



Western and Southern Area Planning Committee

Date: Thursday, 12 June 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, Matt Bell, Simon Christopher, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

Interim Chief Executive: Sam Crowe, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services
Meeting Contact megan.r.rochester@dorsetcouncil.gov.uk 01305224709

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

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

3. MINUTES 5 - 8

To confirm the minutes of the meeting held on 08 May 2025.

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 10 June 2025.

5. P/OUT/2022/06846 - COLWELL SHOPPING CENTRE, SCHOOL STREET, WEYMOUTH, DORSET, DT4 8NJ 9 - 34

Demolition of the former shopping centre and the erection of a hotel with service areas, reception, restaurant and integral shopping outlet (outline application to determine access, appearance, layout and scale) (Amended plan-site area enlarged).

6. P/FUL/2024/06334 - ABBOTSWELL, LYME ROAD, UPLYME, DT7 3TJ 35 - 44

Retention of Shepherds Hut.

7. P/VOL/2025/01557 - 4 & 5 BEDFORD TERRACE, LONG BREDY, DT2 9HW 45 - 52

Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services. (with variation to condition 2 and 5 of planning permission P/LBC/2023/07124 to improve overall layout of ground and first floors and to allow for the inclusion of steel as a construction format for the ground floor extension windows and doors to improve overall appearance and design of the rear extension).

8. P/VOC/2025/01606 - UPLYME ROAD BUSINESS PARK, UPLYME ROAD, LYME REGIS 53 - 62

Construction of 13 Storage Units (with variation of condition 2 of Planning permission P/FUL/2023/06865 - amended plan to reposition footprint of storage units) (with variation to condition 1 of planning permission P/VOC/2024/02912 to relocate toilet block).

**9. P/FUL/2025/01232 THE LOWER SITE UPLYME ROAD, LYME
REGIS**

63 - 70

Change of use of building from storage (use class B8) to industrial (use class B2).

10. 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.

11. EXEMPT BUSINESS

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

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

There is no scheduled exempt business.

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WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 8 MAY 2025

Present: Cllrs Dave Bolwell (Chair), Neil Eysenck (Vice-Chair), Belinda Bawden, Simon Christopher, Pete Roper, David Shortell and Kate Wheller

Present remotely: Cllr David Northam

Apologies: Cllrs Louise Bown, Paul Kimber, Craig Monks, David Northam and Louie O'Leary

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

Ann Collins (Area Manager – Western and Southern Team), Joshua Kennedy (Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), Megan Rochester (Senior Democratic Services Officer) and Steve Tapscott (Senior Planning Officer)

85. Declarations of Interest

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

86. Minutes

The minutes of the meeting held on 03 April 2025 were confirmed and signed.

87. 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

88. P/FUL/2024/07512 - Monkton Park Monkton Hill Winterborne Monkton, DT2 9PS

With the aid of a visual presentation including plans and aerial photographs, the Senior Planning Officer identified the site and explained the proposal, which consisted of the erection of a single storey modular building and installation of perimeter fencing.

The location of the site was identified, it fell within the Dorset National Landscape and open countryside and was located within the setting of Maiden Castle. There was also an Edwardian building on the site, which was considered a non-designated heritage asset.

The proposal was explained, it consisted of a modular building comprising four classrooms and an area of enclosed outside space, to be used for educational purposes.

It was explained that 3 trees would be lost as a result of the proposal and that the planting of 18 trees elsewhere on site was proposed in order to offset the loss, in addition to an offsite bio-diversity net gain contribution.

Members were shown photographs of various points around the site, as well as views of the site from Maiden Castle and the trees set to be removed were identified on an aerial photograph.

The Senior Planning Officer considered that the proposal was compliant with planning policy and due to the site being screened by vegetation the impact on views from Maiden Castle would be limited. It was explained that there were no concerns with highways, archaeology or neighbouring amenity.

In response to member's questions the Senior Planning Officer provided the following responses:

- The applicant could choose a different method of delivery for the bio-diversity net gain.
- The site would accommodate four pupils, therefore any traffic increase was considered to be minimal.
- The proposal would not provide overnight accommodation.
- The applicant would be expected to demonstrate they are unable to provide the bio-diversity net gain on site before exploring alternatives, this would be covered by an informative on the decision notice.

It was proposed by Cllr Christopher and seconded by Cllr Wheller to grant the application.

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

89. Urgent items

There were no urgent items.

90. Exempt Business

There was no exempt business.

Decision List

Duration of meeting: 10.00 - 10.33 am

Chairman

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Application Number:	P/OUT/2022/06846
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Colwell Shopping Centre School Street Weymouth Dorset DT4 8NJ
Proposal:	Demolition of the former shopping centre and the erection of a hotel with service areas, reception, restaurant and integral shopping outlet (outline application to determine access, appearance, layout and scale) (Amended plan-site area enlarged)
Applicant name:	Mr P Pressland
Case Officer:	Bob Burden
Ward Member(s):	Cllr Jon Orrell

1.0 This application is presented for determination by the Committee because, although Dorset Council is not the applicant, it is the landowner of part of the site (the service and delivery yard)

2.0 Summary of recommendation:

Recommendation A:

Delegate authority to the Service Manager for Development Management and Enforcement and the Development Management Area Manager Southern and Western Team to grant planning permission subject to conditions and the completion of a satisfactory planning obligation under s106 of the Town and Country Planning Act 1990 in a form to be agreed by the legal services manager to secure the following:

1. £14,310.66 (index-linked) as a contribution for the mitigation of recreational pressures on the Chesil and Fleet European site.

Recommendation B:

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

1. In the absence of a completed and signed s106 agreement the application would fail to provide the relevant financial contribution towards mitigating recreational pressures on the Chesil and Fleet SAC, SPA and RAMSAR, which would arise as a result of the proposed development. As such the development would adversely impact on the internationally important habitats and species at the site. Hence the proposal would be contrary to policy ENV2 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and paragraph 193 of the NPPF.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The principle is acceptable in the context of relevant town centre policies WEY1, WEY 2 and ECON4.
Effect on heritage assets	The scheme would have no harm to the conservation area and the setting of listed buildings.
Effect on residential amenity	It would not result in unacceptable overlooking or loss of privacy to properties nearby.
Flood-risk	The scheme has appropriate raised ground floor levels, and a surface water drainage strategy is proposed.
Sustainability and renewable energy	It incorporates various sustainable elements together with roof-mounted PV panels
Ecology	It includes a financial contribution to address recreational pressures, together with on-site ecological provisions
Access and Parking	As a sustainable town centre site with good access to public transport modes, the scheme is acceptable without on-site guest parking

4.0 Description of Site

- 4.1 The site lies in the Weymouth town centre area with a frontage to School Street. It comprises part of the urban street scene. It is currently occupied by the former Colwell Shopping Centre building, now vacant. This is a relatively substantial 2 storey building of medium brown brick with off white render at the upper level with a recessed ground floor section. It has a slate roof. There are projecting bay windows at first floor. To the rear, the sides of the building have cladding to the elevations.
- 4.2 The site includes a delivery and parking yard to the west side which mainly serves The Range retail outlet (which fronts New Bond Street). This includes turning/manoeuvring space as well as parking spaces and a sprinkler system pump house.
- 4.3 The site is surrounded by a variety of different buildings with different uses; opposite the site frontage, running to the north, is Great George Street, with the library to the west -a two storey buff brick building. Myrtle Cottage (listed Grade II) is opposite with the buff brick Masonic Hall alongside with decorative stained glass windows. Abutting the east side of the building is 3 School Street (Grade II). Then running along the east side of the Colwell buildings curtilage is an access passageway giving rear access to various premises fronting St Thomas Street and a waste bin storage area. These comprise a varied line of buildings with the highest (slate roofed) buildings fronting St Thomas Street. Between these and the site are the various brick “outshoot” rear extensions, at a lower level, culminating in the rear access to the alleyway flanking the site. Some of the outshoots include elevated balconies/elevated courtyard garden areas. Roofing includes pitched and flat roof

areas. The lower rear section of the Clipper Hotel is here, which rises to the more substantial principal element which fronts St Thomas Street. Adjacent to the rear of the building and to the west is the large building assemblage occupied by The Range; this includes a substantial light buff brick building to its lower half with white render above. It has an elevated flat roof with two higher raised sections. Also to the south are the rear premises associated with the buildings 6 and 7 fronting New Bond Street.

5.0 Description of Development

This is an outline application which includes details of the layout, scale, access and appearance. It does not include any landscape details at this stage. The proposal is to demolish the existing building and erect a three storey pitched roof building to the frontage with a four storey wing to the rear-including a pitched roof to the front section. The new building would have a similar footprint to the existing. It would provide a 70 bedroom hotel. The ground floor would include a dining area (also available to the public) and a retail outlet fronting School Street and 11 bedrooms. The building would be served by 2 lifts and 2 stairways. The first and second floors would each have 22 bedrooms and the third floor 14. The street frontage element would be finished in white render under natural slate roofing, with a central brick element. The ground floor would have a traditional “shop frontage-type” design treatment. The design includes pitched roof dormers, flat-top dormers and projecting first floor windows. The front (north) elevation would have timber windows and timber shopfronts. Colour coated aluminium frame windows would be used on the other elevations of the building. Those other elevations would have external doors and windows of double / triple glazing using colour coated aluminium frames. The site would be accessed for servicing and deliveries via the adjacent existing service yard off Commercial Road.

6.0 Relevant Planning History

92/00431/FUL - Decision: GRA - Decision Date: 16/03/1994

Shopping centre including shop units department stores toilets creche management offices and service facilities

91/00092/REM - Decision: GRA - Decision Date: 11/06/1992

Proposed shopping complex (including shop units pedestrian malls toilets storage areas and service access)

00/00282/COU - Decision: GRA - Decision Date: 28/06/2000

Change of use from A1 retail to college promotion and marketing centre, cyber cafe and training centre

88/00240/OUT - Decision: GRA - Decision Date: 26/10/1988

Enclosed shopping centre (Shop units, storage area, pedestrian malls toilets and service facilities)

WP/15/00137/OUT - Decision: GRA - Decision Date: 12/02/2016

Demolish existing buildings and erect 2 shop units and 23 apartments with parking, bin and cycle stores (Outline)

WP/19/00284/FUL - Decision: REF - Decision Date: 30/05/2019

Demolition of existing building

WP/19/00293/LBC - Decision: WIT - Decision Date: 03/06/2019

Alterations to side wall of 3 School Street to accommodate the demolition of Colwell Shopping Centre

7.0 List of Constraints

Grade: II Listed Building: 81 AND 82, ST THOMAS STREET List Entry: 1147974.0; - Distance: 17.54

Grade: II Listed Building: 83, ST THOMAS STREET List Entry: 1148044.0; - Distance: 22.97

Grade: II Listed Building: 84, ST THOMAS STREET List Entry: 1148045.0; - Distance: 22.82

Grade: II Listed Building: 85 AND 86, ST THOMAS STREET List Entry: 1148046.0; - Distance: 22.51

Grade: II Listed Building: 87, ST THOMAS STREET List Entry: 1148047.0; - Distance: 21.5

Grade: II Listed Building: 88, ST THOMAS STREET List Entry: 1148048.0; - Distance: 24.09

Grade: II Listed Building: 3, SCHOOL STREET List Entry: 1148055.0; - Distance: 2.48

Grade: II Listed Building: MASONIC HALL, NUMBER 13 FREDERICK PLACE (TERRACE) List Entry: 1148054.0; - Distance: 23.91

Weymouth Town Centre Conservation Area - Distance: 0

ECON4; Town Centre Areas; Weymouth - Distance: 0

ECON 4; Secondary Shopping Frontage; School Street, Weymouth - Distance: 0

WEY2; Town Centre and Commercial Road Area; Town Centre and Commercial Road Area - Distance: 0

ENV 4; Area of Archaeological Potential; Town Centre North of Harbour, Weymouth - Distance: 0

SUS2; Defined Development Boundary; Weymouth - Distance: 0

Landscape Character; Urban Area; Weymouth Urban Area - Distance: 0

ENV 4; Conservation Area; Town Centre Conservation Area - Distance: 0

WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre - Distance: 0

NPLA - Type: Neighbourhood Area; Name: Weymouth; Status Designated 18/05/2020; - Distance: 0

Legal Agreements S106 - Distance: 0

Weymouth TC - Distance: 0

EA - Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

EA - Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding; >= 50% <75%; - Distance: 0

Dorset Council Land (Freehold): DT258793 - Reference 60082 - Distance: 0

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 2953.86

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 3349.74

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

Flood Zone 3 - Distance: 0

Flood Zone 2 - Distance: 0

Affecting setting of Grade II listed buildings (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990

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

8.0 Consultations

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

Consultees

(Comments refer to those on amended plans, unless no further comment made following original comments)

Weymouth Town Council - This planning application has been considered by members of the Planning and Licensing Committee. The Council has no objection to the proposals.

Natural England - Likely significant effect on Chesil and Fleet SCA by reason of increased recreational pressure; Habitat Regulations Assessment required.

Appropriate Assessment carried out: Natural England commented:

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

Highways – The red line has been extended to include the adopted public highway with Commercial Road for the appropriate servicing, refuse, deliveries, loading and unloading as per the submitted drawing. The proposal has no on-site parking, this is considered to be acceptable due to the site’s “town centre” location and its links to local transport, retail and leisure facilities however a Travel Plan will seek to identify opportunities for the effective promotion and delivery of sustainable transport initiatives e.g. walking, cycling, public transport to thereby reduce the demand for travel by less sustainable modes.

The Highway Authority has NO OBJECTION, subject to the following conditions:

Manoeuvring, parking and loading areas:

Before the development is occupied or utilised the areas shown on Drawing Number 0004 – P02 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

Outline Travel Plan to be submitted:

Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- Targets for sustainable travel arrangements.
- Effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

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

Construction method statement to be submitted:

Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

Dorset Waste Team - No comments received.

Conservation Officer- (summary)

DEMOLITION OF THE EXISTING BUILDING

As per my previous comments, there is no objection to the existing building being replaced, it is considered that the existing building is absent of any historic value and due to the design and materials, has a negative impact on the character and appearance of the Conservation Area. The removal of this building would provide an element of public benefit by way of improving this part of Weymouth Town Centre and enabling the site to have a new use.

PROPOSED NEW BUILDING

IMPACT ON THE CONSERVATION AREA - The revised scheme shows alterations to the window sizes and locations, in particular to the School Street elevation and Commercial Road elevation. It is considered that the revised scheme is a more harmonious arrangement, in keeping with the historic character and appearance of the Weymouth Town Centre Conservation Area.

IMPACT ON THE NEIGHBOURING LISTED BUILDINGS - The reduction in height and mass of the proposed building and the alterations to the roofline are considered to reduce the impact on the neighbouring Listed buildings and their setting when compared to the previous scheme.

In considering the proposals due consideration has been given to Section 16 (Paragraphs 194 - 208) of the NPPF, Section(s) 66/72 of the 1990 Act and Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan).

Para 199 of the NPPF states; *'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. This is irrespective of whether any potential harm amounts to substantial harm, total loss of or less than substantial harm to its significance.'*

Para 202 of the NPPF states; *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

CONDITION-

Care and attention to be given to adjacent heritage asset during demolition of the existing building and the erection of the new building. A method statement detailing works proposed and measures to protect and preserve the abutting Listed building (No.3 School Street) to be submitted and approved.

Health and Safety Executive - Fire Statements - Proposal does not constitute a "Relevant Building" for the purposes of the HSE consultation.

Dorset Council - Economic Development and Tourism - Comments on the original application were with the principle of this development rather than any particular detail, and these comments still stand: the proposal is for a modern new build, therefore energy efficient (sustainable) and will to be built to current accessibility standards, unlike many of the current central Weymouth visitor offer. It is likely to be relatively low budget accommodation, which will either increase the supply if this is needed, or if it displaces some older hotels, it will both improve the visitor offer and enable some older hotels to revert to housing, which is desperately required.

Our service would want to encourage tourists, we do not want to encourage homes being turned into holiday accommodation, and this sort of development helps meet that ambition. Providing the proposers are confident of the commercial viability of the smaller, 70 key plan, the hotel is likely to be a net benefit to Weymouth from an economic and tourism viewpoint.

Environmental Health Officer – Protection-

Noise and odour - No adverse comments on amended plans.
(Case Officer note: Plans detailing the location and nature of extraction/ventilation measures were included in the amended plans).

Land contamination - It is recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during construction, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority. The planning authority may wish to advise the applicants or their agents that the planning authority will in these circumstances be guided by: BS 10175:2001 Investigation of potentially contaminated sites - Code of Practice; Guidance for the Safe Development of Housing on Land Affected by Contamination (Environment Agency)

Building Control (summary) - No adverse comments. Building regulations approval will be required for the works. Fire safety – designs to accord to the requirements of Part B of the Building Regulations, for means of escape, boundary conditions and fire and rescue service access and facilities. Access to accord to the requirements of Part M of the building regulations.

Licensing Officer - If any sales of alcohol and/or regulated entertainment are to take place, a premises licence will need to be applied for and granted.

Historic England - Do not wish to offer advice. Suggest seek advice from own specialist conservation and archaeological advisers.

Dorset & Wilts Fire & Rescue - The development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.

Dorset Council - Assets & Regeneration - I confirm that there are no substantive comments or objection on behalf of Assets and Property(A&R). For information I would note:

1 The attached graphic shows the site cross hatched in yellow, from which it can be seen it is contiguous with a site owned by DC (marked in purple from Dorset Explorer).

2 The application proposes an increased height of development.

3 Weymouth Town Council has confirmed it has no objection.

4 The current building, the Colwell Shopping Centre, has apparently been closed since 2019.

5 The application covers various other planning issues, but these are not within the remit of A&R to comment.

Accordingly, whilst there are no objections raised on the application, A&R will need to be involved in the development oversight and approvals due to the shared boundary.

DC - Planning Policy -original comment (summary)-

The application site is positioned within the defined development boundary for Weymouth and the general location of the site is therefore consistent in principle with Policy SUS2.

Weymouth town centre Part i) of ECON4 states that 'Development proposals for retail and town centre development should be appropriate in type and scale to the particular centre and its catchment population.' In part iv) the policy goes on to state that 'Development likely to lead to significant adverse impacts on existing centres will be refused.' Finally part v) of the policy states that:

'Development will be expected to maintain an appropriate concentration and mix of retail and other town centre uses in the centre, to protect its vitality and viability. Retail uses should normally make up about 75% or more of the nearby ground floor primary shopping frontage. Retail and other main town centre uses should make up about 75% or more of the nearby ground floor secondary shopping frontage. Development in these locations will be expected to have its main access and windows onto the primary (or secondary) frontage.' The proposed use is a main town centre use. The site is also defined as part of the 'primary shopping area' and within the area subject to the Weymouth Town Centre masterplan. Policy WEY2 'Town

Centre Core and Commercial Road Area' also relates to this area. The policy states that:

'i) The primary shopping area will continue to be the main retail core. A positive approach will be taken to finding solutions that meet the requirements of modern retailing (to maintain a vibrant and vital centre), whilst cherishing the area's heritage assets.'

I understand from a colleague that the site was marketed for sale by landowners between 2015 and 2017. Thereafter it was withdrawn from the market, and the shopping centre has been closed since 2019.

The proposals, comprising demolition of the existing building and a change to a mixed use (including a hotel, restaurant and shopping outlet) appear to satisfy the definition of a main town centre use provided in the local plan and national planning policy. The case officer will need to consider whether the proposals would adversely alter the proportion of ground floor retail uses in nearby frontages having regard to part v) of ECON4. As part of this assessment the case officer should also consider the effects of the development on the town centre's vitality and viability. When weighing up different considerations in the assessment the case officer may also wish to consider the earlier planning permission involving demolition of the existing shopping centre and the erection of retail units and apartments (WP/15/00137/OUT). Whilst noting that the current application is for outline planning permission, the policy team would encourage the case officer to ensure that retail/restaurant uses are located on the ground floor of the building to ensure that it has an active frontage with the street. This activity will help to sustain the vitality of this part of the town centre. The policy team also suggest that there should be physical access into the ground floor uses from the northern School Street frontage. (The proposed ground floor plans appear to suggest that this is the case with separate points of access from School Street into the retail unit and the foyer for the hotel).

A large proportion of the site is defined as part of Flood Risk Zone 2 (a smaller portion – north western corner – is also defined as part of Flood Risk 3). I have presumed that the West Dorset and Weymouth & Portland Local Plan (2015) was subject to both the sequential and exceptions tests as part of the plan making process. In these circumstances planning practice guidance indicates that the sequential test need not be re-applied:

'provided the proposed 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' (Paragraph: 027 Reference ID: 7-027-20220825)

The proposals for a main town centre use appear to be consistent with local plan policy in WEY1 and WEY2. If one has not already been submitted with the current application, the applicant should submit a site specific flood risk assessment to allow the council to consider whether there have been any significant changes to known levels of flood risk since the examination of the local plan.

Additional Comments on Amended Plans:

Planning Policy Officer-Revised plans-(summary)

The Environment Agency have advised the council that the Level 2 SFRA for Weymouth refines rather than significantly changes understanding of flood risk

affecting Weymouth Town Centre. The proposed main town centre use appears to be consistent with the requirements in policies WEY 1 and WEY2 of the adopted local plan. In these circumstances it does not appear that the sequential test needs to be re-applied to the current proposals.

Exception testing - Controlling, managing and mitigating flood risk to ensure that development is safe over its lifetime:

The exceptions test should normally be applied for more vulnerable types of development (including hotels as defined in Annex 3 of the NPPF) located in Flood Risk Zone 2. The proposed hotel is defined as a more vulnerable type of development and the application site is also defined as part of Flood Risk Zone 2. As with the sequential test, planning practice guidance states that the exceptions test need not necessarily be re-applied where testing has been undertaken as part of preparing local plan policy.

Proposed sustainable drainage system

I suggest that you consult the Lead Local Flood Authority (LLFA) on the proposed measures for sustainable drainage scheme that are outlined in Part 7 and 8 of the FRA.

Flood Risk Management –(LLFA) Revised Comments - The applicant has submitted the following amended report: Flood Risk Assessment and SuDS Report, by Nimbus Engineering Consultants, ref C2900-R1-Rev-F, and dated February 2025. The report contains adequate information to address the outstanding issues related to surface water management. Separately, the latest response from the EA (20 December 2024) effectively removes their previous holding objection subject to conditions, and the latest plans detailing floor levels being manually annotated or updated before becoming approved documents.

The LLFA do not object to the proposed development and recommend the following surface water drainage related conditions:

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

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

Prior to occupation of the development, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the local planning authority. The scheme

shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Environment Agency - revised comments - The submitted Proposed Site Plan (Drawing No. 3431 - TA - V3 - 00 - DR - A - 0007 Rev.P07, dated 17/09/2024) and Proposed Site Access Plan (Drawing No. 3431 - TA - V3 - 00 - DR - A - 0004 Rev.P06, dated 17/09/2024) show the ground floor level for the non-sleeping part of the building is now set at 2.790mAOD and the ground floor where hotel bedrooms are proposed is set at 3.300mAOD. These ground floor level proposals meet the minimum floor level requirements set out in the Local Flood Risk Standing Advice requirements for Weymouth Town Centre, which is an agreed position based on local authority documents: 1. Weymouth Flood Risk Management Strategy and 2. Weymouth & Portland Community Infrastructure Levy (CIL). However, please note: the submitted Proposed Ground Floor Plan (Drawing No. 3431 - TA - V3 - GF - DR - A - 0150 Rev.P08 dated 17/09/2024) also shows the ground floor for the non-sleeping part of the building is now set at 2.790mAOD but does not show the ground floor level where hotel bedrooms are proposed. For completeness, we ask that this drawing is annotated appropriately prior to approval.

Please also note that the previously submitted FRA (prepared by Nimbus Engineering Consultants Ltd, Document Number: C2900-R1-REV-D, dated May 2024) is now out of date as it does not contain the updated proposed ground floor level of 2.790mAOD for the non-sleeping area of the ground floor. We request the FRA also be updated, prior to approval.

With regards to the above, we request that fully updated versions of the above drawings and FRA are included within a condition in relation to minimum finished ground floor levels.

The LPA should ensure that the applicant has assessed whether the following matters need to be considered within any FRA to ensure a safe development: • Flood resilience and resistance - residual risks and mitigation measures are set out within Chapter 5 of the FRA. Please note however, this FRA is out of date and does not contain the updated proposed ground floor level of 2.790mAOD for the non-sleeping area of the ground floor. • Emergency Planning - please note that paragraph 6.2 of the FRA includes details with regards safe access and egress • Management of surface water - please consult the Lead Local Flood Authority on this matter. Flood resilience and resistance measures should be tested to ensure that they do not increase flood risk elsewhere. Measures to ensure safe access to a site must not impact on surface water flow routes or contribute to loss of floodplain storage / conveyance. Depending on the assessment of the residual flood risks, a plan for access to and from the site in the event of a flood and an emergency flood evacuation plan may also need to be provided. The applicant and LPA should

consult with Dorset Council's Emergency Planning Team when preparing access plans and emergency evacuation plans.

Case officer note: The above omissions were addressed in a further FRA (Feb.2025) resulting in the EA having no objection as below:

This addresses our outstanding concerns (re: ground floor bedroom FFLs are proposed at 3.300mAOD) as per our letter of 20th December 2024 (Our ref: WX/2023/137564/03-L01). Please condition this amended FRA.

Highways Officer-Revised plans

Whilst the Highway Authority has nothing further to add to its previous observation dated 31st August 2023, the latest Proposed Site Access Plan 0004 PO5 might need to be amended on the highway conditional approval.

Weymouth Town Council-

The Council supports this application and raises no objection.

Representations received

Cllr Orrell (Ward Member)-

This site has not worked as an indoor shopping centre. It has been tried over the years and is currently in a sorry state. It is quite clear that marginal shopping around town centres will see further contraction as retail habits change. Towns need to adapt. Weymouth has a strong tourist tradition so this use may help the mix as some visitors may be attracted to a known brand. The development is sympathetic in appearance. There is a bit of a mixture of styles in Great George Street so this proposal is not damaging to the area. A well developed new building should be an improvement on the current run down site. The lack of parking is noted but hopefully in years to come Weymouth might market itself as a low carbon option since people can travel here by two train networks, as they did in Victorian times.

Support; historic tablet should be retained on new building frontage.

Weymouth Civic Society-

While we are glad to see the reduced height of the proposed building and the reduced number of rooms, we are concerned that a hotel development on this site, with 70 mostly family rooms, would result in an excessive density for a town centre use without any car parking provision.

Other Representations

3 further letters of objection/comment. The main planning-related points include:

- Would result in too many accommodation providers in the town; town is short of all-weather attractions and affordable homes for young local people-site should be used for this instead.
- Will generate large car parking requirement (83 plus cars) which is not available. Site should be used for affordable housing. Alternatively for an indoor attraction which would bring in tourists and locals.
- Concern that a budget hotel may be associated with anti-social behaviour, cause problems for locals and stretch police and NHS resources.

-Concern that no parking provided, and that existing car parks fill up in the summer months.

-Query if there would be demand for this hotel accommodation as existing hotels/guest houses struggle out of season

10.0 Duties

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

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

11.0 Relevant Policies

Development Plan

West Dorset, Weymouth and Portland 2015-

INT1 – Presumption in favour of sustainable development

ENV2 - Wildlife and habitats

ENV4 – Heritage assets

ENV5 – Flood Risk

ENV10 – The landscape and townscape setting

ENV 11- The Pattern of Streets and Spaces

ENV12 – The design and positioning of buildings

ENV15- Efficient and appropriate use of land

ENV16 - Amenity

COM 1- Making Sure New Development Makes Suitable Provision For Community Infrastructure

COM7 – Creating a safe and efficient transport network

COM9 – Parking standards in new development

WEY1 – Weymouth town centre strategy

WEY2 – Town centre core and Commercial Rd area.

ECON 1 -Provision of Employment

ECON3 – Protection of other employment sites.

ECON4 -Retail and Town centre development

ECON6 - Built tourist accommodation

Neighbourhood Plan –

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

W05 Ecological impact of development

W13 Panoramas, vista and views

W14 Development boundaries

W34 Sustainable development
W36 New business development
W39 Weymouth town centre
W41 Sustainable tourism development
W44 Design
W45 Heritage assets
W46 Transport and travel

Material Considerations

NPPF 2024

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

Other material considerations

Weymouth and Portland Landscape Character Areas 2013
Weymouth Town Centre Masterplan SPD (2015)
Weymouth and Portland Urban Design SPG (2002)
Weymouth Town Centre Conservation Area Appraisal (2012)
Weymouth and Portland Listed Buildings and Conservation Areas SPG (2002)
Bournemouth, Dorset and Poole Parking 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.

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

13.0 Public Sector Equalities Duty

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

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

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

The scheme includes lifts to facilitate access by less able or elderly persons. It also includes disabled accommodation on the ground floor.

14.0 Environmental Implications

The demolition of the existing, and construction of the new building will result in emissions arising from the operation of plant and machinery. Any non-electric service and delivery vehicles will result in emissions. However, this must be balanced against the creation of a new 70 bed hotel in a sustainable town centre location bringing holiday-makers and other visitors, helping to sustain local businesses and attractions due to spending in the local economy.

Regarding sustainability and renewable energy the building includes measures to enhance sustainability as below:

Most external doors and windows would be double / triple glazed with thermally efficient aluminium frames.

Heating will be provided by VRF heat recovery air source heat pump type units located at various roof levels to provide the base level heat load for space and water heating for the whole building. It is understood this has the potential to generate 17kW peak and would also have the opportunity to include battery storage.

The applicant also states:

To augment the system solar thermal and photoelectric panels are able to be positioned on the flat roof portion of the building, orientated south to provide a further base level heat load for the water heating.

The photovoltaic panels, with the inclusion of a solar immersion controller, can also be utilised to provide additional re-charge when excess energy is being generated. A solar immersion controller monitors the mains supply and senses when excess energy is being diverted to the grid, switching on the immersion and deactivating the heat pump for hot water generation. Insulated twin coil accumulators (hot water cylinders) located within the ground floor plant room area will provide pumped hot water to all levels.

Regarding ventilation/cooling: The VRF heat pumps are able to provide comfort cooling throughout the building and main rooms. All wet areas and spaces requiring mechanical ventilation will be connected to a centralised extraction system completed with heat recovery.

The building will be constructed using energy efficient insulation and include energy efficient A-rated appliances and lightbulbs and efficient boiler systems. The size and orientation of the hotel room windows will enable adequate natural light to reduce reliance on artificial heating and lighting sources.

15.0 Planning Assessment

Principle of development

15.1 The site lies within the defined development boundary of the town where policy is normally supportive of this type of use subject to details; policy SUS2 on the general location of development, and Policy ECON 6 of the adopted West Dorset, Weymouth and Portland Local Plan (2015) supports the principle of built holiday

accommodation in town centre locations such as this. The scheme would result in the loss of the former retail shopping centre (2 floors) on the site. However, it would retain a retail element on part of the site frontage at ground floor consistent with policy ECON 4 (retail and town centre development). The Local Plan includes hotels as one of acceptable uses in town centre.

15.2 The site lies within the secondary (not primary) shopping frontage of the town. The primary retail areas are situated along St Thomas Street and St Mary Street, with retail and other commercial uses occupying the ground floor of the majority these properties. With the hotel dining area and a separate retail unit at ground floor on the School Street frontage this is consistent with the aim of 75% or more of the nearby frontages being in main town centre uses. Hence it is consistent with policy ECON 4.

15.3 The uses would contribute towards a thriving town centre consistent with policies WEY1 (Weymouth town centre strategy) and WEY2 (town centre core and Commercial Road area) of the adopted local plan. The development is considered acceptable in principle subject to detailed planning considerations.

Effect on Heritage Assets:

15.4 The site lies in the Weymouth Town Centre Conservation Area and is close to listed and other historic buildings. Typically, buildings are several storeys in height and there is generally a high plot coverage with a dense urban grain. Development in this area is laid out in a grid pattern, and buildings are typically located up against the street.

15.5 The nearest is No 3 School Street (grade II) abutting it to the east. Buildings to the east of the application site on School Street are a mix of traditional and modern architecture, with commercial uses at ground floor level with residential or offices above. On the north side of School Street are historic buildings of traditional character and appearance, including a Masonic Hall (Grade II Listed) and a residential property 'Myrtle Cottage' (locally listed). The row of buildings to the east of No.3 at No's 83a to 88 St Thomas Street are Grade II Listed. The row of buildings adjacent and running north from the Masonic Hall (No's 1-12 Frederick Place) are also Grade II Listed. These, including the Masonic Hall, are identified as a group of 'Key Listed Buildings' on the Council's Heritage Assets Map. Buildings to the south and west of the site on New Bond Street and Commercial Road are a mix of modern commercial units and traditional historic buildings.

15.6 The existing building is relatively modern and dates from the late 1960's. It is neither a designated nor non-designated heritage asset. It is in poor condition and has little architectural merit. The brick façade has replica historic bay windows. It is not considered to make a positive contribution to the character and appearance of the Conservation Area. Its demolition was previously accepted under a 2015 application: Demolish existing buildings and 23 apartments with parking, bin and cycle stores (WP/15/00137/OUT), but the planning permission was not implemented.

15.7 The scheme comprises a building of two elements; a 3 storey traditional styled building on the School Street frontage and a 4 storey, more contemporary designed element running back southward on the site. The frontage element is treated with a

central brick section flanked by two rendered sections. Each section has a ground floor shop-front type treatment. Timber joinery is proposed for the front elevation with aluminium framed windows on the other (less prominent) elevations. Natural slate would be used for the frontage roofing element. The rear roof section would be flat with solar panels on top.

15.8 The scheme has been amended since submission partly to address the Conservation Officers concerns; the reduction in height, mass, roofline adjustments and fenestration changes are now acceptable to the Conservation Officer. Slight “dummy” window recesses in the west gable elevation are incorporated which is a traditional feature of many terraces in the town. The Conservation Officer comments that the revised scheme is a more harmonious arrangement, in keeping with the historic character and appearance of the Weymouth Town Centre Conservation Area and that; the reduction in height and mass of the proposed building and the alterations to the roofline are considered to reduce the impact on the neighbouring Listed buildings and their setting when compared to the (initial) previous scheme. There would be no harm to the Conservation Area created by the proposal. There is an historic stone tablet on the front elevation which commemorates this as the site of the Weymouth Royal Hospital (1872-1921). A planning condition is recommended to ensure its retention and re-positioning on the replacement building.

15.9 The development is not considered to adversely impact on the setting of the listed buildings or any features of special architectural or historic interest which they possess given the Section 66 test as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The development is not considered to adversely impact on the visual amenity of the area and will preserve the character of the Conservation Area given the Section 72 test as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Effect on residential amenity:

15.10 The new 4 storey building would increase the height by about one storey above the existing. Whilst there is an increased massing, this is not considered to have a significant additional over-bearing impact on adjoining or nearby properties. Regarding overlooking, there are residential properties opposite the front elevation, notably Myrtle Cottage, together with a number of rear elevated courtyards/ balconies on the “backs” of the properties fronting St Thomas Street. Given the typically relatively close distances between frontage properties in this locality, and the reasonable distance between the east elevation and the St Thomas Street properties it is considered any overlooking would not have a significant effect on these. It is also considered that the hotel rooms themselves would have ample amounts of daylight and outlook.

15.11 The scheme includes a kitchen area to cater for the restaurant. In order to deal with potential noise/odours this includes a stainless steel extraction hood with integral filters with supply vents connected to the hood. There is also an extraction vent connected to the hood which then discharges above roof level. This is detailed in the Ventilation Statement. The Environmental Health Officer has been consulted and has no adverse comment on this. Given these measures and the lack of any residential properties on this side of the building it is considered these provisions are acceptable in residential amenity terms.

Flood-risk:

15.12 Published fluvial/tidal flood mapping indicates the site is within the mapped flood extents for Flood Zones 2 and 3. The application provides a Flood Risk Assessment (FRA- revised in light of consultation feedback). The frontage pavement level is 2.4m AOD. In accordance with the advice of the Environment Agency the proposed ground floor level has been raised to 2.79m AOD for the non-sleeping areas, and to 3.3m AOD for sleeping areas. This satisfactorily addresses the presence of sleeping accommodation at ground floor level.

15.13 In line with the adopted West Dorset, Weymouth & Portland Local Plan (2015) the Sequential Test is not required for developments in the town centre area provided they contribute to strategic flood defences as appropriate. Contributions are taken via the Community infrastructure Levy.

15.14 Applying the Exceptions Test, wider community sustainability benefits are that the sizeable retail floor space would mainly be replaced by a hotel use bringing vitality and footfall to this rather down-at-heel site at present. It would also create employment; during operation the applicant envisages about 20 total employees: these would comprise cleaners, hosts, a manager for the hotel, with the retail accounting for about 5 of these jobs. Half would be full-time, the other half part-time. Additionally, spending by guests in the shops, pubs and other town centre facilities is likely to help sustain these businesses. Hence it is considered consistent with para 215 of the NPPF.

15.15 Regarding safety of the development over its lifetime, there is the potential for some flood water to reach around the building. (Note however, that there are several points of egress to facilitate leaving the building). This must be balanced against the significant economic benefits arising from the hotel use and retail floorspace in a sustainable location. Also due to the hotel use there would be someone present on site 24 hrs a day and with the hotel signed up to the flood warning system the manager or other person present on the site could ensure compliance with evacuation before a flood occurred. In addition, with it being hotel accommodation any evacuation of the building would not result in the evacuees having no home to return to, as they could simply leave the hotel and travel home.

15.16 The Flood Risk Management Team have considered the latest FRA dated February 2025 and advise that:

The report contains adequate information to address the outstanding issues related to surface water management. Separately, the latest response from the EA (20 December 2024) effectively removes their previous holding objection subject to conditions, and the latest plans detailing floor levels being manually annotated or updated before becoming approved documents.

15.17 They conclude by recommending surface water management scheme and management/maintenance conditions-which are included in the conditions list.

15.18 The Environment Agency also do not object to the application. Conditions to include the latest FRA including addressing the appropriate finished floor levels, and for the submission of a Flood Risk and Evacuation Plan are included.

15.19 The agent has clarified that an email has been submitted from Wessex Water that provides in-principle approval for the connection to the combined sewer at the design discharge rate. The latest revised FRA dated February 2025 addresses the outstanding issues related to the proposed underground attenuation tank and potential exceedance issues.

Ecology:

15.20 The scheme requires an Appropriate Assessment in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

15.21 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the ecological features of the designated area. The application will result in an additional 70 hotel bedrooms approx. 3km from the Chesil and the Fleet European site.

15.22 This increase in recreational pressures can be mitigated by an appropriate financial contribution.

15.23 Natural England have estimated the costs of these measures to be £191,673 per year, which over the period to 2038 equates to a total cost of £3,450,114. The anticipated housing supply within 5km of the Chesil and the Fleet over the period to 2038 is 6,904 dwellings. Therefore, the cost charge per dwelling is $\text{£}3,450,114 / 6,904 = \text{£}499.73$.

15.24 This development comprises the addition of 70 hotel bedrooms. The contribution for accommodation of this type should be adjusted in recognition of the lower occupancy rate of self-contained units compared to dwellings, the precedent for which is set in the Dorset Heathlands 2020 – 2025 SPD. The contribution also assumes a 60% occupancy to take account of seasonal fluctuations. The following calculations determine the suitable contribution for a self-contained unit:

Houses (2.42 occupants) = £499.73 per house

$499.73 / 2.42 = 206.5$

$206.5 \times 1.65 = \text{£}340.73$

Given that the proposed development will result in 70 additional rooms, a suitable contribution is:

$\text{£}340.73 \times 70 \times 60\% = \text{£}14,310.66$

15.25 The funding to deliver these measures will be secured by a unilateral undertaking/s106 agreement. With mitigation secured, adverse effects on the

integrity of the Chesil and the Fleet European sites, resulting from increased recreation, are avoided.

15.26 The applicant has also provided a biodiversity mitigation plan which includes bat-sensitive lighting details, 1 bat tube, 1 swift brick and 2 solitary bee bricks. Given the lack of habitat currently at the site and the lack of species it supports, these ecological provisions are considered acceptable and would be conditioned.

Highways and parking:

15.27 The scheme does not include any on-site parking facilities. However, as a town centre site with good access on foot to both bus and train services it is a highly sustainable location in transport terms. The train station is on the main line to London Waterloo. There is also ready access to a wide range of shops, restaurants and other facilities close-by, within walking distance. Hotel guests can therefore conveniently arrive by public transport. There are also public car parks in close proximity, the nearest being those a short walk to the west, adjacent to Commercial Road. This proposal would therefore favour public transport options, rather than use of private cars.

15.28 The Highways Officer has been consulted and advises:

The proposal has no on-site parking, this is considered to be acceptable due to the site's "town centre" location and its links to local transport, retail and leisure facilities however a Travel Plan will seek to identify opportunities for the effective promotion and delivery of sustainable transport initiatives e.g. walking, cycling, public transport to thereby reduce the demand for travel by less sustainable modes.

The Highway Authority has NO OBJECTION, subject to the following conditions; manoeuvring/loading as submitted plan; travel plan; construction method statement.

15.29 In light of the above points the scheme is considered acceptable in highways terms.

16.0 Conclusion

16.1 This is an opportunity to significantly improve the street-scene appearance whilst doing so in a way which is consistent with town centre use policies. The highly sustainable location lends itself to effectively encouraging more sustainable modes of transport than the private car. Use as a hotel (with a separate retail use) would help foster the vitality and viability of this part of the town and add a useful addition to the current accommodation offer in the town centre. In terms of the 3 threads of sustainable development, in economic terms the hotel would help towards a strong responsive economy by reason of the guests spending in the various local shops, facilities, cafes, bars, restaurants and tourist attractions. In social terms, the hotel may provide for different groups or families to meet for joint holidays. From the environmental viewpoint the scheme would provide significant visual improvement to this part of the conservation area and improve the setting of listed buildings.

16.2 The use would be consistent with enhancing the areas rich and distinct local character, helping to support a thriving town centre. and would be consistent with Policies WEY1 (Weymouth town centre strategy), WEY2 (town centre core and Commercial Road area) and ECON 4 (Retail and Town Centre Development). The

lack of safe access and egress due to potential flooding is considered to be outweighed by the beneficial addition of a hotel and some retail resulting in tourism benefits and spending in the town. The proposal is therefore in accordance with the Development Plan as a whole and there are no material considerations indicating that permission should be refused.

17.0 Recommendation

(A) Delegate approval to the Service Manager for Development Management and Enforcement and the Area Manager Southern and Western Team (Development Management) to grant planning permission subject to conditions and the completion of a satisfactory planning obligation under s106 of the Town and Country Planning Act 1990 in a form to be agreed by the legal services manager to secure the following:

- to secure £14,310.66 (index-linked) as a contribution towards mitigating recreational pressures on the Chesil and Fleet European site.

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

Proposed location plan 0002 P03
Proposed site access plan 0004 P06
Proposed kitchen ventilation 0350 P01
Proposed west elevation 0278 P07
Proposed north elevation 0275 P05
Proposed east elevation 0277 p07
Proposed south elevation 0276 P06
Proposed location fire strategy plan 0300 P03
Proposed ground floor fire strategy plan 0301 P04
Proposed ground floor plan 0150 P09
Proposed first floor plan 0151 P03
Proposed third floor plan 0153 P03
Proposed second floor plan 0152 P02
Proposed roofscape 0154 P03
Proposed street elevations 0279 P06
Proposed second floor fire strategy plans 0303 P02

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

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

4. No demolition works shall be commenced until details of a contract being agreed for the re-development of the site shall first have been provided in writing to the local planning authority.

Reason: In the interests of securing an appropriate and timely improvement to the conservation area.

5. No development shall be commenced until a detailed method statement shall have been submitted to and approved in writing by the local planning authority, setting out a plan for the demolition process and subsequent works for the replacement external wall finishes to ensure the protection of the adjacent listed building (No. 3 School Street). The works shall not be carried out otherwise than in accordance with the agreed method statement.

Reason: To safeguard this heritage asset.

6. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

7. No demolition works to the frontage of the building shall be commenced until the historic tablet on the School Street frontage shall have been first removed and safely retained. The plaque shall be reinstated on the new frontage in accordance with details first submitted to and agreed in writing by the local planning authority. The plaque shall be reinstated prior to the use hereby approved being commenced.

Reason: To ensure retention of this historic commemorative tablet.

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

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

9. Prior to occupation of the development, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

10. Prior to the commencement of any development hereby approved, above damp course level, details of the hard (and any soft) landscaping of the site have been submitted to and approved in writing by the Local Planning Authority, together with a schedule of landscape maintenance (if applicable) covering a minimum period of five years following substantial completion of the development (including details of the arrangements for its implementation) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out and maintained in accordance with the approved landscaping scheme and schedule.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features

11. No construction above damp proof course shall take place until details/samples of the external materials for the walls and roof (including natural slate) shall first have been submitted to and agreed in writing by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the agreed materials.

Reason: To protect the character of the conservation area.

12. Prior to their installation detailed drawings and specifications showing the design and construction of all external doors, shop front and windows (at a scale no less than 1:10) shall be submitted to the Local Planning Authority and agreed in writing. The windows/doors/shopfronts on the front elevation shall be of painted timber. Thereafter, the development shall be carried out in accordance with the agreed details and retained as such.

Reason: To preserve or enhance the character and appearance of the heritage asset.

13. The development shall be carried out in accordance with the Flood Risk Assessment/SUDS Report (Doc no. C2900-R1-REV-F) dated February 2025.

Reason: In the interests of minimising flood-risk.

14. The development shall not be first occupied until a Flood Warning and Evacuation Plan shall first have been submitted to and approved in writing by the local planning authority. Such details as are agreed shall be implemented on first occupation and retained thereafter.

Reason: To minimise flood risk to occupiers.

15. Before the development is occupied or utilised the areas shown on Drawing Number 0004 P06 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

16. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- ☐ Targets for sustainable travel arrangements.
- ☐ Effective measures for the on-going monitoring of the Travel Plan.
- ☐ A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- ☐ Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented and carried out only in accordance with the approved Travel Plan.

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

17. The development shall be carried out in accordance with the submitted bio-diversity mitigation plan (received 16/1/23). The measures contained therein shall be permanently retained thereafter.

Reason: In the interests of nature conservation.

18. 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. Any required remediation shall be carried out in accordance with the approved scheme and timescale and on completion of the approved remediation scheme a verification

report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

(B) Refuse permission for the reasons set out below if the legal agreement is not completed by 6 months from the date of committee or such extended time as agreed by the Service Manager for Development Management and Enforcement.

1. In the absence of a completed and signed s106 agreement the application would fail to provide the relevant financial contribution towards mitigating recreational pressures on the Chesil and Fleet SAC, SPA and RAMSAR, which would arise as a result of the proposed development. As such the development would adversely impact on the internationally important habitats and species at the site. Hence the proposal would be contrary to policy ENV2 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and paragraph 193 of the NPPF.

Agenda Item 6

Application Number:	P/FUL/2024/06334
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Abbotswell Lyme Road Uplyme DT7 3TJ
Proposal:	Retention of Shepherds Hut
Applicant name:	S Weldin
Case Officer:	Robert Parr
Ward Member(s):	Cllr Bawden

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

2. **Summary of recommendation:**

Refuse

3. **Key planning issues**

Issue	Conclusion
Principle of development	Within Defined Development Boundary and as such principle accepted under Local Plan Policy SUS2. Proposal is for new built tourist accommodation and as such principle accepted under Local Plan Policy ECON6.
Scale, design, impact on character and appearance	The design would be in keeping with the character of the area.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable impact.
Flood risk and drainage	Acceptable subject to condition.
Economic benefits	Small contribution to local economy from tourism related spending.
Highway impacts, safety, access and parking	Development considered an intensification of use of a site with inadequate visibility onto the highway and the intensification of use would likely cause additional danger to road users and as such is unacceptable.
Impact on trees	Acceptable subject to condition.
Contaminated land	Acceptable.
Biodiversity	Biodiversity Net Gain exempt as development completed prior to 12 February 2024.
Environmental Implications	None.

4. Description of site

- 4.1 The application site is located within the curtilage of a detached property known as Abbotswell, which is situated on the border between Dorset and Devon County/East Devon District. Abbotswell is a generous sized detached property within its own grounds which includes part of the line of the former Axminster to Lyme Regis railway line at the south east end of the property. The existing Shepards Hut is set down at a much lower level than the main garden areas of the property, especially in the vicinity close to the site entrance where the Shepherd's Hut is located. Access to the site is off the B3165 Uplyme Road, which leads to a driveway and parking area serving the existing property and the proposed development. A timber fence is located at the top of the embankment, following the line of the driveway and this acts as a boundary to the area containing the Shepards Hut, which is accessed by a pedestrian gate and steps. The Shepards Hut sits on a levelled area of gravel, in a sunken wooded setting.

5. Description of development

- 5.1 The proposal is to retain the existing Shepards Hut for use as a holiday let. The Shepards Hut is approximately 6.4 metres long, 2.4 metres wide and 3.2 metres in height from ground level, has a rectangular plan form, is raised off the ground on four wheels, has timber external walls in natural finish and a curved corrugated metal roof. On the north west elevation is a window and steps leading to French doors 2/3 glazed.

6. Background and relevant planning history

None

7. List of constraints

Dorset Area of Outstanding Natural Beauty (AONB) (National Landscape)

Lyme Regis Defined Development Boundary

East Devon Area of Outstanding Natural Beauty (AONB) (National Landscape) - Distance: 10m

Devon County - Distance: 11m

Dorset Council Land

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Surface water flooding - 1 in 100 year event plus 20% allowance

Surface water flooding - 1 in 100 year event plus 40% allowance

Radon: Class: Class 1: Less than 1%

RAD - Radon: Class: Class 4: 5 - 10%

Contaminated Land

8. Consultations

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

Consultees

1. East Devon District Council

No objections.

2. Forestry Commission

No comment.

2. Dorset Wildlife Trust

No response received.

3. Bournemouth Water Ltd (South West Water)

No comment.

4. Highways

Response 12 December 2024

- This application would mean an intensification of use at a site with substandard visibility onto a main road.
- The Highway Authority recommends that permission be REFUSED for the following reason:

The existing access lacks adequate visibility onto The B3165 Lyme Road, and its increased use would be likely to cause additional danger to road users.

Response 24 January 2025 (Following additional information and plan from applicant)

- Inadequate plan to show the visibility splay.
- Would expect a detailed Ordnance Survey drawing showing all key parts, such as the bridge railings and wall, hedge and telegraph pole.
- Need to show that the land was in the applicant's control.
- Cut vegetation can grow back.
- The comment replacing the hedge with a fence sounds like the visibility would not be opened up further.
- There is no information regarding the ownership of the hedge and believe that it is in the ownership of Dorset Council, but the applicant would need to show that they have control or ownership of land in which a visibility splay is shown.
- Cutting down vegetation may cause a hazard as a disused railway cutting is behind it.
- How would this area be made safe?
- If the area was open for visibility, then access to the public at this location may occur.
- It appears that even if the hedge and vegetation was removed the railings and bridge wall would obstruct visibility.

Response 31 March 2025 (Following plan showing visibility splays)

- Nothing further to add to its previous observation dated 24 January 2025.

5. Env. Services – Protection

- Recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during any groundworks related to this development, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.

6. Dorset Waste Team

No response received.

7. Building Control West Team

No comment.

8. Asset & Property

No response received.

9. Trees

No response received.

10. Lyme and Charmouth Ward Member

No response received.

11. Lyme Regis TC

No response received.

Representations received.

No representations received.

8. Duties

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

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty)

9. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

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

INT1	- Presumption in favour of Sustainable Development
ENV1	- Landscape, seascape & sites of other geological interest
ENV5	- Flood Risk
ENV9	- Pollution and contaminated land
ENV10	- The landscape and townscape setting
ENV12	- The design and positioning of buildings
ENV16	- Amenity
SUS2	- Distribution Of Development
ECON6	- Built tourist accommodation
COM7	- Creating a safe & efficient transport network

Made Neighbourhood Plans

None

Material considerations

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 plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 9 'Promoting sustainable transport'
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024 (extended to end of 2025 with the agreement of Dorset Council Cabinet 17/12/2024)

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

Supplementary Planning Documents/Guidance For West Dorset area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

10. 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.

11. Public Sector Equalities Duty

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

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

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

- Access - The Shepards Hut proposed for retention is accessed by steps from the driveway/car parking area and then steps provide access into the Shepards Hut. Therefore, it would appear that access for people with disabilities such as mobility impairments or for people pushing buggies has not been accommodated in the design of the development.

12. Planning Assessment

Principle of development

- 12.1 Local Plan Policy SUS2 sets out that amongst other towns Lyme Regis will be a focus for future development and that within defined development boundaries (DDB) residential, employment and other development that meets the needs of the local area will normally be permitted. Furthermore, Local Plan Policy ECON6 sets out that new built tourist accommodation will be supported within an established settlement of more than 200 population. As the proposed site is in Lyme Regis DDB (which has greater than 200 population) and is proposed development in relation to new built tourist accommodation, the principle of development is accepted in this instance.

Scale, design, impact on character and appearance

- 12.2 The existing Shepards Hut proposed to be retained is in a discrete location being set down in the landscape, being in a wooded setting and having a timber boundary fence approximately 1.8 high on top of the embankment on the north east side of the Shepards Hut. As such the development is considered to have minimal impact on the landscape surrounding the site. Furthermore, the traditional form and materials are considered to be in keeping with

the character of the site and the area. Lyme Regis is a tourist destination, with existing tourist accommodation within close proximity of the site and as such the provision of holiday accommodation at this location is considered to be in keeping with the character of the area. Therefore, it is considered that the appearance of the development in the site and its use as holiday accommodation would be in keeping with the site and the area and would not harm the character of the National Landscape.

Impact on the living conditions of the occupants and neighbouring properties

- 12.3 The proposed Shepards Hut is set down in the landscape in a secluded location, with a generous amount of separation from adjacent dwellings. As such it is considered the proposal would not result in a significant adverse impact on amenity as a result of loss of privacy, overbearing, overshadowing or noise impact. Therefore, it is considered the proposal is acceptable in terms of amenity impact.

Flood risk

- 12.4 The application site is in an area recorded as being at a 1:30 and 1:100-year risk of surface water flooding in the Council's SFRA level 1. In the Environment Agency's recently published NAFRA2 the site is at 1:1000 year risk of surface water flooding. As such the application is supported by a Flood Risk Assessment (FRA). The FRA has identified the surface water flood risk and sets out mitigation measures to address this including, the ground level having been raised by more than 900mm (the expected flood risk depth for a 1 in 100-year event) and the area covered with a water permeable layer of granite chippings. Furthermore, the FRA sets out that the Shepherds Hut sits on spoked steel wheels which raises the floor level a further 900mm above ground level and allows any surface water to run beneath it. The FRA does not include any information of how potential flood events would be monitored and no emergency plan details are provided. Given the proposal is considered to be a change of use of the site to holiday accommodation, the application is not subject to the sequential test as set out in paragraph 176 and footnote 62 of the NPPF 2025. Therefore, it is considered that the scheme would be acceptable in terms of flood risk subject to details being submitted and approved in regard to flood warning and emergency procedures prior to occupation.

Economic benefits

- 12.5 It is considered that the retention of the Shepards Hut as tourist accommodation would make a small contribution to the local economy through the likely spend of guests, which would support retail, food and drink and travel services in the area.

Highways

- 12.6 Local Plan Policy COM7 sets out 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.
- 12.7 The Highway Authority recommends the application is refused given the proposal is considered to result in an intensification of use of the site where the existing access onto the Lyme Road (B3165) has substandard visibility and this lack of adequate visibility onto the highway and the intensification of use would likely cause additional danger to road users.
- 12.8 The applicant has set out that given the size of the existing dwelling there is already potential for a 'high access' credit to be attributable to the site and given the size of the Shepards Hut

it would only generate traffic from one extra vehicle. The applicant has also suggested to the Highway Authority the potential use of a double mirror on the opposite side of the road to enable traffic to be seen from both directions. The Highway Authority has responded to the suggested mitigation that they have visited site and consider the access to be severely sub-standard when the available visibility to the south is considered. The Highway Authority sets out that it has considered the proposed development, rather than the existing use which is not part of this development. Furthermore, the Highway Authority has set out that Dorset Highways do not condone mirrors on the highway and although they maintain a set number of historical ones at road junctions, they do not put up new mirrors. The Highway Authority has confirmed they would not accept a mirror to mitigate a substandard access due to visibility.

- 12.9 The applicant has set out that they would be willing to accept a planning condition which stipulates no parking for the Shepherd's Hut will be permitted on site and consider there is more than adequate unrestricted parking in the road for the likely number of visitors to the Shepards Hut. It is considered that such a condition would not be enforceable as the monitoring of vehicles accessing the site would not be reasonably practical. Therefore, as the suggested condition is not considered to be enforceable it would fail the requirements for planning conditions as required by paragraph 57 of the NPPF 2025.
- 12.10 Through the course of the application and in response to concerns raised by the Highway Authority, the applicant submitted a Visibility Splay drawing no.1576.005. The Visibility Splay drawing sets out proposed alterations to the boundary fence to the north of the site access and removal of a hedge to the south of the site access. The hedge proposed to be removed is on Dorset Council land and the applicant has provided an email from the Dorset Council Arboricultural Officer in which they raise no objection to the applicant removing the hedge, subject to the removal taking place outside of bird nesting season (1st March to August 31st). Prior to the Visibility Splay drawing being submitted the Highway Authority set out that even if the hedge and vegetation was removed it would appear the railings and bridge wall would obstruct visibility. Furthermore, when the Highway Authority was re-consulted on the Visibility Splay drawing, they set out that they had nothing further to add to their previous observations.
- 12.11 Therefore, given the proposed intensification of use of the site for holiday accommodation, the substandard visibility of the access to the site, which it has not been demonstrated can be reasonably mitigated for, the proposed development is considered to have a severe detrimental effect on road safety and as such fails to accord with Policy COM7 of the West Dorset, Weymouth & Portland Local Plan 2015 and paragraphs 115b and 116 of the NPPF (2025).

Impact on trees

- 12.12 There are numerous mature trees on the application site, however the development has already taken place, and no response has been received from the Tree Officer. The proposal includes the removal of a boundary hedge, and correspondence with the Dorset Council Arboricultural Officer has raised no objection to this subject to its removal taking place outside of the bird nesting period. It is therefore considered that subject to a condition restricting the timing of hedge removal the proposal is acceptable in terms of impact on trees.

Contaminated land

- 12.13 The application site sits on land which previously formed a section of the Lyme Regis branch line to Axminster and is recorded as potentially contaminated. The Environmental Protection recommend that should planning permission be granted a precautionary condition is required, which sets out that in the event that ground contamination is encountered during any groundworks related to this development, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority. However, it is considered that as the proposal is to retain the existing development and no further groundworks are proposed, such a condition is not necessary.

Biodiversity

- 12.14 The proposed development has already been carried out and according to the application the scheme has been in place since June 2023. As the development was carried out prior to 12 February 2024, the scheme is considered to be exempt from the requirements of Biodiversity Net Gain. Furthermore, as the development is in place it is not possible to assess what ecology has been impacted by the development. However, given the modest scale of the application site, which is not a designated habitat, it is considered the impact on biodiversity is likely to be acceptable.

Environmental implications

- 12.15 None

13. Conclusion

- 13.1 The proposed development is considered acceptable in regard to its scale, design, impact on character and appearance, amenity impact, flood risk, impact on trees, contamination and biodiversity, subject to conditions. However it is considered the proposed intensification of the use of the vehicular access through the use of the Shepards Hut as holiday accommodation would have a severe detrimental effect on road safety and as such fails to accord with Policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015), and paragraphs 115b and 116 of the National Planning Policy Framework (2025). Therefore, the application is not considered acceptable in planning terms and is recommended for refusal.

14. Recommendation

Refuse for the following reason:

The access to the site lacks adequate visibility onto Uplyme Road the B3165. The application has failed to demonstrate that the intensification of the use of the access would avoid a severe detrimental effect on road safety. As such, the application does not accord with Policy COM7 of the West Dorset and Weymouth & Portland Local Plan (2015) and paragraphs 115b and 116 of the NPPF (2025).

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Application Number:	P/VOL/2025/01557
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=413024
Site address:	4 & 5 Bedford Terrace, Long Bredy DT2 9HW
Proposal:	Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services. (with variation to condition 2 and 5 of planning permission P/LBC/2023/07124 to improve overall layout of ground and first floors and to allow for the inclusion of steel as a construction format for the ground floor extension windows and doors to improve overall appearance and design of the rear extension).
Applicant name:	Mr Jonathan Pilbeam
Case Officer:	Kathryn Melhuish
Ward Member(s):	Cllr Holland

1. This application has been brought to committee as one of the owners of the properties is employed by Dorset Council in the Development Management Service.
2. **Summary of recommendation:** Grant subject to conditions.
3. **Key planning issues**

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

4. Description of site

- 4.1 4 and 5 Bedford Terrace form two of a group of attached former estate cottages belonging to the Duke of Bedford Estate. They are Grade II Listed and have individual and group value with the other six properties. The cottages were built in 1865 and lie within the heart of Long Bredy Conservation Area, which is a small rural village characterised by a collection of predominantly old properties set back from the road and fronted by trees, hedgerows and low boundary walls. A brook runs alongside the main road to the west. The village is otherwise surrounded by open farmland and is within the Dorset National Landscape (AONB).

5. Description of development

- 5.1 The proposal seeks to vary condition 2 and 5 of Listed Building Consent P/LBC/2023/07124 to improve the overall layout of the ground and first floor and to allow for the inclusion of steel as a construction format for the ground floor extension windows and doors to improve the overall appearance and design of the rear extension.

6. Background and relevant planning history

1/E/92/000585 - Decision: GRA - Decision Date: 07/12/1992

Take down porch, rebuild porch & make external & internal alterations.

1/W/04/001904 - Decision: REF - Decision Date: 07/12/2004

Erect rear two storey extension and lean-to.

1/W/04/001905 - Decision: REF - Decision Date: 07/12/2004

Erect rear two storey extension and lean-to. Install 2No new windows to rear elevation. Replace 1No window in front elevation.

1/W/05/000006 - Decision: GRA - Decision Date: 06/04/2005

Erect rear two storey extension and lean-to. Replace 1No window in front elevation (Amended scheme to 1/W/04/001904).

1/W/05/000204 - Decision: GRA - Decision Date: 06/04/2005

Alternative scheme to P.A. 1/W/2004/001905 (erect rear two storey extension and lean-to. Install 2No new windows to rear elevation. Replace 1No window in front elevation).

P/LBC/2022/02381 - Decision: GRA - Decision Date: 12/08/2022

Carry out internal and external alterations. External alterations include the carrying out of pointing, the refurbishing of windows and the installation of a new extractor fan. Internal alterations include the installation of: Secondary glazing; a new floor slab with drainage below; a new boiler; insulation; a services cavity; a stove box following the removal of a fireplace surround; wiring; a nib; draft proofing between joists; partitions; plumbing and drainage and wardrobes. Internal alterations also include the removal of a cupboard, the repair of ceilings and the relocation of a ceiling hatch.

P/PAP/2023/00015 - Decision: RES - Decision Date: 12/07/2023

Refurbish and extend neighbouring listed properties.

P/LBC/2023/07124 - Decision: GRA - Decision Date: 18/03/2024

Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services.

P/FUL/2023/07302 - Decision: GRA - Decision Date: 18/03/2024

Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services.

7. List of constraints

Grade II Listed 3,4,5 AND 6 HE Reference: 1304788 (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

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

8. Consultations

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

Consultees

1. **Long Bredy Parish Council** – no comments received.
2. **Chesil Bank Ward** – Cllr Sally Holland – no comments received.

Representations received – None.

9. Duties

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the 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 when considering whether to grant listed building consent.

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

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty)

10. Relevant policies

West Dorset Weymouth and Portland Local Plan 2015

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

National Planning Policy Framework 2024 (as amended 2025)

Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Emerging Local Plans:

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 draft Dorset Council Local Plan

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

Emerging Neighbourhood Plans – n/a

Supplementary Planning Documents/Guidance:

West Dorset District Council Design and Sustainable Development Planning Guidelines Adopted February 2009

Long Bredy, Portesham, Chickerell, Abbotsbury & Langton Herring Conservation Area Appraisal Parts 1 and 2 Adopted December 2007

SPAB Technical Advice Notes

Historic England - Building Conservation: Technical Guidance

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11. Human rights

Article 6 - right to a fair trial.

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

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

12. Public Sector Equalities Duty

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

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

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

13. Assessment

Impact on Heritage Asset, Setting and Conservation Area

- 13.1 The application seeks permission to vary Conditions 2 and 5 of the consented scheme. Condition 2 amendments relate to Plan DWG 2301_p-1001Rev B: to include alterations to the ground floor bathroom and utility room at 4 Bedford Terrace. This alteration is simply reconfiguring the space in the bathroom which is considered to not cause any harm to the historic fabric or the character of the listed building.
- 13.2 Condition 2 amendments also relate to Plan DWG 2301_p-1002Rev A: to revise the layout of the first-floor bathroom at 4 Bedford Terrace. This alteration is to reduce the size of the first-floor bathroom to enable better circulation space. It is considered that this would cause no harm to the character or fabric of the listed building.

- 13.3 Condition 5 amendments relate to the appearance and design of the rear extension to allow for the inclusion of steel as a construction format for the rear ground floor doors and windows. This change in material will not fundamentally alter the character but simply change the material from timber. As the extension will evidently read as a new extension, the proposed change of material will cause no more harm to the character of the rear of the listed building, when compared to the scheme which has previously been granted and implemented. Like that scheme, the degree of harm is considered less than substantial to the designated heritage asset of the listed building. The change to the window and door material is at the rear and at ground floor level and therefore will not impact on the wider character and appearance of the Conservation Area nor the Dorset National Landscape. It is considered that Section 85 duty of the Countryside and Rights of Way Act (2000) has been met.
- 13.4 In considering the overall development and its impact on the listed buildings it was previously considered in respect of the original application that it would have less than substantial harm which is outweighed by public benefit. The same conclusion can be reached in respect of the current scheme. If left without restoration and renovation there may be long term concern for the viable residential use of the properties, in respect of requirements for modern day living standards. The public benefit of providing modern day living improvements to the properties, which would contribute towards their functioning as ongoing viable residential units into the future, coupled with the consolidation of outbuildings and extensions would, on balance, outweigh the less than substantial harm that the works would cause to the significance of the listed buildings.

14. Conclusion

- 14.1 The proposed alterations would cause no more harm than the extant scheme already consented. It is considered that the level of harm is less than substantial and that this is outweighed by the public benefits identified above. Furthermore, the proposal would not detrimentally alter the street scene and therefore would not result in harm to the special character and local distinctiveness of Long Bredy Conservation Area.
- 14.2 In reaching this conclusion the proposal has been assessed with regard to the duties under sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and applying section 16 of the NPPF (2024).

15. Recommendation: Approve subject to the following conditions:

15.1 Grant subject to the following conditions:

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

2301_s_e-4000 - The location plan
2301_s_p-1003 - Proposed Roof plan
2301_s_p-2001 - Proposed Front Elevations
2301_s_p-2002 A Proposed Rear Elevations

2301_s_p-2003 - Proposed Side Elevation
2301_s_p-2004 - 4 Bedford Terrace Proposed Outbuilding
2301_s_p-2005 - 5 Bedford Terrace Proposed Outbuilding
2301_s_p-2006 - 5 Bedford Terrace Proposed Carport
2301_s_p-3001 - Proposed Cross section
2301_s_p-4001 - Proposed Site plan
1001 C Proposed Ground Floor Plans
1002 B Proposed First Floor Plans
Elevations: Proposed Ground Floor Extension Window and Doors dated 18/02/2025
Elevations and Sections: Proposed Ground Floor Extension Window and Doors Details dated 18/02/2025

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

2. External materials shall be in accordance with the materials schedule submitted on 10 April 2024 under application P/LBC/2023/07124.

Reason: To ensure a satisfactory visual appearance of the listed building.

3. Battened sheep's wool and a lathe and plaster finish must be used for the internal wall insulation and shall not be an adhered method (as clarified by the email from the applicant dated 01 February 2024).

Reason: To protect and safeguard the fabric of the heritage asset.

4. Prior to their installation detailed drawings and specifications showing the design, colour and construction of external doors and windows (at a scale no less than 1:10) shall be submitted to the Local Planning Authority and agreed in writing. Thereafter, the works shall be carried out in accordance with the agreed details.

Reason: To preserve or enhance the character and appearance of the heritage asset.

5. All new and replacement rooflights shall be top hung metal Conservation rooflights with vertical glazing bar and fitted flush to the roof plane.

Reason: To preserve or enhance the character and appearance of the heritage asset.

Informative:

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

Case Officer Signature:		Authorising Officer Signature:	
Date:		Date:	

Application number:	P/VOC/2025/01606
Site address:	Uplyme Road Business Park Uplyme Road Lyme Regis
Proposal:	Construction of 13 Storage Units (with variation of condition 2 of Planning permission P/FUL/2023/06865 - amended plan to reposition footprint of storage units) (with variation to condition 1 of planning permission P/VOC/2024/02912 to relocate toilet block)
Applicant name:	Tony Pudner
Case officer:	Steve Tapscott
Ward member:	Cllr Bawden

1. Reason application is going to committee

- 1.1 In accordance with the Council's scheme of delegation, this application is brought to committee for determination because Dorset Council is the landowner.

2. Summary of recommendation

- 2.1 GRANT, subject to conditions.

3. Key planning issues

Issue	Conclusion
Principle of development	Already established through permissions ref. P/FUL/2023/06865 and P/VOC/2024/02912. The site is within a well-established business park, which is designated as a Key Employment Site.
Scale, design and impact on local character, including the National Landscape	The proposal is consistent with the scale and design of development already approved under P/VOC/2024/02912. The minor repositioning of the toilet has no material impact on local character or the National Landscape.
Impact on amenity	The scale of development remains consistent with the extant scheme and the proposed use is the same. Planning conditions relating to opening hours, landscaping, external storage and lighting can be rolled forward.
Highway impacts, safety, access and parking	The access is well established and the proposal would result in no materially different impacts on the local network or highway safety.
Flood risk and drainage	As per the extant scheme, the development would utilise the existing piped system for surface water drainage.
Coastal erosion and land stability	No identified risk.
Ecology and biodiversity net gain	There is no material difference in ecological terms compared with the extant permission. BNG is not applicable where it was not a requirement of the original planning permission.

Issue	Conclusion
Impact on trees	There would be no material change in the relationship with trees compared with the previous approval.

4. Description of site

- 4.1 The site is within the defined development boundary of Lyme Regis and it is situated within a commercial area known as Uplyme Road Business Park, to the east of Uplyme Road. Access is established via this highway, which also leads to a medical centre and other business premises.
- 4.2 The land is fenced off from the medical centre car park to the northwest. To the northeast are the rear gardens of properties along Hays Close, while to the southeast, there are further commercial units. The site is within a designated key employment site, safeguarded under Policy ECON2 of the West Dorset, Weymouth & Portland Local Plan 2015.
- 4.3 Until recently, the site comprised a vacant, undeveloped, relatively flat area of land. Committee granted planning permission ref. P/FUL/2023/06865 in February 2024 for 13 storage units, and a variation to the layout was approved by Committee in September 2024 under ref. P/VOC/2024/02912. Works are nearing completion.

5. Description of development

- 5.1 Following approval ref. P/VOC/2024/02912, the applicant wishes to reposition the toilet from the approved location near the site entrance to a new position to the east of the site. It would instead sit amongst the approved bin store and cycle parking. No changes to the dimensions or materials of the toilet are proposed.

6. Background and relevant planning history

- 6.1 Planning permission ref. P/FUL/2023/06865 was granted on 9th February 2024 for the '*construction of 13 storage units.*'
- 6.2 This was amended on 18th September 2024 under ref. P/VOC/2024/02912 to reposition the footprint of the units. Planning permission was granted, subject to conditions, one of which required the submission of a landscaping plan. This was later discharged.
- 6.3 The Council is also in receipt of live application ref. P/FUL/2025/01232 for the '*change of building from storage (use class B8) to industrial (use class B2)*' in relation to unit 6.

7. List of constraints

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

8. Consultations

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

Consultees

1. **Lyme and Charmouth Ward Member:** no response received.

- 2. Lyme Regis Town Council:** no response received.
- 3. Bournemouth Water Ltd (South West Water):** comments of 19/06/2024 attached to planning reference P/VOC/2024/02912 still apply.
- 4. Highways:** no objection.
- 5. Coastal risk management:** no objection, away from Coastal Zone.
- 6. Asset & Property:** no response received.

Representations received

8.2 None received.

9. Duties

- 9.1 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.
- 9.2 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscapes (formerly known as Areas of Outstanding Natural Beauty).

10. Relevant policies

Development plan

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

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

- INT1: Presumption in Favour of Sustainable Development
- ENV2: Wildlife and Habitats
- ENV5: Flood Risk
- ENV7: Coastal Erosion and Land Instability
- ENV10: The Landscape and Townscape Setting
- ENV12: The Design and Positioning of Buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS2: Distribution of Development
- COM7: Creating a Safe and Efficient Transport Network
- COM9: Parking Provision
- ECON1: Provision of Employment
- ECON2: Protection of Key Employment Sites

Material considerations

Emerging Dorset Council local plan

- 10.2 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and

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

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

National Planning Policy Framework 2024 (as amended 2025)

10.4 Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

10.5 Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 6 'Building a strong, competitive economy.'

- Section 11 'Making effective use of land.'

- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change.'
- Section 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice Guidance

All of Dorset

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

11. Human rights

- Article 6 - right to a fair trial.
- Article 8 - right to respect for private and family life and home.
- The first protocol of Article 1 protection of property.

11.1 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.

12. Public Sector Equalities Duty

12.1 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.

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

13. Planning assessment

Principle of development

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

13.2 Ordinarily, a standard planning condition is attached to planning permissions to ensure that they are implemented within a three-year period. In this case, because the development has clearly been implemented already, there is no need for a time limit condition in this instance.

Benefits

13.3 The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Job creation.	Unspecified.
Non material considerations	
Business rates.	Unknown.

Environmental implications

13.4 None identified.

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

- 13.5 The repositioned toilet would result in it being in a less prominent location, away from the entrance to the site. This would lead to a minor visual betterment to the site layout. No other aspect of the development would alter.
- 13.6 The previous consent was subject to a landscaping condition, which was discharged in October 2024. The species and detailing shown on the approved landscaping plan have been duplicated on the submitted proposed site plan. This can be conditioned to any grant of consent.
- 13.7 Previous conditions prohibiting external storage and restricting opening hours can also be rolled forward, in the interests of amenity. A condition requiring details of any external lighting is also still reasonable.
- 13.8 In light of these factors, no material impacts on local character, including the National Landscape, are identified. The proposal accords with Policies ENV1 and ENV10 of the local plan.

Impact on amenity

- 13.9 Given the extant position and the minor nature of the proposal, the proposed amendment would not materially affect relationships beyond the extant position when considering loss of privacy, overshadowing, overbearing impact and disturbance from general activity and noise.
- 13.10 The extant permission includes a condition restricting opening times to 7am - 10pm weekdays and 8am - 8pm Saturdays, Sundays and bank holidays, which it would be appropriate to repeat. As such, the scheme remains acceptable in terms of Policy ENV16 (Amenity) of the local plan.

Highway impacts, safety, access and parking

- 13.11 The repositioned toilet would not affect the amount of turning/manoeuvring space or the number of parking or cycle spaces. The repositioned cycle parking would continue to be accessible. No objections are raised by Highways and the scheme is in accordance with policies COM7 & COM9 of the local plan (2015).

Flood risk and drainage

- 13.12 Bournemouth Water's comments referred back to their comments in association with application ref. P/VOC/2024/02912. A review of that application shows that Bournemouth Water provided initial comments in respect of a lack of drainage information, but this was revised to 'no additional comments', further to the receipt of a drainage survey and drainage plan. The applicant has resubmitted this plan and document with this current application, such that it can be reasonably inferred that this will be acceptable to Bournemouth Water. As both the drainage plan and document are for information and they do not relate to the proposed development, there is no need to condition them to any consent.
- 13.13 As per the extant scheme, surface water would be drained via existing storm drains, not a combined sewer and not via a soakaway. A planning condition attached to the previous permission can be rolled forward, requiring all surface water to be discharged to the piped drainage system, rather than a soakaway. As such, the scheme complies with policy ENV5 of the local plan.

Coastal erosion and land stability

- 13.14 The site is located within zone 2 of the Slope Instability Guidance Map for Lyme Regis. The Council's Coastal Risk Management team has raised no objections to the proposal, such that it complies with policy ENV7 of the local plan.

Ecology and biodiversity net gain

- 13.15 The committee report in respect of the extant scheme set out that because the storage units and the parking area did not exceed 0.1ha in size, and that any biodiversity impacts would

be limited to retained and protected boundary planting, no significant impacts would arise. There is no material difference with the varied scheme.

- 13.16 Having regard to biodiversity net gain (BNG), this was not in force at the time the original permission was granted. The regulations set out that BNG is not applicable to Section 73 applications where it was not a requirement of the original planning permission.

Impact on trees

- 13.17 The proposed development would not materially affect trees beyond the extant position. As such, the scheme complies with policy ENV10 of the local plan.

14. Summary of issues and the planning balance

- 14.1 The proposal is considered acceptable as the principle of the development is already established. The proposed amendment would have no adverse impact on the character of the area, residential amenity, highway safety, trees, flood risk or land instability, and the development is considered to accord with the policies of the development plan and the NPPF.

15. Recommendation

- 15.1 Grant, subject to the following conditions:

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

C2344.01B: location and block plan

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

C2344.03C: storage building C floorplan, roof plan and elevations.

C2344.04B: proposed site plan.

C2344.05C: proposed sections 1.

C2344.06B: proposed sections 2.

C2344.07B: proposed sections 3.

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

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

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

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

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

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

Reason: in the interests of residential and visual amenity.

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

Reason: in the interests of visual and residential amenity.

6. The development shall be carried out in accordance with the planting scheme detailed on the approved site plan. The planting shall be implemented in full during the first planting season November - March following any of the units being brought into first use, or within a timescale to be agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interest of visual amenity.

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

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

8. Prior to first use of the development hereby approved, the cycle parking facilities shown on the approved site plan shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

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

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

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

Informatives

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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

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

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

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

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

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

- 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.

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

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Application number:	P/FUL/2025/01232
Site address:	The Lower Site Uplyme Road Lyme Regis
Proposal:	Change of use of building from storage (use class B8) to industrial (use class B2)
Applicant name:	Mr A Dyson
Case officer:	Steve Tapscott
Ward member:	Cllr Bawden

1. Reason application is going to committee

- 1.1 In accordance with the Council's scheme of delegation, this application is brought to committee for determination because Dorset Council is the landowner.

2. Summary of recommendation

- 2.1 GRANT, subject to conditions.

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable: the site is within a well-established business park, which is designated as a Key Employment Site.
Scale, design and impact on local character, including the National Landscape	Acceptable: the proposal is for the change of use of an existing building and no physical changes are proposed.
Impact on amenity	Acceptable: noise is the main potential source of disturbance, but no objections are raised by Environmental Protection.
Highway impacts, safety, access and parking	Acceptable: no objections are raised by Highways.
Flood risk and drainage	Acceptable: a planning condition can ensure the development would utilise the existing piped system for surface water drainage. Other drainage would be covered by the Building Regulations.
Ecology and biodiversity net gain	Acceptable: ecological interest is unlikely in this new building. BNG does not apply because the application is for a change of use only.

4. Description of site

- 4.1 The site is within the defined development boundary of Lyme Regis and it is situated within a commercial area known as Uplyme Road Business Park, to the east of Uplyme Road. Access is established via this highway, which also leads to a medical centre and other business premises.
- 4.2 The land is fenced off from the medical centre car park to the northwest. To the northeast are the rear gardens of properties along Haye Close, while to the southeast, there are further commercial units. The site is within a designated key employment site, safeguarded under Policy ECON2 of the West Dorset, Weymouth & Portland Local Plan 2015.

4.3 Until recently, the site comprised a vacant, undeveloped, relatively flat area of land. Committee granted planning permission ref. P/FUL/2023/06865 in February 2024 for 13 storage units, and a variation to the layout was approved by Committee in September 2024 under ref. P/VOC/2024/02912. Works are nearing completion.

5. Description of development

5.1 Following approval ref. P/VOC/2024/02912, the applicant wishes to change the use of unit 6 from the approved B8 storage to a B2 (general industrial) use, to be occupied by a waterjet company. No physical changes to the unit or the wider site are proposed.

6. Background and relevant planning history

6.1 Planning permission ref. P/FUL/2023/06865 was granted on 9th February 2024 for the 'construction of 13 storage units.'

6.2 This was amended on 18th September 2024 under ref. P/VOC/2024/02912 to reposition the footprint of the units.

6.3 The Council is also in receipt of live application ref. P P/VOC/2025/01606 to further amend the layout, to reposition a toilet.

7. List of constraints

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

8. Consultations

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

Consultees

1. Lyme and Charmouth Ward Member: no response received.

2. Lyme Regis Town Council: no response received.

3. Bournemouth Water Ltd (South West Water): response to say their comments of 19/06/2024 attached to planning reference P/VOC/2024/02912 still apply. These comments were requesting the applicant to demonstrate how the proposal accords with the drainage hierarchy. Further to the applicant submitting a drainage survey and plan, Bournemouth Water responded to say 'no additional comments to add.'

4. Highways: initial comment to defer, pending details on the types of vehicles and the frequency of deliveries. Further to the applicant confirming that the business will receive its main deliveries at its main hub nearby, with customers collecting orders from the application site using vans around 3-4 times per week. Highways raises no objections, subject to conditioning these details.

5. Coastal risk management: no objection, away from Coastal Zone.

6. Aset & Property: no response received.

7. Economic Development and Tourism: comments in support because of the additional employment space that would be provided.

8. Environmental Protection: initial concerns because the submitted noise survey was not bespoke, plus there is the potential for disturbance from a general B2 use (dust, vibrations, fumes, etc.). Further to the receipt of a revised noise report, no objections are raised, subject to conditioning the noise limits and opening hours set out in the report. The officer also recommends a planning condition to restrict the use to a waterjet company only.

Representations received

8.2 None.

9. Duties

9.1 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.

9.2 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscapes (formerly known as Areas of Outstanding Natural Beauty).

10. Relevant policies

Development plan

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

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

- INT1: Presumption in Favour of Sustainable Development
- ENV5: Flood Risk
- ENV7: Coastal Erosion and Land Instability
- ENV10: The Landscape and Townscape Setting
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS2: Distribution of Development
- COM7: Creating a Safe and Efficient Transport Network
- COM9: Parking Provision
- ECON1: Provision of Employment
- ECON2: Protection of Key Employment Sites

Material considerations

Emerging Dorset Council local plan

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

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

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

National Planning Policy Framework 2024 (as amended 2025)

10.4 Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

10.5 Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy.'
- Section 11 'Making effective use of land.'
- Section 14 'Meeting the challenges of climate change, flooding and coastal change.'
- Section 15 'Conserving and Enhancing the Natural Environment' - In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty.

Other material considerations

National Planning Practice Guidance

11. Human rights

- Article 6 - right to a fair trial.
- Article 8 - right to respect for private and family life and home.
- The first protocol of Article 1 protection of property.

11.1 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.

12. Public Sector Equalities Duty

12.1 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.

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

13. Benefits

13.1 The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Job creation.	Unspecified.
Non-material considerations	
Business rates.	Unknown.

14. Environmental implications

14.1 None identified.

15. Planning assessment

Principle of development

15.1 The applicant and end user, Precision Waterjet, is considered to represent a B2 use. The site is located on an established Key Employment Site, where Policy ECON2 of the local plan allows for B2 uses, subject to them not having a significant adverse impact on surrounding uses. Therefore, subject to an assessment in this regard, the proposal is acceptable under Policy ECON2 of the local plan.

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

15.2 The development would simply lead to the change of use of the unit and with no associated physical changes. It is unlikely that the character of the locality would materially change from the B2 use as opposed to the extant B8 use, particularly given how the site is within a safeguarded employment site where B2 uses are acceptable in principle.

15.3 The permission covering the wider site includes planning conditions prohibiting external storage and requiring details of any external lighting. These are equally applicable and relevant to this unit, so it would be reasonable to replicate them on any consent.

15.4 In light of these factors, no material impacts on local character, including the National Landscape, are identified. The proposal accords with Policies ENV1 and ENV10 of the local plan.

Impact on amenity

15.5 No physical changes to the site or building are proposed, so no concerns are raised in respect of overlooking, overshadowing or an overbearing presence. Rather, the key consideration is the impacts from disturbance arising from the proposed use in terms of noise, dust, vibrations, etc.

15.6 The company seeking to occupy the unit is Precision Waterjet, which specialises in cutting materials with high-pressure water. This is considered to represent a B2 use. Whilst the main source of disturbance from this particular business is likely to be noise, it is important to bear in mind that by approving a B2 use, this means the unit could be used by any other business that falls within the same use class in the future. An alternative B2 business could be reasonably expected to give rise to other sources of disturbance, for example dust, fumes and vibrations, as well as noise. Consideration therefore needs to be given to the potential impacts from this use class as a whole, not just Precision Waterjet. The alternative is to restrict the use of the building to Precision Waterjet only, or more generally to a waterjet company.

15.7 This has been discussed with the Council's Environmental Protection officer, who agrees that an unfettered B2 use could lead to material harm for neighbouring properties. It is therefore reasonable to restrict the use to a waterjet cutting business only. As this application has been submitted alongside an acceptable noise report (which can be conditioned to any grant of permission and no other sources of disturbance are identified

from this particular end user, it is reasonable and necessary to impose noise limits and hours of operation through conditions.

- 15.8 In light of these factors, the proposal is acceptable in terms of policy ENV16 of the local plan.

Highway impacts, safety, access and parking

- 15.9 Following initial concerns raised by Highways, the applicant has supplied further information regarding the nature of the business. This sets out how the business is not intending to vacate its existing site to the south, and this existing building will function as a main hub. Deliveries will be focussed towards this hub, and the applicant anticipates that customers may use vans to collect parts from the new building around 3-4 times per week.
- 15.10 On this basis, Highways raises no objections on grounds of impacts on the wider network, safety, access or parking, subject to a condition requiring compliance with the submitted details.
- 15.11 Subject to this condition, the proposal is in accordance with policies COM7 and COM9 of the local plan.

Flood risk and drainage

- 15.12 Planning permission for the wider site was granted subject to a condition requiring surface water to be drained via existing storm drains, not a combined sewer and not via a soakaway. A similar planning condition would therefore be reasonable, such that the proposal complies with policy ENV5 of the local plan.
- 15.13 Any wastewater arising from the proposed use would be addressed at the Building Regulations stage.

Ecology and biodiversity net gain

- 15.14 The building is brand new, such that it is highly unlikely any protected species would be present in it.
- 15.15 BNG does not apply because the application is for a change of use only.

Impact on trees

- 15.16 The proposed development is for a change of use only, such that it would not materially affect the relationship with trees beyond the fallback position. The proposal therefore complies with policy ENV10 of the local plan.

16. Summary of issues and the planning balance

- 16.1 The proposal is considered acceptable as the principle of the development is already established. Subject to conditions, the proposed amendment would have no adverse impact on the character of the area, residential amenity, highway safety, flood risk, ecology or trees and the development is considered to accord with the policies of the development plan and the NPPF.

17. Recommendation

- 17.1 Grant, subject to the following conditions:

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

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

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

C2445.01 location and block.

C2445.04 proposed floorplan.

C2445.05 proposed elevations.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the site shall not be used other than by a waterjet cutting business.

Reason: in the interests of residential amenity, to ensure that the use remains compatible with surrounding land uses in the area and to ensure that vehicular movements and types remain at an acceptable level.

4. The premises shall not be used outside the hours of 0800 to 1800 Monday to Friday or at any time on Saturdays, Sundays and public holidays.

Reason: to safeguard the character of the area and the living conditions of surrounding residential properties.

5. Any water jet machines, roller door and roof of the building must comply with section 4.2 and table 3 of the submitted Noise Impact Assessment ref. 41625150, dated 30/04/25

Reason: in the interests of residential amenity.

6. No more than four deliveries shall be made to the application site per week. Those deliveries shall be limited to vehicles no larger than vans.

Reason: in the interests of safety and residential amenity.

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

Reason: in the interests of residential and visual amenity.

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

Reason: in the interests of visual and residential amenity.

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

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

Informatives

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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

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

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

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

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

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

- Development 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).

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