height of the wall varies between 4.0m to 6.8m. Between the Wall G and The Pavillion is an area of public realm. It consists of a raised platform with planters, six benches and an anchor. The anchor commemorates the opening of the car ferry terminal extension in 1980.

5.4 Wall F forms the eastern boundary of the site. It spans approximately 137m from the interface with Wall G to the north and continues to the interface with the Pleasure Pier and Wall E to the south. The wall consists of piles with a continuous reinforced concrete capping beam at the top of the piles. The height of the wall is approximately 4.3mAOD on average and gradually increases in height towards the Pleasure Pier. Three raised platforms offering panoramic views across the coastline are located along this stretch of wall. The raised platforms are enclosed by balustrading and the northern most platform has two benches. The adjacent pedestrian/cycle route and part of the parking area is cordoned off due to a sinkhole. The walls are in urgent need of repair.

5.5 The application site includes a pedestrian and informal cycle route alongside Walls F and G together with some vehicle access routes and car parking spaces. The height of the walls relative to the adjacent pedestrian/cycle route varies. The wall is generally 1m, thereby allowing views over the top towards Weymouth and the coastline.

5.6 The wider peninsula has largely been cleared of buildings since the ferry service closed in 2015. All that remains are a few re-purposed buildings for fishermen, the disused railway platform, the Weymouth Pavillion theatre, a public car park, areas of public realm and the Pleasure Pier.

5.7 To the west of the peninsula lies the Devonshire Buildings (Grade II* listed) with its rounded façade turning the corner of Custom House Quay and The Esplanade.

The four-storey terrace consists of six guesthouses. The building is separated from the site by The Esplanade and an area of public realm. Nothe Fort lies to the east of the site across the entrance to Weymouth Harbour. It is a Scheduled Monument and Grade II listed building.

5.8 The surrounding areas are a mix of uses, including retail, leisure, commercial, hospitality and residential.

6.0 Description of Development

6.1 The proposed development seeks:

1. the replacement and strengthening of walls F and G through installation of new sheet pile walls in front of the existing walls, tie bar extension and ground works
2. works to the footpath
3. creation of open space
4. ancillary works

6.2 The proposal works subject to this planning application are located above the mean-low water mark. Associated with the planning application, a marine licencing application has been submitted to the Marine Management Organisation for works below the mean-high water mark and a Flood Risk Activity Permit (FRAP) has been sought from the Environment Agency in respect of the replacement sea defences.

6.3 The proposals are summarised as follows:

Replacement Walls

6.4 As described in the submitted Planning Statement, the walls are in a poor state of repair and in urgent need of replacement. The walls are suffering from corrosion which has resulted in significant loss of steel thickness and a sinkhole which has required part of the site to be cordoned off and a sub-station to be demolished.

6.5 The replacement walls would be created by a new line of sheet piles installed in front of the existing walls.

6.6 The sheet piles are proposed to be capped with a reinforced concrete capping beam raised to +4.10mAoD for the majority of Wall G and +4.50mAoD for Wall F. The section of Wall G closest to The Esplanade and adjacent to the existing open spaces would be capped at +3.15mAoD with a short section at the stairs to the beach raised to +3.55mAoD. The walls would be fixed with below ground tie-bars which would connect into existing below ground concrete anchor blocks set back approximately 10m from the walls. The cavity between the existing and proposed walls would be backfilled and the seaward face of the walls would include safety ladders and timber fenders.

6.7 The walls have been designed to protect the peninsula from projected sea level rise and 1 in 200-year flood levels of +3.8m Ad with an additional freeboard of

300mm provided on top. They have a design life of 75 years and would protect against flood events with a 1 in 200-year flood risk up to 2060.

Footpaths

6.8 The existing footpath and informal cycle route would be extended to incorporate the infilled area behind the proposed capping beams. Accordingly, the width of footpath would be extended by approximately 1.3m around the perimeter of the site. This would facilitate creation of a parallel cycle route.

6.9 Proposed ground levels would vary along the length of the walls. The height of the capping beam relevant to adjacent proposed ground levels would vary, with a maximum height of 1.75m. As a result of the increased height of the walls and varied ground levels, visibility over the walls would be restricted from some parts of the footpath.

6.10 The design has been amended over the course of determination to reduce the height of the wall between the beach steps and the 'Pleasure Pier' sign. The proposed capping beam with retained balustrade above would be marginally taller than existing, maintaining panoramic views across Weymouth Bay.

Open spaces and landscaping

6.11 Two publicly accessible open spaces are proposed.

6.12 The existing area of public realm between The Pavilion and Wall G is proposed to be remodelled. Ground levels would be increased in height and six benches would be installed to enable views over the new seawall. The anchor would be retained, and the rear of the open space would incorporate a new planter.

6.13 A new open space is proposed at the north of the peninsula at the interface of walls F and G. The space includes six benches and grassed areas of general amenity. Ground levels would be increased in height to enable views over the new walls.

Ancillary works

6.14 Ancillary works include planting between the two open spaces (separating the footpath/cycle route from the car park), minor changes to the car parking layout and repositioned pay and display machines.

Construction process

6.15 All construction works are proposed to be undertaken from the landside, proceeding from west to east across the site. Areas within the car park and commercial pier would be used temporarily during the construction period to provide construction access, site compound space and a stockpile area. The use of these areas is proposed to be undertaken under permitted development rights and do not form part of the proposed development.

6.16 During the construction period the existing footpaths would be closed with temporary routes created to maintain access to The Pavilion and commercial areas

of the harbour. Access to the Pleasure Pier would be restricted for part of the construction works.

6.17 Construction works are expected to take 12 months.

7.0 Relevant Planning History and Policy Context

7.1 Related to the current planning application, the Council issued a Screening Opinion in May 2024 confirming that the proposed replacement, strengthening and maintenance of harbour walls was not EIA development (P/ESC/2024/02394).

7.2 In 2018, the council approved the strengthening of Wall D (WP/18/00586/FUL). The 76m wall is located on the south of the peninsula adjacent to Custom House Quay and the Devonshire Buildings. The design is similar to that proposed by the current planning application – with the replacement sheet pile wall installed immediately in front of the old wall. The works have been completed.

7.3 The peninsula has historically been used for a variety of uses, including leisure and tourism. The peninsula has largely been cleared of buildings since the ferry service closed in 2015. All that remains are a few re-purposed buildings for fishermen, the disused railway platform, the Weymouth Pavillion theatre, a public car park, areas of public realm and the Pleasure Pier.

7.4 Policy WEY6 of the West Dorset, Weymouth and Portland Local Plan (2015) allocates the peninsula for mixed use development. It states that the site should be re-developed to include leisure / tourist-related uses, supported by complementary town centre uses which may include housing, and including provision for the continued operation of the ferry service. The policy requires a comprehensive scheme which complements the scale, mass and rhythm of the terraces along the Esplanade so as to create a coherent seafront and does not detract from the dominance of the Nothe Fort in views from the North. It notes that the site may include an elegant landmark building.

7.5 The Weymouth Town Centre Masterplan Supplementary Planning Document (SPD) was adopted in October 2015, shortly after the Local Plan. This SPD establishes a long-term regeneration strategy for the town centre and includes a section with a comprehensive strategy for Weymouth Peninsula, based on identifying key objectives namely:

- provision of strategic flood defence work
- creation of pedestrian and public areas, public art and links to the town centre
- improve the harbour facilities for boats and the local fishing industry
- mixed use activities focussed on café and restaurant, commercial and retail uses
- high quality, unique housing

7.6 Aligning with this planning policy context, an application for comprehensive mixed-use development of the site was submitted in 2018 (WP/18/00403/OUT). The application involved demolition of buildings (excluding the Pavilion Theatre and Jurassic Skyline viewing tower – the latter now demolished) and redevelopment of the site for a mix of leisure and commercial uses including hotels, mixed use

pub/diner with guest accommodation, restaurants and cafes, indoor leisure buildings, public car parking, commercial fishing and mixed-use harbour buildings, harbour operation and storage areas together with associated works and open space.

7.7 The Weymouth and Portland Planning Committee resolved to approved the application in November 2018 subject to planning conditions and a section 106 legal agreement to secure sustainable transport contributions and marine ecology mitigation and enhancements. However, the legal agreement has not been completed and the application remains pending determination.

7.8 The peninsula is one of four sites that benefits from a share of £19.5 million secured through the previous government's Levelling Up fund. The Council has prepared a vision for the harbour and peninsula areas. Of relevance to this planning application, the vision states that the remedial works to the harbour and peninsula walls are *“essential for the long term sustainability of the Harbour and peninsula, so constitute a irreducible minimum component of the regeneration programme.”* The vision outlines a range of future medium term opportunities for the peninsula, potentially including: hospitality facilities (including a hotel and entertainment facilities), retail facilities, residential and public space.

7.9 Relevant planning history is summarised as follows:

Harbour Walls – Walls F and G

P/ESC/2024/02394 - Decision: Not EIA - Decision Date: 21/05/2024

Request for EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to support a planning and marine licence application for the replacement, strengthening and maintenance of harbour walls

Harbour Walls – Wall D

WP/18/00586/FUL - Decision: GRA - Decision Date: 18/12/2018

Strengthening of 76 metres of sheet steel pile wall by a line of new sheet steel piles driven into the harbour bed immediately in front of the old wall. Replacement of the four flights of existing ferry steps by two new flights of steps supported on the new piles. Demolition of the brick and concrete kiosk building at the top of the ferry steps.

Observation tower (Jurassic Skyline viewing tower)

11/00512/FUL - Decision: GRA - Decision Date: 24/08/2011

Construction of 53m high observation tower and associated ground works, admissions/retail unit with staff facilities, queue-line structures, perimeter fencing and control building

WP/17/00687/VOC - Decision: GRA - Decision Date: 14/12/2017

Construction of 53m high observation tower and associated ground works, admissions/retail unit with staff facilities, queue-line structures, perimeter fencing and control building - (variation of conditions 1, 2, 3, 4, 5, 6, 8, and 9 of planning permission ref. 11/00512/FUL and 12/00364/NONMAT)

Mixed use development

WP/18/00403/OUT - Decision: Undetermined subject to S106 Agreement completion

Demolition of existing buildings (excluding Pavilion Theatre and Jurassic Skyline viewing tower) and redevelopment for a mix of leisure and commercial uses including hotels, mixed use pub/diner with guest accommodation, restaurants and cafes, indoor leisure buildings, public car parking, commercial fishing and mixed-use harbour buildings and harbour operation and storage areas together with associated landscaping, street furniture, structures, open space and access to and within the site.

8.0 List of Constraints

Within Defined Development Boundary

Weymouth Town Centre

Weymouth Town Centre Strategy Area

Site allocation for mixed use development: Ferry Peninsula, Policy WEY6

Landscape Character Area – Weymouth Urban Area

Partially within Weymouth Town Centre Conservation Area – a small portion of the southwest corner of the site falls within the conservation area

Nearby Heritage assets:

- Devonshire Buildings (Terrace), 1-6 Esplanade, Grade II*. List entry: 1145964. Distance: 18m to southwest of site.
- Dorset and East Devon Coast, World Heritage Coast. List entry: 1000101. Distance: 160m to south of site.
- Scheduled Monument: Nothe Fort, tramway and searchlight battery at The Nothe. List entry: 1020063. Distance: 175m to southeast of site.

- Northe Fort and outer gateway, Grade II*. List entry: 1313430. Distance: 175m to southeast of site.

South West Coastal Path – runs through a small portion of the southwest corner of the site.

Within Flood Zones 2 and 3

Risk of Surface Water Flooding Extent 1/30 year, 1/100 year and 1/1000 year

RAMSAR: Chesil Beach & the Fleet (UK11012); Distance: 3km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); Distance: 3.3km

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

Contaminated Land – Area of approximately 80sq.m to the southwest of the site and north of the Pavillion identified as contaminated land (ref: 6686, Ferry Car Park)

Office of Nuclear Regulation – Portland 12km zone

Radon: Class 1: Less than 1%

Dorset Council owned land

9.0 Consultations

9.1 Two rounds of consultations have been carried out in respect of this application: one following submission of the application and the other following amendments to the proposals.

9.2 Consultation responses are summarised below. All consultee responses can be viewed in full on the website.

Consultees

Environment Agency

9.3 The EA raises no objection and notes the revised crest height of Wall G (3.15mAoD) remains in line with the strategic adaptive approach agreed with the Council to periodically raise harbour walls and construct defences under a phased approach. The EA notes this was agreed in the National Flood and Coastal Erosion Risk Management (FCERM) Strategic Outline Case (2021).

Natural England

9.4 Providing the works are carried out in accordance with the application, the proposals are unlikely to have a significant effect on any SAC, SPA or Ramsar site.

9.5 Note the proximity of the site to Radipole Site of Special Scientific Interest (SSSI). The proposal is unlikely to harm the SSSI providing the works are undertaken in strict accordance with the submitted details.

9.6 Natural England raise concern with impacts on Sea Grass, and whether the compensation hierarchy of avoid/mitigate/compensate has been demonstrated. Natural England recommend that any compensation is secured via planning condition.

Historic England

9.7 Consider that the proposals will not have any impact on the significance of nearby heritage assets.

Marine Management Organisation – No comments received.

DC Conservation

9.8 Initial comments confirmed no objection pending the submission of a Heritage Statement and confirmation of a retention strategy about wall top railings. The response concluded the originally proposed height of the wall would have caused less than substantial harm to the Devonshire Buildings (Grade II* listed) and noted that the existing railings (a non-designated heritage asset) should be retained. The harm to the Devonshire Buildings would be outweighed by public benefits, notably the provision of essential coastal protection.

9.9 Subsequent comments following the submission of updated drawings and documents confirm no objection. The Conservation Officer concludes the revised proposal would cause less than substantial harm to the Weymouth Town Centre Conservation Area, Devonshire Buildings (Grade II*) and railings.

9.10 The officer notes that careful removal of the railings and sign with a clear intention of appropriate reinstatement, within an agreed extent of the scheme, would result in a conclusion of no harm. Based on the degree of deterioration of the railings, the Conservation Officer notes a preference for retention of the best representative examples of railing sections and a commitment to incorporate sections, or elements of sections, into part of the hard landscape scheme. A Level 1 recording of the railings and sign is recommended.

DC Landscape

9.11 No objection subject to conditions. The proposals would likely enhance rather than detract from the landscape character, would restore existing hard and soft landscape features and provide additional enhancement through new hard and soft landscaping. Consider that the scheme should include the planting of trees within the soft landscaped areas unless there are clear, justifiable and compelling reasons why this would be inappropriate.

DC Highways

9.12 The Highways Authority recommends that the applicant consult with Dorset Council Parking Services team so that the public parking demand can be adequately managed, especially during peak periods.

9.13 Overall, the Highways Authority raises no objection subject to planning conditions.

DC Urban Design – No comments to make.

DC Environmental Assessment – No comments received.

DC Economic Development and Tourism – Fully support the application.

DC Flood Risk Management

9.14 Raise no objection to the proposals.

9.15 Note the proposed development can be considered as water compatible. The proposed development is compatible with the groundwater/surface water flood risk.

9.16 The submitted Flood Risk Assessment provides the necessary evidence that the design of the proposed replacement wall will maintain the existing surface water drainage regime.

9.17 Surface water flood risk or drainage related conditions are not considered to be required by the Lead Local Flood Authority (LLFA). However, the application should be referred to the Environment Agency for their assessment of risk to the proposed development from tidal and/or fluvial flood risk.

DC Rights of Way

9.18 Raise no objection to the proposals.

9.19 Note the Southwest Coastal Path crosses the south west corner of the site. State that the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route during the construction period.

DC Natural Environment Team

9.20 In respect of the proposed works above the mean-low water mark (subject to the planning application and falling within the jurisdiction of the Local Planning Authority), NET note the application is not within the scope of the Dorset Biodiversity Appraisal Protocol (BDAP) as there are no habitats or protected species. Recommend that the mitigation within the Construction Environmental Management Plan (CEMP) is secured.

9.21 NET confirm the proposals are subject to 10% biodiversity net gain (BNG) requirements given the proposals would result in the loss of 25sq.m of planters and would therefore not benefit from the de minimis exemption. Following submission of BNG information by the applicant, NET confirmed no objection.

9.22 NET notes the provision of Intertidal Green and Grey Infrastructure is considered significant. Therefore, a HMMP will be required for this feature at the pre-commencement stage and ongoing monitoring and management secured within a Section 106. NET draw attention to the fact that there is a discrepancy between the excel metric submission and the metric used to inform the report. The difference appears to be the percentage loss of area habitats: 18.72% in the submitted metric and 18.78% in the associated report. The metric concludes that the loss is wholly accounted for by the reduction in Intertidal Hard Structures, whereas the report attributes this to a reduction in Intertidal Hard Structure and Introduced Shrub. These are both low distinctiveness habitats and NET advise that this discrepancy does not pose a barrier to approval of the application. However, this should be addressed with submission of the Biodiversity Gain Plan at the pre-commencement stage. Proof of purchase of sufficient offsite units/credits will be required at the pre-commencement stage to meet the BNG obligation.

9.23 In respect of proposed works below the mean-low water mark (subject to marine licencing and outside of the jurisdiction of the Local Planning Authority), NET note the anticipated impacts on seagrass. They suggest further information be sought by the Marine Management Organisation (MMO) in respect of marine ecology.

DC Environmental Protection

9.24 Recommend conditions related to dust and unexpected contamination.

9.25 Suggest an informative in relation to noise and vibration impacts during construction and state that the recommendations of the submitted Technical Memorandum – Assessment of Noise and Vibration from Construction Works (WSP, ref: 70094412-ACO, dated 7 August 2024) should be followed.

DC Coastal Risk Management – No comments received.

DC Building Control – Confirm no comments to make on this application.

Public Health Dorset

9.26 Public Health Dorset welcome the: improved sea defences, changes to accommodate pedestrian and cycle access and new landscaping and picnic area. Request that: shading and shelter is provided, seating takes account of inclusive mobility guidelines and appropriate lighting is proposed for safety and security.

DC Assets and Property – No comments received.

Jurassic Coast Trust

9.27 Confirm the application site is outside of the World Heritage Site (WHS). Advise the application would have no impact on the WHS' Outstanding Universal Value or its setting.

Office for Nuclear Regulation

9.28 Confirm the ONR has no comments to make as the application does not meet ONR's consultation criteria.

Dorset Wildlife Trust – No comments received.

Ramblers Association – No comments received.

Wessex Water – No comments received.

Ward Councillors

Cllr. Bell

9.29 This work is crucial to ensure the strength and stability of the peninsula and ensure further regeneration works can take place on the site. Climate change is causing sea levels to rise and this project will help to increase Weymouth's resilience to the challenges that creates.

Cllr. Orwell

9.30 Cllr. Orwell has provided two sets of comments. The first stating that repair and improvement of all our sea walls is increasingly urgent due to climate chaos, global heating and sea level rises. The second set of comments state the Councillor is totally in support of the work and steps to ensure it is as strong and enduring as possible.

Weymouth Town Council

9.31 Initial comments confirm the Council support the application and note it is vital for the regeneration of the town, and looks forward to its timely delivery.

9.32 Subsequent comments advise the Council enthusiastically supports the application, which is vital for flood defence and the economic development of the town.

Representations received

9.33 Representations from the **Weymouth Civic Society** has been received. The first set of comments raise some concerns with the high parts of the proposed walls by the public walkway, which would restrict views of the bay and coastline. Subsequent comments note the amended proposals and give support to the proposed viewing hill.

9.34 No other third party comments have been received.

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 Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

11.0 Relevant Policies

Development Plan

West Dorset, Weymouth and Portland Local Plan (2015)

- INT1 Presumption in favour of sustainable development
- ENV1 Landscape, seascape and sites of geological interest
- ENV2 Wildlife and habitats
- ENV4 Heritage assets
- ENV5 Flood risk
- ENV8 Pollution and contaminated land
- ENV10 The landscape and townscape setting
- ENV11 The pattern of streets and spaces
- ENV16 Amenity
- SUS2 Distribution of development
- COM7 Creating a safe and efficient transport network
- WEY1 Weymouth town centre strategy
- WEY6 Ferry peninsula

Material Considerations

Emerging Local Plans:

11.1 Paragraph 49 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

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

Neighbourhood Plans

11.3 Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making. The draft plan (December 2024) includes the following policies of relevance:

- W01 – Shoreline Protection
- W03 – Wildlife Habitats and Areas
- W07 – Rights of Way, and Access to the Countryside
- W34 – Sustainable Development
- W44 – Design
- W45 – Heritage Assets
- W50 – Cycle Routes

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:

- Chapter 14: Meeting the challenge of climate change, flooding and coastal change. Paragraph 181 states that planning applications should not increase flooding elsewhere and should be supported by site-specific flood-risk assessment. Paragraph 183 states that in coastal areas, decisions should take account of the UK Marine Policy Statement and marine plans. Integrated

Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

- Chapter 16: Conserving and enhancing the historic environment. Paragraph 215 notes that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 216 requires that a balanced judgment is carried out in relation to any harm or loss of significance of a non-designated heritage assets.

Other material considerations

11.6 The Weymouth Town Centre Masterplan SPD provides a detailed planning strategy to guide development and investment in Weymouth Town Centre for 10 years from its adoption by Full Council on 4 June 2015. It includes site-specific policy, supporting the policy framework of the local plan and guidance for the consideration of planning applications in the town centre area. The SPD requires a full detailed assessment of the capacity of the peninsula site, to demonstrate that a viable scheme can be accommodated with a mix of uses including residential. Weymouth Town Centre Conservation Area Appraisal (2012)

Landscape Character Assessment

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.

LTN1/20: Cycle Infrastructure Design (2020)

South Devon and Dorset Shoreline Management Plan. June 2011.

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 Notably the proposals retain step free access around the site to support access by people with disabilities, mobility impairments or pushing buggies. Seating is proposed within the two publicly accessible open spaces within the site.

14.0 Benefits

What	Amount / value
Sea defences	Improved sea defences and reduced risks of flooding.
Construction	Short term construction jobs and associated supply chain benefits (unquantified).
Public realm, pedestrian and cycle routes	Around the perimeter of the site. Including the two areas of public realm with seating areas. Associated health benefits of supporting active travel.
Supporting regeneration of Weymouth Peninsula	By protecting against flood risk, thereby helping to support regeneration of the wider peninsula.

15.0 Environmental Implications

15.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development.

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.

15.3 This has to be balanced against the benefits of providing much needed sea defences which would protect existing land, buildings and business from flooding and help to support the regeneration and redevelopment of the peninsula in the future.

15.4 As an allocated brownfield site within the Defined Development Boundary of Weymouth, the proposed redevelopment is inherently sustainable in that it would support future redevelopment in a highly sustainable location within walking distance of the centre of Weymouth.

16.0 Planning Assessment

16.1 The following assessment considers the proposed works above the mean-low water mark. These works fall within the scope of the planning application. They comprise parts of Wall G next to the beach, parts of the pedestrian/cycle route and the two public open spaces.

16.2 The works below the mean-low water mark fall entirely within the jurisdiction of the Marine Management Organisation (MMO) and are outside of the scope of this planning application and jurisdiction of Dorset Council as Local Planning Authority. The works include the majority of the replacement sea walls, below-sea piling and parts of the pedestrian/cycle route where land is proposed to be reclaimed from the sea.

Principle of development

16.3 The site falls within the Defined Development Boundary of Weymouth and is allocated for mixed use development under Policy WEY6. Walls F and G are in urgent need of replacement.

16.4 The proposed works to replace the walls through new sheet piled walls are wholly acceptable in principle as necessary flood defence works. The works align with the policy to 'hold the line' set out within the South Devon and Dorset Shoreline Management Plan and the key objectives of the Weymouth Town Centre Masterplan (2015) to provide strategic flood defences and are compatible with the mixed use allocation of the site. The proposals also align with emerging Weymouth Neighbourhood Plan Policy W01.

16.5 Depending what future uses are proposed on the peninsula, further upgrades to sea defences may be required.

Design, landscaping and local character

16.6 The replacement walls would be created by a new line of sheet piles installed in front of the existing walls. The sheet piles are proposed to be capped with a reinforced concrete capping beam, as existing.

16.7 Between the beach steps and the approximate location of the Pleasure Pier sign, the capping beam to the new Wall G would be topped with railings. This reflects the current design of the sea defences and would maintain uninterrupted views of the coastline for the first section of the sea defences next to the Pavillion Theatre.

16.8 Beyond the Pleasure Pier sign, the height of the capping beam would increase to 4.10mAoD. Relative to ground level, the height of the wall would vary between approximately 1.20m to 1.75m. This represents an increase from existing (approximately 0.95m to 1.05m) and would restrict visibility over sections of the walls from the adjacent pedestrian/cycle route. To address this, the applicant has proposed a viewing and picnic area in the north of the site. The raised ground levels would offer panoramic views over the walls, alongside new seating and picnic areas.

16.9 The existing open space adjacent to The Pavillion is also proposed to be remodelled with a new planter separating it from the adjacent access road. New planting would also be provided between the remodelled open space and

viewing/picnic area. The pedestrian/cycle route around the perimeter of the walls would vary between approximately 3-4m width.

16.10 The Council's Landscape Officer suggests that the proposals should include tree planting for amenity reasons. Whilst this would be beneficial, given the site currently has very limited landscaping and the proposals do not form part of comprehensive redevelopment proposals, the provision of new tree planting cannot be mandated. Should mixed-use redevelopment of the site come forward as allocated via Policy WEY6, the proposals would be expected to provide sufficient new soft landscaping appropriate for a mixed-use scheme. This may include tree-lined streets, as sought by the NPPF (Para. 136) and tree planting to ensure an attractive public realm and successful integration with the character of the surrounding area (as sought by Policies ENV10 and WEY1).

16.11 The design and landscaping are acceptable subject to conditions in respect of detailed landscaping proposals, landscape maintenance and management, and implementation. Proposed ground levels and wall heights at various sections are detailed on the proposed drawings which would also be secured via planning condition. Subject to these conditions, the proposals would enhance local landscape character and comply with relevant design and landscaping policies (local plan Policies ENV1, ENV10 and ENV11 and emerging Weymouth Neighbourhood Plan Policy W44). Through the creation of new public open space with boundary planting, an attractive public realm would be created in accordance with Policy WEY1.

Heritage

16.12 As identified in the constraints section of this report, a small portion of the southwest corner of the site falls within the Weymouth Town Centre Conservation Area and the site falls within the setting of the Devonshire Buildings (Grade II* listed). The existing railings which span The Esplanade and the Pleasure Pier sign are also considered to be non-designated heritage assets.

16.13 Further afield, the Dorset and East Devon Coast, World Heritage Coast (World Heritage Site, WHS) is located 160m to south of site and the Nothe Fort (Schedule Monument and Grade II* listed) is approximately 175m to southeast of site.

16.14 The relevant aspects of the significance of these assets are summarised as follows:

Summary of significance

Devonshire Buildings

16.15 The Devonshire Buildings are a Grade II* listed terrace fronting The Esplanade. It is located immediately south of the site opposite the steps to Weymouth beach adjacent to the Pulteney Buildings (Grade II and Grade II* listed).

16.16 Built in early 1800s, the Georgian terrace forms an unspoilt group with a rhythm of segmental bow windows, recessed doorways, dormers and wooden fences or iron railings together with a rounded termination at the eastern end. It acts as an entrance feature for the nearby Pleasure Pier and provided bed and breakfast accommodation to summer visitors during the Victorian era of mass seaside tourism.

It was around this building that American servicemen queued, awaiting their turn to embark D-Day vessels bound for France. The inscriptions of servicemen on the wall using bayonets are preserved beneath a perspex sheet.

16.17 The significance of the building lies in its aesthetic and historical significance. The building also holds group value with the adjacent Pulteney Buildings Nos. 13-15 (Grade II listed) and Nos. 7-12 (Grade II* listed) and the location opposite the beach makes a positive contribution to its setting.

Weymouth Town Centre Conservation Area

16.18 The significance of the Weymouth Town Centre Conservation Area lies in its spatial relationship with the coast, which forms a distinctive and dramatic boundary. The Esplanade stretches over a kilometre along the curve of Weymouth Bay. The building layouts and architectural styles along The Esplanade are remarkably consistent, reflecting the survival of much of the 18th to early 19th century infrastructure.

Railings and Pleasure Pier sign

16.19 The blue and white railings to the beach – within the site and along The Esplanade – and Pleasure Pier sign make a positive contribution to the conservation area and are considered non-designated heritage assets.

Nothe Fort Complex

16.20 Nothe Fort Complex is Grade II* listed and a registered Scheduled Ancient Monument. It is located approximately 175m southeast of the site across Weymouth Harbour. Its significance relates to:

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

Dorset and East Devon Coast, World Heritage Coast

16.21 The Dorset and East Devon Coast World Heritage Site (WHS), otherwise known as the Jurassic Coast, starts 160m to the south east of the site. It was inscribed in 2001 for its internationally significant geology, palaeontology and geomorphology.

Impacts on significance

16.22 The proposals would have a direct impact on the railings between the beach steps and Pleasure Pier sign, and on the Pleasure Pier sign itself. They also have potential to impact on the setting of the above designated heritage assets.

16.23 The applicant has submitted a Heritage Statement and planning statement addendum which considers impacts on heritage assets. Impacts on the significance of these heritage assets is assessed by officers as follows:

Devonshire Buildings

16.24 The original proposals included a wall of approximately 1.4m in height adjacent to the buildings. This would have harmed the setting of the buildings and its relationship with the beach. The design has been amended to reduce the height of the wall. The revised proposals would not harm the significance of the Devonshire Buildings.

Weymouth Town Centre Conservation Area

16.25 Owing to the loss of the railings, which make a contribution to the conservation area, the proposals would result in less than substantial harm to the setting of the conservation area.

Railings and Pleasure Pier sign

16.26 The submitted Heritage Statement advises that the existing railings are in a poor condition and are unsuitable for retention. The proposal to remove the railings would harm the significance of the railings due to removal and replacement with more modern railings. This would cause less than substantial harm to the asset. The scale of harm is considered to be at the lower end of the less than substantial harm spectrum given the assets extend along the beachfront with the section within the site forming a relatively small component of the wider asset.

16.27 The Pleasure Pier sign is proposed to be removed, safely stored for the duration of the piling and capping beam construction works and reinstated in its current position as part of the landscaping works. Subject to securing this via planning condition, the proposals would not harm the significance of the Pleasure Pier sign.

Nothe Fort Complex

16.28 Owing to the distance from the North Fort Complex and limited additional height of the replacement walls, the proposals would not harm the significance of the Nothe.

Dorset and East Devon Coast, World Heritage Coast

16.29 The NPPF defines the WHS as a designed heritage asset and affords it the highest significance (Para. 202). The Jurassic Coast Partnership Plan 2020-2025 defines the setting of the WHS in terms of its experiential setting and its functional setting. In summary, the experiential setting is regarded as the surrounding landscape and seascape and concerns the quality of the cultural and sensory experience surrounding the exposed coasts and beaches. In order to maintain Outstanding Universal Value (OUV) of the WHS, the cliffs need to be allowed to function and erode into a natural setting. The proposals would not affect the setting of the WHS or its Outstanding Universal Value.

Heritage Balance

16.30 As less than substantial harm has been identified, the NPPF requires that the harm is weighed against the public benefits of the proposal (Para. 213).

16.31 Public benefits are defined in the PPG (Para. 020 Reference ID: 18a-020-20190723) as anything that delivers economic, social or environmental objectives as described in the NPPF (Para. 8). Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

16.32 The following public benefits are attributed to the proposed development:

1. Short term construction jobs
2. Improved flood protection
3. Creation of open space and public realm
4. Promotion of walking and cycling across the site and associated health benefits
5. Supporting regeneration of Weymouth Peninsula

16.33 The NPPF (Para. 212) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)...”*. In this instance less than substantial harm has been identified in relation to the significance of the Weymouth Town Centre Conservation Area and railings (non-designated heritage assets).

16.34 Applying this weight to the harm it is concluded that the identified less than substantial harm to the Weymouth Town Centre Conservation Area is outweighed by the above public benefits (NPPF Para. 215).

16.35 In respect of the railings (a non-designated heritage asset), the NPPF (Para. 216) states in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets. In this instance, the loss of the railings is considered to be outweighed by the benefits of the development. Nevertheless, the applicant is encouraged to consider how the railings may be incorporated within the proposed landscaping scheme.

16.36 Subject to securing the reinstatement of the Pleasure Pier sign and a Level 1 recording of the railings and sign, the concerns of the Council’s Conservation Officer have been addressed and no objections are raised by Historic England or the Jurassic Coast Trust. The proposals accord with Policy ENV4 of the local plan, emerging Weymouth Neighbourhood Plan Policies W44 and W45, and the NPPF.

Amenity

16.37 The closest residential properties are located along The Esplanade. The Council’s Environmental Health Officer has reviewed the proposals and the submitted Technical Memorandum on noise and vibration (dated 7 August 2024) and

raises no amenity objections subject to a dust and particulate matter management plan condition. Subject to this condition, the proposal would be acceptable from a residential amenity perspective in accordance with Policy ENV16 of the local plan.

16.38 The site includes important public amenity space from which the unique coastline and townscape of Weymouth can be appreciated. It includes benches within the amenity space north of The Pavillion and benches offering sea views to the northeast of the site adjacent to Wall F. Whilst the height of the wall would be increased, the remodelled and new open spaces would provide appropriate public amenity space.

16.39 Public Health Dorset request that the proposals incorporate shading and shelter and appropriate lighting. Shading and shelter is not considered necessary from an amenity perspective. Lighting is not considered necessary given the coastal location of the site and presence of lighting within the car park. However, the appropriate design of any external lighting can be secured via planning condition.

Highways, access, parking and highway safety

16.40 Access arrangements would generally be retained as existing. The existing footpath/cycle route would be widened through the incorporation of reclaimed land to create a wider route for pedestrians and cyclists. The Highways Authority note the route should be constructed to comply with Cycle Infrastructure Design Guidance: LTN1/20 with consideration given to the segregation of pedestrian and cyclists, through for example contrasting surface finishes or segregation features. The details of the route are proposed to be secured via planning condition.

16.41 Vehicle access would be maintained as existing, with minor modifications to the white lining within the car park due to the provision of boundary planting along part of the pedestrian/cycle route and the new public open space. There would be a slight reduction in parking spaces within the application site:

Table 16.1 – Vehicle parking changes

Type of space	Existing	Proposed	Change
Standard	17	8	-9
Accessible	4	8	+4
Motorhome	2	0	-2
Total	23	16	-7

16.42 The proposed change in vehicle parking is considered to be acceptable and would not materially affect town centre parking provision.

16.43 During the construction works, the footpath and part of the public car park would be closed to facilitate construction. Some adjacent land outside of the application site boundary would also be used to facilitate construction under permitted development rights. Vehicle access routes in and out of the car park would remain as existing for the duration of the works and managed through temporary traffic management works. A Construction Traffic Management Plan (CTMP) is proposed to be secured via planning condition to manage the construction traffic impacts of the development.

16.44 The Highways Authority has no objection subject to conditions related to details of footway works, CTMP, parking for site operatives and visitors and external lighting. Subject to these conditions, the development would not give rise to highway safety concerns or lead to severe highways impacts. The proposals accord with Policy COM7 of the local plan and emerging Weymouth Neighbourhood Plan Policies W07 and W50.

Ecology and biodiversity

Biodiversity Net Gains

16.45 The site is predominantly hard standing. Within the existing public open space adjacent to The Pavillion are various planters which offer very limited ecological value. Nevertheless, as more than 25sq.m of planters are proposed to be removed the proposals do not benefit from the de minimis exemption and are required to deliver 10% biodiversity net gains (BNG).

16.46 A BNG Statement and metric has been submitted by the applicant. It identifies a net loss of -18.78% habitat units. The submitted metric concludes that the loss is wholly accounted for by the reduction in intertidal hard structures, whereas the report attributes this to a reduction in intertidal hard structures and introduced shrub. The applicant proposes that credits are secured to meet 10% BNG. Given the need to provide flood defences, and inability to avoid construction within the intertidal zone, avoidance or off-site provision is not considered feasible. Accordingly, compensation through the purchase of sufficient offsite units/credits is therefore considered reasonable in this instance and complies with the mitigation hierarchy.

16.47 The provision of intertidal green and grey infrastructure is considered significant. Therefore, a Habitat Management and Monitoring Plan (HMMP) is required for this feature at the pre-commencement stage and ongoing monitoring and management will be secured within a Section 106 agreement. Proof of purchase of sufficient offsite units/credits will be required at the pre-commencement stage to meet the BNG obligation. Subject to the standard BNG condition and post-determination Section 106, the proposal is acceptable in respect of BNG.

Radipole Lake SSSI

16.48 Radipole Lake is located approximately 600m to the northwest of the site. It is notified for its aggregations and assemblages of breeding and non-breeding birds and its rare bird species. Given the distance from the SSSI, the proposal is not considered to harm the SSSI. An appropriately worded condition is proposed in respect of dust and particulate matter. Given the distance to Radipole Lake SSSI, the proposals would not adversely affect the SSSI though construction impacts.

Marine ecology

16.49 Natural England and NET note the potential for impacts on sea grass and seahorse through construction works below the mean-low water mark. Such works fall within the scope of the parallel marine licencing application and are outside of the scope of this planning application. Nevertheless, it is necessary for the Local Planning Authority to be satisfied that the marine works include appropriate measures to avoid adverse impacts on protected species.

16.50 Officers met with the MMO and the applicant to discuss the strategy for mitigating impacts on marine ecology. The proposed Options Study Note demonstrates that the proposed construction of new flood defences in front of the existing flood defences is the only practical solution if the sea defences are to be upgraded. Accordingly, some direct impacts from the development are inevitable and cannot be avoided.

16.51 At the time of writing, further details on the proposed mitigation and compensation strategy are expected to be submitted to the MMO for review under the marine licencing application. It is expected that the impacts on marine ecology are capable of mitigation and/or compensation and would not affect the design of the proposed development. The mitigation and/or compensation would be secured by condition on the marine licence.

16.52 To ensure impacts on marine ecology are satisfactory managed, the recommendation is subject to an acceptable solution being agreed and confirmed by the MMO prior to planning permission being granted.

Habitat Regulations Assessment

16.53 The proposals are not considered to lead to an appreciable impact upon a European Site, as there is no viable pathway which would link the environmental changes resulting from the development to an effect upon a European Site, taking into consideration the characteristics of the proposed development, the threats and pressures of the European Sites in the surrounding areas, and the distance between the European Sites and the development area.

16.54 It is therefore concluded that there would be no likely significant effect upon a European Site resulting from the proposed works at the HRA screening stage, and an Appropriate Assessment is not required. This position is supported by Natural England's consultation response dated 1 November 2024.

16.55 Overall, subject to further confirmations on BNG and marine ecology, the proposal is acceptable in respect of ecology and biodiversity in accordance with local plan Policy ENV2 and emerging Weymouth Neighbourhood Plan Policy W03.

Flood risk and drainage

16.56 The site falls within Flood Zone 3 and existing surface water drainage discharges into Weymouth Bay at various points along Walls F and G.

16.57 The proposed replacement walls are designed to protect the site and surrounding area from projected sea level rises and 1 in 200-year flood risk events of +3.8m with an additional freeboard of 300mm up to 2060. The walls are designed to have a 75-year design life.

16.58 The application is supported by a Flood Risk Assessment (FRA). The FRA informs the proposed height of the replacement walls and confirms that the proposals are designed to accommodate surface water drainage. With the proposed measures in place, the proposal would not create any adverse impacts on flood risk elsewhere and would be acceptable from a flood risk perspective in accordance with

Policy ENV5 of the local plan. The Environment Agency and Lead Local Flood Authority have no objection and do not recommend any conditions in respect of flood risk or surface water drainage.

Ground conditions

16.59 Owing to the site comprising reclaimed land, and known contamination near to the site, an unexpected contamination condition is proposed. Subject to this condition, the proposals accord with Policy ENV8 of the local plan.

Environmental Impact Assessment

16.60 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an Environmental Statement is not required in this instance.

17.0 Conclusion

17.1 The existing flood defences of Walls F and G are in urgent need of repair. The proposed development is essential to deliver strategic flood defences and would deliver improved pedestrian/cycle routes and open spaces. The development would have an acceptable impact subject to conditions and is considered to accord with the development plan. There are no material considerations indicating that planning permission should be refused.

18.0 Recommendation

18.1 Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant planning permission subject to:

1. receiving written confirmation from the Marine Management Organisation that the parallel marine licencing application secures appropriate mitigation and compensation for marine ecology; and
2. 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:

DR-PL-0001 P02 Application site boundary

DR-PL-0002 P03 Site location plan

DR-PL-0004 P03 New site structures, general arrangement

DR-PL-0005 P02 Landscape design layout plan and site sections

DR-PL-0006 P01 Capping Beam Elevations Wall G Cantilevered
 DR-PL-0008 P01 Landscape Design Strategy Plan
 DR-MP-0102 P05 Demolition plan
 DR-MP-0200 P03 Wall F Anchored-Sheet pile general arrangement 1 of 2
 DR-MP-0201 P03 Wall F Anchored-Sheet pile general arrangement 2 of 2
 DR-MP-0202 P03 Wall G Anchored-Sheet pile general arrangement 1 of 2
 DR-MP-0203 P03 Wall G Anchored-Sheet pile general arrangement 2 of 2
 DR-MP-0204 P03 Wall G Cantilevered- Sheet pile general arrangement 1 of 2
 DR-MP-0205 P03 Wall G Cantilevered- Sheet pile general arrangement 2 of 2
 DR-MP-0210 P02 Wall F Anchored-Sheet pile elevation
 DR-MP-0211 P04 Wall G Anchored-Sheet pile elevation
 DR-MP-0220 P02 Sheet Pile Typical Section Walls F & G Anchored
 DR-MP-0221 P03 Wall G Cantilevered-Sheet pile sections
 DR-MP-0222 P06 Sheet Pile Typical Section Wall F Pile Ring
 Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
 - a) Construction vehicle details (numbers, sizes, type, and frequency of movement per day).
 - b) A programme of construction works for anticipated deliveries by HGV and barge.
 - c) A framework for managing abnormal loads.
 - d) Timing of deliveries to avoid, where possible, network peak hours 08:00-09:00, 17:00-18:00, as well as interpeak for the tourist season.
 - e) A Banks person / Marshall will be required and positioned at the zebra crossing near the junction leading to the site / compound ensuring all vehicles and deliveries drive at a slow speed due to pedestrian movement in and around that area.
 - f) Public to be safely segregated from works.
 - g) Wheel and Vehicle cleaning facilities.
 - h) A scheme of appropriate signing of vehicle route to the site from the surrounding highway network i.e. the A35.
 - i) Swept path analysis detailing the ingress, internal layout circulation routes and egress of the largest vehicle.
 - j) Temporary traffic management measures where necessary
 - k) Potential for any staff/contractors/operatives to use local sustainable transport or car share/minibus pick up and drop offs.

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

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

4. Before the development hereby approved commences a scheme for the parking for site operatives and visitors within the application site area must be submitted to and approved in writing by the Planning Authority. The approved scheme shall be provided and adhered to throughout the construction period of the development.

Reason: To minimise the likelihood of indiscriminate parking on the surrounding highway network.

5. Any lighting and/or floodlighting during construction must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Details of any proposed external lighting shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, external lighting shall be installed as approved.

Reason: To ensure that drivers aren't dazzled or distracted by the light.

6. Before the development hereby approved is utilised the following works must have been constructed to the specification of the Planning Authority:

- i. Footway works as per landscape design layout plan and site sections A1 to C drawing PL-0005 P02.

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

7. Prior to the commencement of any works of demolition or construction, a dust and airborne particle management plan, characterising possible sources of dust and airborne particulate matter (including sand) which may be created by any aspect of the operation, and identifying any mitigation measures which may be necessary to reduce dust and airborne particles as much as practicable must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved management plan for the duration of the construction.

Reason: In the interests of residential amenity and to protect members of the public from dust/airborne particulate matter during construction.

8. Prior to commencement of above ground construction works, details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered;
- b) Earthworks showing existing and proposed levels and contours;
- c) Means of enclosure and retaining structures;
- d) Boundary treatments;
- e) Vehicle parking layouts;
- f) Other vehicle and pedestrian access and circulation areas;
- g) Hard surfacing materials and construction details;
- h) The location and construction details of furniture, refuse units, features and signs;
- i) The location of proposed and existing functional services above and below ground;
- j) Retention of Pleasure Pier sign;
- k) The location and construction details of any lighting/floodlighting;
- l) A specification for any proposed seeding/turfing, tree, and shrub planting including their quantity, size species and position, how they will be planted, protected and maintained, and the proposed time of planting;
- m) A programme of implementation including phasing where relevant.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequate mitigation of the landscape and visual impact of the proposals and the provision of an appropriate hard and soft landscape scheme which retains non designated heritage assets.

9. Prior to commencement of above ground construction works, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure that the management and maintenance of the proposed hard and soft landscape scheme has been agreed.

10. The landscape works shall be carried out in accordance with the approved hard and soft landscape scheme and the implementation programme before any part of the development is brought into use.

Reason: To ensure that the agreed hard and soft landscape scheme is implemented as approved.

11. The completed landscaping scheme shall be managed and maintained in accordance with the approved management plan. Any seeded/turfed areas, trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next

planting season with seed/turf, trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained for the lifetime of the development.

Reason: To ensure that the agreed hard and soft landscaping scheme is maintained.

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

Reason: To ensure risks from contamination are minimised.

13. Prior to the removal of the existing railings and Pleasure Pier Sign, a Level 1 Historic Building Record shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To record matters of architectural/historical importance associated with the non-designated heritage assets within the site prior to removal.

Informatives

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

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

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

In this case:

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

2. Informative: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

3. Informative: 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 the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. 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;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

5. Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

6. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

7. Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

8. 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).

9. Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "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.

5. Informative: Noise

The applicant is advised to carefully acquaint with and act on the advice in WSP Technical Memorandum on noise and vibration (reference 70094412-ACO, dated 7 August 2024). This will ensure the detailed scrutiny of noise and vibration management that this project necessitates. Utilising the services of a suitably qualified and competent noise and vibration consultant to take technical noise and vibration aspects forward is likely to be essential. Failure to follow the above advice may lead to unnecessary community impact from this project, and regulatory action by the council's Environmental Protection Team.

6. Informative: Highway Improvement(s)

The highway improvement(s) referred to in condition 6 must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Highways Development team. They can be reached by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.

Application Number:	P/FUL/2024/02116
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Tyre and Exhaust Centre, Westwey Road, Weymouth, DT4 8SU
Proposal:	Demolish existing building and erect 7no dwelling houses with associated access, parking and landscaping
Applicant name:	Mr & Mrs Clapp & Mr Cake
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Hope and Cllr Taylor

1.0 Reason application is going to committee:

1.1 The site access includes land owned by Dorset Council.

2.0 Summary of recommendation:

2.1 Delegate Authority to the Head of Planning and Service Manager for Development Management and Enforcement to refuse the application for the reason set out below, subject to no comments or no adverse comments, that include material planning considerations, being received from third parties by 29th January 2025 (due to notification to landowner in respect of extension of application area during the course of the application):

1. Due to the sole vehicle and pedestrian access falling within Flood Zones 2 and 3 and being affected by significant flood depths in the 1 in 200-year flood event where flood defences are breached through tide and wave overtopping, safe access and escape routes, either on foot or by vehicle, would only be possible where residents take urgent action upon receipt of a flood warning from the Environment Agency. The submitted Flood Warning and Evacuation Plan is not considered acceptable as the flood warning service cannot be solely relied on and safe access and escape routes not affected by severe flooding have not been identified. This places future residents at unacceptable risk should they require emergency assistance in the event of a flood. This conflicts with West Dorset, Weymouth and Portland Local Plan Policy ENV5 (part ii) and the NPPF Paragraph 181.

3.0 Reason for the recommendation:

3.1 As set out at Section 17 of this Report. In summary:

- 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 site is an allocated brownfield site within the defined development boundary of Weymouth.
- The proposal for housing complies with the site allocation.
- Para. 125c of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for housing, proposals for which should be approved unless substantial harm would be caused.
- The sole access to the site falls within Flood Zones 2 and 3 and is affected by significant flood depths in the design flood event. Safe access and escape routes are essential but have not been demonstrated. This places future residents at unacceptable risk should they require emergency assistance in the event of a flood.
- Granting the development as proposed would result in substantial harm due to conflict with flood risk considerations.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle of residential development and loss of existing employment use is acceptable.
Design and visual amenity	Proposal would maintain local identity and distinctiveness and would respect the character of the surrounding area.
Housing mix and affordable housing	The provision of seven 3-bed dwellings responds to local housing need and is acceptable given the small-scale nature of the development.
Heritage	The proposals would not cause harm to designated heritage assets.
Residential amenity	The development would not result in significant adverse amenity impacts on nearby residents. The proposed dwellings offer an appropriate level of amenity for new residents.
Contamination	Acceptable subject to conditions.

Highways	Planning officers consider the objection from highways can be satisfactorily addressed via planning conditions.
Flood risk and drainage	The proposed dwellings are set at an appropriate level with a low risk of flooding. Given the location of the sole vehicle and pedestrian access within Flood Zones 2 and 3, with significant flood depths anticipated, safe access and escape routes have not been demonstrated.
Ecology and biodiversity	Acceptable subject to conditions.
Trees	Acceptable subject to conditions.
Community Infrastructure Levy	Development would be CIL liable.
Environmental Impact Assessment	Development is not EIA development.

5.0 Description of Site

5.1 The application site is located off Westway Road (A354). It extends to approximately 1,750sq.m and is roughly rectangular in shape.

5.2 The site is used as a car garage operated by KwikFit. It occupies one building within the north of the site which is approximately 6/7m height to ridge/eaves. It has a single storey lean-to element to the north. The building is constructed of brick at lower levels with corrugated iron upper levels/roofs. To the rear of the building is a vegetated bank including nine trees.

5.3 The site is generally level with a ground level of approximately 3.5mAoD. The access road ramps downward to Westway Road. The road has a level of approximately 2.2mAoD.

5.4 West of the site are existing two-storey terraced housing along Granville Road. To the north are commercial premises, to the south is a former gasholder site and to the east is the A354/Westway Road. The houses along Granville Road are set at a higher level than the application site. The eastern and southern boundaries of the site is bound by palisade fencing and the northern boundary is bound by Heras fencing.

5.5 The application site is located within the Weymouth Defined Development Boundary (DDB). It also falls within the local plan Weymouth Town Centre Strategy

Area (WEY 1) and the Westwey Road and North Quay Area (WEY 7). The site is located to the west of the Weymouth Conservation Area, which includes the harbour.

6.0 Description of Development

6.1 The proposed development comprises demolition of the existing building and erection of seven 3-bed houses with associated access, parking and landscaping.

6.2 The dwellings are proposed in two terraces of three and four units, the terrace of three (Plots 1-3) would be orientated perpendicular to the Westwey Road and the terrace of four (Plots 4-7) would be orientated parallel to the road.

6.3 All dwellings would be 2.5 storeys in height and are of consistent design. Walls would be constructed in red brick incorporating vertical brick bond and vertical brick soldier course detailing. Roofs would be slate with four PV panels per dwelling. Windows and doors would be grey powder coated aluminium and the front entrance to each dwelling would have a wrap-around zinc entrance canopy. The second floor of each dwelling would be served by a rear dormer window. Stepped access would be provided to the front and rear of each dwelling. Rainwater goods would be UPVC and fascia, soffits and bargeboards would be black painted timber.

6.4 Vehicle access from Westwey Road would be retained. The access route would be revised to incorporate a footpath linking with the existing footpath running along the west of Westwey Road. This would result in a narrowing of the carriageway from approximately 6m to 4.5m along 16m of the access road. For the first 25m of the access road a width of 6m would be maintained. Pedestrian access would be created to the front of dwellings behind car parking spaces.

6.5 A total of 14 car parking spaces (two per dwelling) are proposed to the front of the dwellings. Each dwelling would have an EV charger. Cycle storage is proposed within the rear gardens. Wheelie bin storage is proposed in three zones around the perimeter of the site and a refuse collection zone is identified on the proposed access road.

6.6 Landscaping includes: the planting of two trees at the entrance of the site; tree planting along the western boundary of the site (adjacent to the car park and within the rear gardens of Plots 1-4); tree planting along the western boundary (within the rear gardens of Plots 4-7); together with some tree planting within the car park.

6.7 Lower level retaining walls are proposed along the eastern boundary and part of the southern boundary. The existing metal fencing within the site is proposed to be replaced with a 1.8m high close boarded timber fence and timber fencing is proposed along the western, northern and eastern boundaries of the site and between the rear gardens of dwellings. Hedging is proposed around the boundaries of the site and within the car park.

7.0 Relevant Planning History

Application Site

7.1 The application site has limited planning history. The existing garage building was approved in the mid-1990s:

96/00457/COU - Decision: GRA - Decision Date: 07/11/1996

Use as tyre and exhaust fitting facility, vehicle maintenance building

95/00338/FUL - Decision: GRA - Decision Date: 22/11/1995

Construct new substation switchhouse

Site to the North

7.2 Planning permission for redevelopment of land to the north to provide 23 dwellings was granted in October 2021. The planning permission was not implemented and expired in October 2024. The development included: two terraces of three dwellings; 10 semi-detached dwellings; six apartments within a three storey block; and one flat above garage (FOG). New pedestrian and vehicle access was proposed to Granville Road and Stavordale Road.

WP/20/00807/FUL - Decision: GRA - Decision Date: 25/10/2021

Demolition of the former switchgear building and the erection of 23no. dwellings and associated landscaping and access

Gas holder site to the south

7.3 The adjacent gas holder site was constructed in the 1950s. The storage facility was decommissioned in 2010 and demolished in 2014. The Hazardous Substances Consent (HSC) licence was revoked in March 2021.

00/00243/HAZ - Decision: GRA - Decision Date: 31/05/2000

Continuation of planning hazardous substances consent

WP/20/00718/HAZ - Decision: RES - Decision Date: 23/03/2021

HSC Revocation request

8.0 List of Constraints

Within Defined Development Boundary of Weymouth

Within Weymouth Town Centre

Within Site Allocation WEY7 'Westwey Road and North Quay Area'

Weymouth Town Centre Conservation Area – 9m to east

Landscape Character Area; Urban Area; Weymouth Urban Area

Areas Benefiting from Flood Defences

Main River Consultation Zone - Distance: 12m

Flood Zone 2 and 3: Part of the access onto the A354/Westway Road

RAMSAR: Chesil Beach & the Fleet (UK11012); Distance: 2.6km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 3.1km

Dorset Council owned land (access road)

SGN - Medium pressure gas pipeline (75mbar - 2 bar); adjacent to the entrance of the site linking the single storey building to the east with pipelines running along the A354/Westway Road

Office of Nuclear Responsibility NR 12km zone

Legal Agreements S106

9.0 Consultations

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

Consultees

Natural England

9.2 No objection. Natural England concur with the Council's Appropriate Assessment.

Environment Agency

9.3 No objection. The Environment Agency note the present day 1 in 200 year still water tidal flood level for Weymouth Harbour is 2.39mAOD. This is predicted to rise to 3.79mAOD over the 100 year lifetime of the development with the impact of climate change. The proposed finished floor levels of 4.30mAOD for all dwellings would afford suitable freeboard above these design flood levels.

9.4 The junction of the site access with Westway Road is shown to fall within Flood Zone 3. This is predicted to be impacted by the design flood event. Access, egress to and from the site may therefore be subject to flooding under flood events. In all circumstances where warning and emergency response is fundamental to managing flood risk, the Environment Agency advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. Recommend referring to the ADEPT/EA Flood Risk Emergency Plans for New Development and undertaking appropriate consultation with emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 181 of the NPPF and the Planning Practice Guidance.

Health and Safety Executive

9.5 Note the site does not fall within any HSE consultation zones and do not advise against the development.

DC Highways

9.6 The Highways Authority has provided a series of consultation response to the development. They object to the development on highway safety grounds due to:

1. The inability for refuse service vehicles to turn within the site and exit in forward gear, resulting in the reversing of refuse service vehicles on to the highway.
2. The reduced width of the access road (4.5m) would not allow a HGV and car to pass and is likely to result in conflict at the nearby junction onto Westway Road or result in vehicles mounting the proposed pavement.

9.7 The Highways Authority considers the proposals raise severe highway safety concerns and recommend that the development is refused for the following reasons:

1. The proposed development is likely to result in a conflict between residential and industrial traffic which would be prejudicial to safety, amenity, and convenience.
2. There is insufficient detail regarding turning space to enable a refuse service vehicles to enter and exit the site in a forward gear. Reversing onto or off the carriageway at this location would be likely to interfere with the safety and free flow of traffic, all to the detriment of highway safety.
3. Details of the development, as submitted, do not meet with the requirements of the Highway Authority and if carried out in this manner would be likely to endanger road safety, or result in other highway problems.
4. The layout of the proposed development would prejudice the comprehensive development of the area in terms of vehicular and pedestrian access.

9.8 The Highways Authority also makes the following observations:

1. The proposed pavement from Westway road is necessary in the interests of pedestrian safety.
2. A 1.5m width footway could be acceptable if there are physical constraints that mean that the target 2m width cannot be provided.
3. There is a need for a refuge facility across Westway Road. The refuge should be sufficient to accommodate cyclists. The crossing will need to be informed by Stage 1 / 2 Road Safety Audits.
4. A tactile array should be in accordance with Department for Transport guidance on the use of tactile paving surfaces.

5. The applicant has not put forward any details for all reasonable future scenarios for the Highways Authority to assess.

DC Conservation Officers

9.9 No objection. The proposal would not harm the special character and local distinctiveness of the neighbouring Conservation Area.

DC Environmental Health

9.10 Recommend conditions in respect of contaminated land and noise.

WPA Consulting – for DC

9.11 Recommend conditions in respect of contaminated land.

DC Trees

9.12 Note that the no significant trees would be affected.

DC Natural Environment Team

9.13 The Natural Environment Team (NET) issued a Certificate for Approval on 25 November 2024. NET note the need for further information in respect of Biodiversity Net Gain prior to commencement of development.

Dorset Waste Team – No comments received

DC Building Control Weymouth Team – No comments received

Southern Gas Networks – No comments received

DC Economic Development and Tourism – No comments received

DC Planning Policy – No comments received

DC Section 106 Team – No comments received

Dorset & Wiltshire Fire and Rescue Service

9.14 Draw attention to the requirements of Approved Document B relating to Building Regulations and recommendations to improve safety and reduce property loss in the event of fire. No comments provided in respect of the submitted Flood Warning and Evacuation Plan.

Weymouth Town Council

9.15 Weymouth Town Council support the development and notes disappointment that there is not a masterplan for the whole area.

Ward Councillors – No comments received

Weymouth Civic Society

9.16 No objection. Weymouth Civic Society note the site links with the approved plans for the adjacent site, although they have reservations about the joint access directly off Westway Road, a busy through route for traffic.

9.17 Weymouth Civic Society note that this area should ideally be redeveloped as part of a major planned scheme, linking in with the surrounding sites in a more organised manner given it lies in an area earmarked by the Council for comprehensive redevelopment. Under such a scheme, consideration could be given to how the whole area would be best served by road, which could also allow for alternative access, avoiding Westway Road. The current application is a missed opportunity for the site to be included in the larger planned redevelopment.

Representations received

9.18 Two public comments have been received, one in support and one in objection.

9.19 The letter of support notes the development would tidy up a neglected area of the harbour side.

9.20 The letter of objection raises concern with the disruption and noise during the construction process on nearby residents. It notes that Granville Road should not be used as an access point.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

West Dorset, Weymouth and Portland Local Plan

INT 1 – Presumption in Favour of Sustainable Development

ENV 1 – Landscape, Seascape and Sites of Geological Interest

ENV 4 – Heritage Assets

ENV 5 – Flood Risk

ENV 9 – Pollution and Contaminated Land

ENV 10 – The Landscape and Townscape Setting

ENV 11 – The Pattern of Streets and Spaces

ENV 12 – The Design and Positioning of Buildings

ENV 13 – Achieving High Levels of Environmental Performance

ENV 16 – Amenity

SUS 1 – The Level of Economic and Housing Growth

SUS 2 – Distribution of Development
ECON3 – Protection of Other Employment Sites
HOUS 1 – Affordable Housing
HOUS 3 – Open market housing mix
COM 7 – Creating a Safe and Efficient Transport Network
COM 9 – Parking Standards in New Development
WEY 1 – Weymouth Town Centre Strategy
WEY 7 – Westwey Road and North Quay Area

Material Considerations

Emerging Local Plans:

11.1 Paragraph 49 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

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. Adoption is targeted for 2027.

Weymouth Neighbourhood Plan

11.3 Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making. The draft plan (December 2024) includes the following policies of relevance:

- W02 – Conservation of the Natural Environment
- W06 – Trees, Woodland and Hedgerows
- W14 – Development Boundaries
- W17 – Housing Mix
- W18 - Affordable Housing
- W44 – Design
- W46 – Transport and Travel
- W48 – Off-Street Parking
- W51 – Traffic Impact

National Planning Policy Framework (December 2024)

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:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed and beautiful places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

11.6 The updated NPPF strengthens support for the development of brownfield sites noting decision makers should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land” (Para. 125c).

Other material considerations

Urban Design (SPG3)

Weymouth and Portland Landscape Character Assessment 2013

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.

Planning Practice Guidance

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.

13.3 The proposals would improve pedestrian access to the site by introducing a pavement along the access road linking the proposed homes with Westwey Road. This would support access for those with disabilities, mobility impairments or those pushing buggies.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Market Housing	7 units
Employment created during construction	Not quantified
Employment supported in local economy through residential expenditure	Not quantified
Decontamination of brownfield site	Making it suitable for housing
Non Material Considerations	
Council Tax	According to value of each property
New Homes Bonus	A proportion of provisional 2024-2025 allocation of £938,154
Community Infrastructure Levy (CIL)	In accordance with Weymouth and Portland CIL Charging Schedule and CIL Regulations

15.0 Environmental 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.

15.3 This has to be balanced against the benefits of providing housing and employment provision in a highly sustainable location and should be offset against factors including the dwellings being reasonably energy efficient as required by Building Regulations and the 2021 Approved Documents. The new Building Regulations require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively.

15.4 As a brownfield site within the Defined Development Boundary and Town Centre of Weymouth, the proposed redevelopment is inherently sustainable in that it would provide new homes in a sustainable location in close proximity to public transport, shops and services. This would reduce pressure on the redevelopment of greenfield sites and support active travel and transport by more sustainable modes.

16.0 Planning Assessment

Principle of development

Principle of loss of existing employment use

16.1 As the garage is an existing employment use, the application site falls under the definition of an employment site as defined by the Local Plan.

16.2 For such sites, Local Plan Policy ECON3 notes that the redevelopment of existing employment premises for non employment uses that are in accordance with other planning policies will be permitted where it will not prejudice the efficient and effective use of the remainder of the employment area. The policy goes on to state criteria where alternative development may be included, including where there is a substantial over-supply of suitable alternative employment sites in the local area and where redevelopment would offer important community benefits.

16.3 The Planning Statement confirms that the 10-year lease agreement between the landowner and current occupier concluded in March 2023 and neither the tenant or landowner (applicant) has registered any formal interest in renewing the tenancy.

16.4 As a Sui Generis use, the garage can only be occupied as a garage. Planning permission would be required to change the use of the building to another employment use. Given this, it is relevant to note that there are a number of alternative garages in Weymouth which offer similar vehicle repair services. There is therefore considered to be a suitable supply of garages within the local area and the proposed loss would not undermine the ability for residents to use garages within local area. The proposed development would also offer important community benefits in terms of:

- New housing: 7 market homes
- Employment: Created during the construction period and supported in the local economy through residential expenditure.

- Residential amenity: Reduced noise and disturbance to local residents following completion of the proposed development compared to the noise and disturbance generated by the garage.
- Regeneration: Of a brownfield site which detracts from the local area to provide a modern residential development which offers visual enhancements to the local area.

16.5 For the above reasons, the principle of the loss of the existing employment use is considered to be acceptable and in accordance with Policy ECON3.

Principle of residential

16.6 The proposed development involves the erection of seven dwellings. The site lies within the defined development boundary (DDB) for Weymouth where Policy SUS2 directs development to the main settlements. Given the location of the site within the DDB with good access to amenities the principle of residential development is acceptable.

16.7 The site is located within the Weymouth Town Centre Strategy area (Policy WEY1) and the Westwey Road and North Quay area (Policy WEY 7). Local Plan Policy WEY7, sets out that the area will be re-developed for mixed uses which may include residential, hotel, commercial and small scale retail development. Whilst a comprehensive approach to redevelopment of the site and adjacent sites is preferable, and could lead to improved placemaking outcomes and residential capacity, the redevelopment of this part of the wider allocation can be considered in isolation and must be determined on its merits.

16.8 Given the above, the proposal in principle of residential development is considered acceptable subject to compliance with other policies in the local plan all of which are considered below.

Design and visual amenity

16.9 The two residential terraces would be made up of two and a half storey dwellings. The terrace of three dwellings (Plots 1-3) is set back from the access road with the gable end of Plot 1 facing east toward Westwey Road. Associated gardens are located to the rear (south) and parking is to the front (north). The terrace of four dwellings (Plots 4-7) spans the width of the site in a similar location to the existing

building. Gardens would be provided to the rear (west) and parking would be located at the front. A footpath is proposed to the front of the dwellings.

16.10 The design of the dwellings is consistent. Walls would be of red brick incorporating vertical brick bond and vertical brick soldier course detailing. Roofs would be slate with four PV panels per dwelling. Windows and doors would be grey powder coated aluminium and the front entrance to each dwelling would have a wrap-around zinc entrance canopy. The second floor of each dwelling would be served by a rear dormer window. Rainwater goods would be UPVC and fascia, soffits and bargeboards would be black painted timber.

16.11 The dwellings are taller than the existing garage building (+2.5m to ridge height). However, owing to the change in levels to the west, the dwellings are of an appropriate scale and would appear proportionate to dwellings along Granville Road. The replacement of the garage building with modern residential development would result in a visual enhancement to the site and surrounding area.

16.12 The brick detailing, zinc entrance canopies a grey powder coated aluminium windows are simple and appropriate, informed by the design of existing terraced properties within Weymouth. Overall, the design would maintain local identity and distinctiveness and would respect the character of the surrounding area in accordance with local plan Policies ENV10 and ENV12 and emerging neighbourhood plan Policy W44.

16.13 Weymouth Town Council, Weymouth Civic Society and a third-party comment that the development should form part of a wider masterplan for the area with the adjacent gasholder site to the south and former industrial site to the north. These adjacent sites (known as the 'West Marina' sites) were purchased by Dorset Council in 2024 through Levelling Up Funding.

16.14 It is understood that the Council is due to be undertaking a tender process in 2025 to identify a development partner to bring the West Marina sites forward and at this stage it is anticipated that the combined sites could enhance harbour and marine activities, improve road layouts, and provide mixed used development. Whilst a master-planned approach incorporating the application site and West Marina is preferable and could lead to improved placemaking outcomes which makes more efficient use of land, a master planned approach cannot be mandated. Accordingly, the application must be determined on its own merits and any future development of adjacent sites must respond to it. It is considered that the proposed development would not undermine the ability to bring the sites forward or achieve the aspirations of Policy WEY7: to redevelop the area for a mix of uses which may include residential, hotel, commercial and small scale retail.

Housing mix and affordable housing

Housing mix

16.15 The Local Plan requires a mix in the size, type and affordability of open market dwellings wherever possible, taking into account the current range of housing types and likely demand in view of changing demographics (Policy HOUS3). Emerging neighbourhood plan policy W17 states that new residential development should provide or contribute to a range of housing sizes to maintain mixed, balanced and inclusive communities.

16.16 The Dorset Council's Housing Needs Assessment (2021) recommends a housing mix of 5% 1-beds, 35% 2-beds, 45% 3-beds and 15% 4+-bed market dwellings across Dorset. The Weymouth Neighbourhood Plan Housing Needs Assessment (2021) concludes that the greatest increase in housing stock in Weymouth is required in mid-sized homes of 2-bed (35%) and 3-bed (48%), with only minor additions of 7-9% needed to the stock in the smaller 1-bed and larger 4-bed dwelling sizes. It recommends that new dwelling stock provide some mix of all sizes of properties but primarily deliver 2-3 bed properties.

16.17 All seven houses are proposed as 3-bed dwellings. Whilst this doesn't provide any variation of housing mix within the proposed development, the development would provide seven family homes at a size with the highest demand. Given the relatively small scale and constrained nature of the site, the proposed housing mix is considered to be acceptable.

Affordable housing

16.18 Local plan policy HOUS1 seeks 35% affordable housing and emerging neighbourhood plan policy W18 states that developments which result in between two and nine units of housing on sites less than 0.5ha will commute a financial sum, proportionate to 35% affordable homes.

16.19 However, the NPPF (Para. 65) states that Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Major development for housing is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The proposed development does not exceed this threshold and officers consider that para 65 NPPF is a material consideration that outweighs Local Plan policy HOUS1.

16.20 Given the emerging neighbourhood plan currently carries limited weight and both the local and emerging neighbourhood plan policies conflicts with the NPPF, the absence of a financial contribution towards affordable housing is acceptable.

Heritage

16.21 There are no heritage assets on the application site and it is not within a conservation area. However, the boundary of the western boundary of the Weymouth Town Centre Conservation Area is located at the edge of the harbour to the east of Westway Road. There is therefore potential for the development to impact on the setting of the conservation area.

16.22 The Inner Harbour/Backwater is a highly significant element of the conservation area, and views over it in both directions contribute to its significance. However, the setting of the Conservation Area, insofar as this applies to the area west of Westway Road, makes no material contribution to its significance.

16.23 This area was developed in the late 19th and early 20th century (Granville and Stavordale Road) with high-density terraced housing. The remaining reclaimed industrial land to the east was developed in the early 21st century with Corscombe Close (to the north), being the most prominent visual element in the key views out from the Conservation Area. Looking into the Conservation Area, the key views are from Westway Road, which is on the shore and therefore has uninterrupted views over the Inner Harbour/Backwater.

16.24 Taking the above into account, it is considered that the development has relatively little potential to affect the significance of the conservation area. The replacement of the garage building with modern residential development would result in a visual enhancement to the site and surrounding area. The new homes would be visible from the conservation area. However, the style and materiality of the two terraces are not incongruent and to some extent reflect historical building forms in Weymouth, albeit with more modern materials. Therefore, it is not considered that the visibility of the development would impact on the conservation area, particularly on the identified key views.

16.25 Given the limited scale of the proposals, and lack of contribution of the site to the significance of the conservation area, it is concluded that the development would not cause harm to designated heritage assets. Accordingly, the proposal complies with Local Plan Policy ENV4.

Residential Amenity

Impact on neighbouring residential amenity

16.26 The proposed development due to the orientation of the proposed dwellings and their locations including the separation from the existing buildings means the proposals are not considered to result in overlooking, overshadowing or loss of privacy to neighbouring residents. The closest existing residential properties on Granville Road are located approximately 18m away. The proposed development would not have a significant adverse impact on the living conditions of occupiers of neighbouring residential properties.

Residential amenity of occupants

16.27 The vacant former gasworks site is located to the south of the site and an industrial site operated by SGN is located to the north east. To the north lies a vacant site for which planning permission for residential redevelopment expired in October 2024.

16.28 The proposed layout of dwellings addresses the neighbouring industrial uses. The two residential terraces are orientated with residential gardens facing away from the adjacent industrial site and the associated service yard, which is located approximately 50m from the closest proposed residential property. Given the vacant West Marina sites to the north and south are allocated for mixed use development and Dorset Council is promoting them for such development, the proposed residential development is considered acceptable and a noise assessment is not considered necessary in this instance.

16.29 Local plan Policy ENV 12 states that new housing should meet and where possible exceed appropriate minimum space standards. At 99sq.m, the proposed dwellings meet the minimum space standards for 3-bed three storey properties. The proposed dwellings would each have adequate private gardens. The proposed development would not have a significant adverse impact on the living conditions of occupiers of the proposed residential properties.

Contamination

16.30 The site was historically occupied by part of the town gas works with a gas holder and some smaller associated structures on maps dating between 1902 and 1959. There is therefore a risk of contaminated land.

16.31 The submitted Phase 1 Land Contamination Assessment identifies that associated contaminated linkage risks are generally moderate. However, given the site was historically used as a gasworks, presence of made ground and current commercial garage use, the Council's land contamination consultants (WPA) assess the risk as moderate to high.

16.32 Due to the risk of contamination it is necessary to secure a Phase 2 intrusive site investigation to quantify the potential environmental risks. Subject to full land contamination conditions, the proposal is acceptable from a land contamination perspective and there would be no unacceptable risk to future residents. This accords with Local Plan Policy ENV9.

Highways and parking

16.33 The site would be served by the exiting vehicular access on Westway Road. There is currently no pedestrian access from Westway Road. This is an existing highway safety issue for any pedestrians given they are required to walk in the carriageway adjacent to the junction with Westway Road.

16.34 The application as originally submitted did not include any changes to the existing access. This presented a clear highway safety issue given the increased footfall of residents and visitors needing to walk in the carriageway to access the site. The access arrangements were subsequently amended in response to objections from Highways to introduce a 1.5m wide footway on the south side of the access road leading to the footpaths within the site. This resolved the objection from the Highway Authority in respect of pedestrian access.

16.35 However, as a result of introducing the new footway, the carriageway width was reduced to approximately 4.5m. The Highways Authority objected to the revised development on the basis that the width of the carriageway would not allow for two large vehicles to pass and could result in vehicles needing to reverse onto Westway Road. The Highways Authority also raised concern that refuse vehicles would not be able to exit the site in a forward gear and noted that a pedestrian crossing point would need to be introduced across Westway Road to mitigate highway safety concerns.

16.36 Given the application site boundary was drawn around the access from Westway Road (owned by Dorset Council), the objection would not be possible to overcome without extending the application site boundary to enable a larger access to be created. Dorset Council's Development Management Guidance Note (2024) outlines when amendments will be accepted on non-major applications under consideration. It confirms that the default position is to not seek or accept amendments to applications where applicants have not engaged with the Council, prior to application submission via the pre-application advice service offered by the council unless one of the four exemption criteria are met. It specifically states that in general, amendments to applications will not be accepted for an increase in the size of or a change to the red line of the application site unless very minor in nature and requested by the planning case officer or if the change would trigger a fresh 21-day consultation. In line with that Guidance Note, and given there has been no prior pre-application engagement, the applicant was requested to withdraw the application and resubmit to try and address the objection from the Highways Authority.

16.37 However, the applicant subsequently submitted amended plans incorporating additional land (owned by Dorset Council) to provide a 6m carriageway for the first 25m of the access into the site. The proposed amended drawings were unsolicited. Nevertheless, in an effort to try and work collaboratively with the applicant and find a workable solution, the amended plans and revised application site boundary were accepted and reconsulted on following agreement of an extended timeframe to determine the planning application.

16.38 In response, the Highways Authority maintained its objection advising that the revised proposal does not overcome any of the previous concerns. The applicant has since submitted a Technical Note (dated December 2024) seeking to justifying the proposals. This has resulted in significantly protracted negotiations and extensive delays in determining the application. Such negotiations and design development ought to have been undertaken through pre-application engagement.

16.39 Nevertheless, the Technical Note makes the case that the road would be lightly trafficked, the largest vehicles to access the adjacent SGN site would be an 8m rigid vehicle and the reduced width would not result in vehicles backing up into Westway Road. The submitted swept path analysis shows that that larger vehicles would need to navigate the 90° corner very slowly in order to be able to navigate the corner. To reduce the potential for conflict, the applicant suggests that give way road markings and traffic signs could be introduced to give priority to vehicles leaving the access road.

16.40 The Highways Authority has reviewed the Technical Note and maintains its objection on the basis that the reduced width of the road to 4.5m width would not allow a HGV and car to pass, thereby creating conflict and a severe highway safety concern.

16.41 The Highways Authority has also maintained its concerns with refuse collection vehicles not being able to turn within the site and exit in forward gear. They have concern that refuse collection vehicles may be forced to reverse out onto Westway Road. However, the applicant has provided vehicle tracking which shows that refuse collection vehicles would enter the site in forward gear and would only reverse into the shared access road (within the amended application site boundary) to exit the site. This arrangement is not ideal. However, it would not result in refuse collection vehicles needing to reverse onto Westway Road – which would be a major highway safety concern. Furthermore, the proposed refuse collection point is within 10m of the access road meaning the site could be serviced from the access road. This would avoid the need for a refuse collection vehicle to enter the site and reverse onto the access road. This complies with Dorset Council's Guidance notes for Residential Developments (October 2022) which specifies that collection crews will not move containers more than 10 metres.

16.42 In terms of policy, Local Plan Policy COM7 part iv) states that development will not be permitted *“unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions”*. The recently updated NPPF (Para. 116) is clear that development *“should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”*. It further notes at Paragraph 125c that decision makers should give substantial weight to the value of using suitable brownfield land

within settlements for homes noting such proposals “*should be approved unless substantial harm would be caused*”.

16.43 Planning officers note the proposed solution put forward by the applicant and concerns raised by the Highways Authority. It is considered that, by reason of the proposed mitigation in place in the form of give way road markings and traffic signs, a potentially dangerous situation would be mitigated and the proposals would not have an unacceptable impact on highway safety. The proposals would also address an existing highway safety issue by introducing a pedestrian footway to the site from Westwey Road. This would overcome the existing highway safety issue where pedestrians must currently walk in the carriageway to access the site from Westwey Road.

16.44 Accordingly, planning officers consider that the proposals are acceptable in respect of highways and parking subject to conditions related to: give way markings and signage, cycle parking provision, car parking provision, the introduction of a safe crossing point between the application site and the southbound bus stop on Westwey Road (Grampian condition). The Grampian condition is considered necessary in the interests of highway safety given the lack of pedestrian crossing points in the vicinity of the site and proximity of the southbound bus stop opposite Weymouth Magistrates Court.

Flood Risk and Drainage

16.45 All proposed houses are located within Flood Zone 1 and have a low risk of flooding. The dwellings would have finished floor levels set at 4.3mAoD and the Flood Risk Assessment confirms appropriate flood resilient measures could be implemented. The Environment Agency confirms that the finished floor levels would afford suitable freeboard above the designed flood level (3.79mAOD over the 100 year lifetime of the development) and raise no objection to the proposed development. Given the finished floor levels would be set well above the designed flood level it is not considered necessary to secure flood resilient measures via planning condition.

16.46 Notwithstanding the above, part of the access road at the junction with Westwey Road falls within Flood Zones 2 and 3 (medium and high flood risk). This area of medium to high risk of flooding extends north and south along Westwey Road and is protected by flood defences (the harbour walls). Flooding is predicted to occur through wave overtopping when taking climate change into account. Access and egress to and from the site may therefore be subject to flooding.

16.47 In the 1 in 200-year event where flood defences were breached through tide and wave overtopping, the modelling undertaken as part of the Dorset Council Level 2 Strategic Flood Risk Assessment (Level 2 SFRA, March 2024) (0.5% AEP tidal

and upper end climate change uplift) indicates that the site of the proposed houses would be unaffected by tidal flooding. In the scenario, Westwey Road is expected to be affected by flood depths of 1.6m-1.8m and the hazard rating along Westwey Road is identified as +2.0 ('extreme'). The 1 in 30 year risk (3.3% AEP tidal and upper end climate change uplift) identifies flood depths of 1.1m-1.2m along Westwey Road and a 'significant' hazard rating level of 1.25 to 2.0.

16.48 The access to the site falls within the Environment Agency's 'Weymouth Harbour at Weymouth Town' flood warning area. Residents could therefore sign up to receive flood risk alerts. Adequate flood warnings are a key consideration in ensuring new developments are safe. This is pertinent to the development given the Planning Practice Guidance (ID 7-042-20220825) explains that areas behind flood defences are at particular risk from rapid onset of flooding, with little or no warning if defences are breached.

16.49 Standing advice from the Council's Emergency Planning team advises residents to sign up to the Environment Agency's flood warning service and ensure they have appropriate evacuation plans in place and a safe place to go should the need for evacuation occur. The Environment Agency has commented that in all circumstances where warning and emergency response is fundamental to managing flood risk, the Council should formally consider the emergency planning and rescue implications of new development in determining the application.

16.50 The Association of Directors of Environment, Economy, Planning & Transport (ADEPT) and the Environment Agency's joint Flood Risk Emergency Plans for New Development (2019) document informs whether development in areas of flood risk will be safe in relation to emergency plans and access and escape routes. It advises that an emergency plan should be provided as part of a Flood Risk Assessment, or as a separate document, if relevant pedestrian and/or vehicular access and escape routes of a proposed development would be affected during a design flood event from any source. This is stated to apply even if the proposed buildings would not be affected by flooding. The guidance notes that routes should allow voluntary and free movement of people during a design flood event taking into account climate change (i.e. 1 in 200 year tidal risk) and vehicular access to allow emergency services to safely reach the development during a flood event should normally be required. It states that pedestrian routes should not be subject to a flood hazard rating of 0.75 ('significant') and vehicular routes should not exceed 30cm in depth.

16.51 The Flood Risk Assessment notes that due to flooding being tidally dominated, any flooding would be short lived with a peak event seldom lasting for more than an hour. Nevertheless, an acceptable emergency plan is necessary.

16.52 The original Flood Warning and Evacuation Plan (FWEP) submitted with the application (dated 20 November 2024) places reliance on the EA's flood warning, noting that warnings are usually given within two hours of a flood occurring but may

be a little as 30 minutes. Therefore, residents should have sufficient time to evacuate if they act urgently. In the event that Westwey Road is inaccessible due to flood water depths, the FWEP explains that people should evacuate via the adjacent vacant site to Granville Road. However, the access is currently gated and there is no pedestrian or vehicle access to Granville Road. It does not therefore offer voluntary and free movement of people consistent with guidance. The application site and wider area is allocated for redevelopment and owned by Dorset Council. An alternative pedestrian and/or vehicular access to the site may therefore be formed in the future, although details and timescales are unknown and there is no certainty over this.

16.53 In the meantime, the applicant's updated FWED (received 6 January 2025) states that residents should evacuate via the access road and south along Westwey Road. This access route would only be suitable if not affected by flooding. Providing residents sign up to the EA's flood warnings, and urgently comply with any advice to evacuate, the proposed route would be acceptable. However, as flood warnings require action by future occupants, they are not guaranteed to work. If the flood event occurred during the night when future occupants could be asleep, occupants may become stranded and require emergency assistance due to flood levels along Westwey Road being impassable on foot and via vehicle. Whilst the dwellings would not be affected by medium or high flood risk and would offer a safe place of refuge, the lack of safe access and escape routes would place future occupants at greater and unnecessary risk from flooding and its consequences. The provision of seven dwellings therefore has potential to increase the burden on emergency services were a flood to occur.

16.54 Given the site constraints, the applicant has been unable to provide an adequate emergency plan demonstrating safe access and escape routes.

Sequential test

16.55 The National Planning Practice Guidance confirms that the sequential test will not be required where a site has been allocated at the plan making stage and been subject to the test at the plan making stage. This is provided the development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

16.56 The proposed development is consistent with the uses allocated within the Local Plan. However, the Council published a Dorset-wide Level 1 Strategic Flood Risk Assessment (Level 1 SFRA) and Weymouth Level 1 Specific Strategic Flood Risk Assessment (Level 2 SFRA) in March 2024. The studies update understanding of flood risk in Weymouth, with the Level 2 SFRA providing long term flood risk forecasts to 2138 taking account of climate change. However, the results are similar

to the flood modelling that informed the allocation of the site in the Local Plan through the Weymouth and Portland SFRA Level 2 (2009), albeit the earlier assessment identified that the site of the houses would be affected by flood depths of up to 0.25m.

16.57 The Environment Agency has advised the council that the updated evidence on flood risk presented in the Level 2 SFRA would not affect the outcome of the sequential testing undertaken for the Local Plan. For this reason, the sequential test does not need to be re-applied for the site.

Exceptions test

16.58 The National Planning Practice Guidance (Para. 7-035-20220825) confirms that where a development proposal is in accordance with an allocation made in a plan following the application of the sequential and exception test, it should not be necessary to repeat aspects of the exceptions test unless the understanding of current or future flood risk has changed significantly.

16.59 In this case, it is considered that the understanding of flood risk has not changed significantly since the Weymouth and Portland SFRA Level 2 (2009). Accordingly, it is not necessary to re-apply the exceptions.

Summary

16.60 It is concluded that:

- the development would not increase flood risk elsewhere
- within the site the homes are located in areas of lowest flood risk
- specific flood resistant and resilient measures are not necessary given proposed finished floor levels
- residual flood risk can be safely managed
- the sequential and exception tests do not need to re-applied

16.61 However, sole reliance on the EA's flood warnings is not sufficient in the event of a flood. Access and escape routes would not be appropriate in the event of flooding and could not be satisfied through an emergency plan given the site constraints and inability to provide a secondary access not affected by flood risk. This conflicts with Policy ENV5 part ii) and the NPPF (Para. 181).

Ecology and biodiversity

Ecology

16.62 A Preliminary Ecological Appraisal assesses the ecological value of the site and associated ecological impacts. It recommends a series of mitigation measures

which are captured in a Biodiversity Plan certified by the council's Natural Environment Team.

16.63 Natural England were consulted on the proposed development and set out that the application site is in close proximity to the Chesil and the Fleet Special Area of Conservation and Chesil Beach and the Fleet Special Protection Area, European designated sites and therefore has the potential to affect their interest features. Natural England advise that the proposal will likely have a significant effect on these wildlife sites arising from the increase in residential units and hence increase in urban related pressures such as recreational access. An appropriate assessment was undertaken which concluded that in light of mitigation provided from CIL money there would be no adverse effect on the integrity of the designated sites.

16.64 Adverse impacts on Chesil and The Fleet through additional recreational pressure would be mitigated via CIL in accordance with the Dorset Council interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar (April 2020). This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. This accords with local plan Policy ENV2 and draft neighbourhood plan Policy W02.

Biodiversity

16.65 The development is within the scope of the statutory minimum 10% biodiversity net gain (BNG) requirement.

16.66 The applicant has submitted: a BNG Statement, details of existing and proposed habitats and a completed BNG Small Site Metric. The documents confirm the limited biodiversity value of the site (0.34 habitat units) related to the area of dense bramble scrub and trees to the rear of the existing garage building.

16.67 Proposed areas of on-site habitat creation in the form of mixed scrub are proposed along the northern, eastern and southern boundaries of the site. Within these areas 11 new trees are proposed to be planted. The proposed areas of habitat creation are estimated to achieve 0.25 habitat units. This represents a -27% reduction in on site BNG requiring an additional 0.13 habitat units to be achieved either off-site or via credits to achieve 10% BNG. The applicant proposes that credits are secured to meet 10% BNG. This is considered reasonable given the constraints of the site and the need to provide sufficient residential gardens (which do not count towards BNG). Given the limited extent of the site, off-site provision is not considered feasible and the proposed combination of on-site provision and credits meets the BNG hierarchy. The proposed on-site BNG measures are not considered to be significant and could be secured by planning condition.

16.68 The development is acceptable in respect of biodiversity subject to a condition in respect of implementation of the Biodiversity Plan and the standard BNG condition.

Trees

16.69 Nine trees are proposed to be felled. Two of the trees have Dutch Elm Disease and are proposed to be felled for good arboricultural practice. The other trees are Category C (low quality and low value) trees proposed to be felled to facilitate the proposed development.

16.70 To compensate for the loss of trees, 17 new trees are proposed to be planted around the boundaries of the site, including within some of the residential gardens. Whilst replacement provision falls slightly (-1) below the emerging two-for-one policy objective of emerging neighbourhood plan policy W06, the provision is considered acceptable given the site constraints and fact that two of the existing trees are unsuitable for retention.

16.71 The tree officer has no objection. Subject to the details of soft landscaping being secured by planning condition, and landscape maintenance for five years, the proposal is acceptable in respect of impacts on trees.

Community Infrastructure Levy

16.72 The development proposal is CIL liable. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

Environmental Impact Assessment

16.73 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an Environmental Statement is not required in this instance.

17.0 Conclusion

17.1 The application site is a brownfield site within Weymouth Town Centre. The proposed development of seven homes is compatible with the site allocation and

would regenerate the site. In accordance with the NPPF (Para. 125c) substantial weight is afforded to the use of the site for housing.

17.2 The loss of the existing garage is considered to be acceptable in principle and the design of the development is acceptable. The development would not harm designated heritage assets or result in adverse amenity impacts. Whilst there is an objection from the Highways Authority, planning officers consider that highway safety concerns can be appropriately addressed via planning condition. Matters of ecology, biodiversity net gain and contamination would be appropriately controlled via planning condition.

17.3 Whilst the proposed development is acceptable in a number of respects, the sole vehicle and pedestrian access is located within Flood Zones 2 and 3 where significant flood depths are predicted in the 1 in 200-year flood event where flood defences are breached through tide and wave overtopping. As a result, and despite the access being located within a flood warning area, safe access and escape routes to the development have not been demonstrated through an emergency plan. The submitted Flood Risk Evacuation and Management Plan places sole reliance on residents taking urgent action and evacuating via the access route prior to a flood occurring. It cannot be guaranteed that residents would be able to evacuate in time. Accordingly, the access and escape routes would not be appropriate in the event of flooding in conflict with Local Plan Policy ENV5 part ii) and the NPPF (Para. 181).

17.3 The lack of appropriate access and escape routes would be considered to cause substantial harm (NPPF Para. 125) if the development were granted as proposed. The harm is not outweighed by the benefits of the proposal or the substantial weight attributed to using brownfield land within a settlement for housing.

18.0 Recommendation

18.1 Delegate Authority to the Head of Planning and Service Manager for Development Management and Enforcement to refuse the application for the reason set out below, subject to no comments or no adverse comments, that include material planning considerations, being received from third parties by 29th January 2025 (due to notification to land owner in respect of extension of application area during the course of the application):

1. Due to the sole vehicle and pedestrian access falling within Flood Zones 2 and 3 and being affected by significant flood depths in the 1 in 200-year flood event where flood defences are breached through tide and wave overtopping, safe access and escape routes, either on foot or by vehicle, would only be possible where residents take urgent action upon receipt of a flood warning from the Environment Agency. The submitted Flood Warning and Evacuation Plan is not considered acceptable as the flood warning service cannot be solely relied on and safe access and escape routes not affected by severe flooding have not been identified. This places future residents at unacceptable risk should they require emergency assistance in the event of a flood. This conflicts with West Dorset, Weymouth and Portland Local Plan Policy ENV5 (part ii) and the NPPF Paragraph 181.

Informatives

1. Informative: Drawings

The plans that were considered by the Council in making this decision are:

24.3467.100 P3 Proposed Block and Location Plans

23.3467.101 P13 Proposed Site Plan

23.3467.102 P3 Proposed Floor Plans - 3 Units

23.3467.103 P3 Proposed Floor Plans - 4 Units

23.3467.104 P3 Proposed Elevation - 3 Units

23.3467.105 P3 Proposed Elevations - 4 Units

23.3467.106 P2 Proposed Sections

2. Informative: CIL

If planning permission is subsequently granted for this development at appeal, it will be subject to the provision of affordable housing and Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. Informative: National Planning Policy Framework Statement.

In accordance with paragraph 39 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 did not take the opportunity to enter into pre-application discussions.
- The agent was updated of issues and provided with opportunities to address issues identified by consultees and the case officer, including through the submission of amended plans and supporting documents.
- The applicant and council have worked together to minimise the reasons for refusal.