



Western and Southern Area Planning Committee

Date: Thursday, 17 July 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 Joshua.kennedy@dorsetcouncil.gov.uk 01305 224710

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda. If you would like to attend this meeting and have any specific requirements please contact the Democratic Services Officer named above.

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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 12 June 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 15 June 2025.

5. P/FUL/2024/06791 PICNIC AREA CAFÉ NEW STREET LANE BRIDPORT DT6 6AS 9 - 46

Demolition and removal of existing buildings and structures and the construction of a new highway depot, including a single-storey office building, 3,000 tonne salt barn, and garages with associated parking and landscaping.

6. WD/D/20/002002 MANOR FARM MANOR FARM LANE WINTERBOURNE ABBAS ST2 9LR 47 - 74

Erection of 32.no dwellings with parking, demolition works, provision of public open space, public off-road parking, bio-diversity provisions and off-site flood storage measures and modify existing vehicular access.

7. P/VOC/2024/06786 5 OVERTON CLOSE TIMBER HILL LYME REGIS DT7 3HQ 75 - 86

Erect a first floor extension to include balcony, front porch and associated works and landscaping (with variation of condition 2 of P/HOU/2023/00174 - to amend ridge height, include solar panels and additional roof light and amend landscaping scheme; and discharge condition 3 to agree external facing materials).

8. P/FUL/2025/000780 46 ST DAVIDS ROAD WEYMOUTH DT4 9LP 87 - 106

Demolition of disused garages and the erection of a three bed domestic dwelling with associated parking and grounds.

9. P/VOC/2025/01396 THE PAVILION COMPLEX THE ESPLANADE WEYMOUTH DT4 8ED 107 - 118

Erect extensions & alterations to Pavilion building including first floor extension with lift shaft, alterations to existing sun deck, replacement

windows, external decorations & replacement roof coverings (with variation of condition 2 of planning permission WP/17/00218/FUL to enclose proposed balcony/terrace area).

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 12 JUNE 2025

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

Apologies: Cllrs Belinda Bawden and Kate Wheller

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Paul Eastwood (Engineer (Development Liaison)), Joshua Kennedy (Democratic Services Officer), Kathryn Melhuish (Conservation and Design Team Leader), Robert Parr (Planning Officer) and Megan Rochester (Senior Democratic Services Officer) and Steve Tapscott (Senior Planning Officer)

1. Declarations of Interest

Cllrs Matt Bell and David Northam declared an interest in item 5, due to having sat on the Weymouth Town Council meeting where the application was considered and therefore did not take part in the debate or vote.

2. Minutes

The minutes of the meeting held on 8 May 2025 were confirmed and signed.

3. 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.

4. P/OUT/2022/06846 - Colwell Shopping Centre, School Street, Weymouth, Dorset, DT4 8NJ

Cllr Bell left the Council Chamber 10:05.

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 demolition of a former shopping centre and the erection of a hotel and associated works.

The proposed plans were shown to members and it was explained that parts of the site fell within flood zone 3, therefore the floor level had been raised in response to comments from the Environment Agency and Lead Local Flood Authority. There would also be staff present on site at all times to alert guests in the event of a flood and a Flood Evacuation Plan was to be conditioned.

The proposed elevations were provided, showing a traditional design on the front elevation to be in keeping with the surrounding area. Members were also shown photographs of the building in its current state and in relation to the nearby residential dwellings and listed buildings.

It was not considered that there would be a harmful level of overlooking on the nearby residential properties and a contribution of approximately £14,310 was required to mitigate against the ecological impact of the development.

Cllr Northam left the room at 10:25.

Officers provided the following responses to members questions:

- It was understood that the commemorative plaque was to be retained on the front elevation of the building.
- As the new usage of the site would include sleeping accommodation greater weight was given to flood risk compared to its previous use as a shopping centre.
- Members would require a justifiable planning reason, if they were to impose a condition restricting the number of days a guest could stay in the hotel for.

Several members expressed support for the application, noting that it would replace an eyesore in the town centre with a modern development, although there was a concern about the lack of parking provision.

It was proposed by Cllr Eysenck and seconded by Cllr Kimber, that the application be granted.

Decision:

- A) That authority be delegated 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 the condition set out in the appendix to these minutes 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.
- B) Refuse permission for the reasons set out in the appendix to these minutes if the legal agreement is not completed by 6 months from the date of committee or such extended time as agreed by the Service Manager for Development Management and Enforcement.

5. **P/FUL/2024/06334 - Abbotswell, Lyme Road, Uplyme, DT7 3TJ**

The item was deferred for technical reasons.

6. **P/VOL/2025/01557 - 4 & 5 Bedford Terrace, Long Bredy, DT2 9HW**

Cllr Bell and Cllr Northam returned to the Council Chamber at 10:45.

The Conservation and Design Officer presented the application for a variation of condition to improve the layout of the ground and first floor of two cottages. The application had come to committee for determination because one of the owners of the properties was a Dorset Council employee in the Development Management Service.

With the aid of site plans, photographs and floor plans, the details of the application were explained to members. It was considered that the proposed alterations were modest and would not cause harm to the street scene or Long Bredy Conservation Area.

It was proposed by Cllr O'Leary and seconded by Cllr Kimber, that the application be granted.

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

7. **P/VOC/2025/01606 - Uplyme Road Business Park, Uplyme Road, Lyme Regis**

The Senior Planning Officer presented the application for a variation of condition on a development consisting of 13 storage units. The application site was highlighted on a map of the area and photographs showing the current stage of development of the site were provided.

A plan of the previously approved layout and the proposed layout was shown to members and the change, that related to the location of the toilet block, was identified on the plan. There were not considered to be any adverse impacts from the proposed change.

It was proposed by Cllr Kimber and seconded by Cllr Monks, that the application be approved.

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

8. **P/FUL/2025/01232 The Lower Site Uplyme Road, Lyme Regis**

Cllr O'Leary left the Council Chamber at 10:59.

With the aid of a visual presentation including plans and aerial photographs, the Senior Planning Officer identified the site and explained the proposal, which was the change of use of a building from storage to industrial use.

The unit was proposed to be used by a water cutting business as a secondary site location and the permission would be limited to use by such companies in order to protect neighbouring amenity in the future, should a different business occupy the unit. There was also a condition included to limit the number of deliveries and collections to 4 trips per week within set hours, in order to protect neighbouring amenity.

It was proposed by Cllr Northam and seconded by Cllr Christopher, that the application be approved.

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

9. **Urgent items**

There were no urgent items.

10. **Exempt Business**

There was no exempt business.

11. **Update Sheet**

Decision List

Duration of meeting: 10.00 - 11.13 am

Chairman

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Application Number:	P/FUL/2024/06791
Site address:	Picnic Area Cafe New Street Lane Bridport DT6 6AS
Proposal:	Demolition and removal of existing buildings and structures and the construction of a new highway depot, including a single-storey office building, 3,000 tonne salt barn, and garages with associated parking and landscaping
Applicant name:	National Highways
Case Officer:	Bob Burden
Ward Member(s):	Cllr D Bolwell; Cllr B Bolwell; Cllr Williams

Reason for referral to committee

1.0 The officer recommendation is contrary to the objection and representations made by the Parish Council, and the adjacent Town Council.

2.0 Summary of recommendation:

Grant subject to conditions as set out at the end of this report.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of a highways depot is supported by policy SUS2 of the adopted local plan. Other existing community facilities for rest and recuperation are available locally and in the town.
Effect on Dorset National Landscape and visual amenity.	The development would not cause visual harm to the National Landscape.
Effect on heritage assets	The scheme would not cause harm to the conservation area setting nor the setting of historic buildings.
Drainage considerations	Drainage measures are acceptable subject to details.
Ecology	An acceptable ecological impact assessment is included. Scheme would also provide the appropriate biodiversity net gain.
Effect on residential amenity	The location and physical context is acceptable in residential amenity terms.
Land contamination	A contamination report has been provided. Further details would be conditioned.
Highways	The scheme is acceptable in parking and highway safety terms.

4.0 Description of Site

- 4.1 The site is accessed from the A35 trunk road, with the site located adjacent to its west side. The site comprises about 1.055 ha and provides a rest area including public toilets, a café (portable-type building), picnic tables, grassed open space and surfaced parking areas. An internal access road loops around the site with parking areas adjacent to it. The site boundary is mainly formed by a mature tree belt. There are other trees within the site. The toilets are within a buff reconstructed stone pitched roof building.
- 4.2 The site is flanked by Broad Lane to the south, New Street Lane to the west and north, and the A35 trunk road to the east. The nearest housing is Cock Crowing Cottages on Higher Eype Road located about 25m to the west. The site is about 0.97miles (1.5km) from Bridport town centre.

5.0 Description of Development

- 5.1 A new depot is proposed to support gritting and maintenance services to the surrounding road network (which will become National Highways responsibility in October 2026). All existing structures would be removed, save for the existing foul pumping station which would remain. The existing (northern) routes into and exiting the site would be retained. Moving progressively southwards, a drainage attenuation basin would be installed. A parking area beyond would include EV charging facilities, and an office building. South of this would be the main yard area including a pitch-roofed garage to house 4 gritters and ploughs. Next to this would be a 5.2m high covered vehicle wash area. At the southern end of the site would be the circular salt barn silo to hold up to 3000 tonnes with a loading area. Fuel and other ancillary storage facilities are included. An area for LGV and HGV parking is to the west. Six covered cycle spaces would be included. Additional tree planting is proposed.

- 5.2 The nature of the main buildings proposed is as set out below:

Garage: 410m² internal floor area. 6.488m high. Concrete base, vertical timber cladding, fibre cement corrugated sheet roofing-anthracite grey, polycarbonate roof lights. PPC roller shutter doors.

Office: 310m² internal floor area. 4.488m high. The office building would be timber-clad with solid metal panels and metal doors and windows. “Green” roof with photovoltaic panels.

Salt barn: A domed structure with vertical walls up to 3.13m, then with a curving walls such that overall height at “pinnacle” is 11.63m. Concrete retaining wall to lower section and for vertical walling at entrance rising to 9.55m internal height. 490m². Dome finished in roofing shingles. Fan panel in roof.

Ancillary structures include; a re-fuelling station, vehicle wash, a gantry, salt saturator (brine preparation used in gritting process), material storage area with canopy over.

6.0 Relevant Planning History

1/W/83/000487 - Decision: GRA - Decision Date: 28/11/1983

Use land as picnic area to include toilets and parking areas CIRCULAR 7/77
PROCEDURE

P/PAP/2024/00442 - Decision: Response given - Decision Date:
22/08/2024

Redevelopment of site to provide a National Highways Depot.

7.0 List of Constraints

Eype Conservation Area - Distance: 13.89

SUS 2; Land Outside DDBs; - Distance: 0

ENV 1; Area of Outstanding Natural Beauty; Dorset - Distance: 0

Article 4 Direction, Record Key = 119.0 - Distance: 0

Article 4 Direction, Record Key = 130.0 - Distance: 0

Wessex Water Treatment Works Catchment - Distance: 0

PAR - Bridport West and Allington CP - Distance: 345.14

PAR - Bridport CP - Distance: 345.13

Right of Way: Footpath W18/3; - Distance: 35.45

Right of Way: Footpath W18/27; - Distance: 14.22

Right of Way: Footpath W18/26; - Distance: 29.94

SGN - Medium pressure gas pipeline 12.5m or less from Medium Pressure Pipelines
(75mbar - 2 bar); - Distance: 0.51

Higher Potential ecological network - Distance: 0

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); -
Distance: 2051.14

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

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

Surface water flooding - 1 in 100 year event plus 20% allowance - Distance: 0

Surface water flooding - 1 in 100 year event plus 40% allowance - Distance: 0

Radon: Class: Class 1: Less than 1% - Distance: 0

Radon: Class: Class 2: 1 - 3% - Distance: 0

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

National Landscapes (formerly Areas of Outstanding Natural Beauty): (statutory
protection Local Planning Authorities to seek further the purposes of conserving and
enhancing the natural beauty of the area of outstanding natural beauty- National

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

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

8.0 Consultations

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

Consultees

National Highways - Noting that National Highways is the applicant in this case, the Spatial Planning Team will not be submitting comments on the application.

Highways Officer - The application is supported by a Transport Statement – LS/AH/34400 which has been accepted by the Highway Authority as being appropriate and robust. It considers the impact of the traffic associated with the proposed development on the local highway network. An existing entrance will be used to access the site. A drawing confirms that the appropriate visibility splays for the junction can be achieved. This is shown on plan H-01. It is anticipated that the proposed development would attract 62 vehicle movements on an average day between 0700-1900 compared to 707 currently. A Stage 1 Road Safety Audit was undertaken and mitigation measures agreed upon issues that were highlighted. To sum up, the Highway Authority considers that the submitted Transport Assessment is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 115 and 116 of the National Planning Policy Framework (NPPF) . Should planning permission be granted, it is suggested that the following conditions be imposed:

- Manoeuvring, parking and loading areas
- Construction traffic management plan to be submitted
- Visibility splays as shown
- Electric Gate(s) details to be submitted.

Natural England - No objection subject to securing mitigation. NET approved mitigation required. CMP and LEMP required by condition.

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty ("National Landscape") in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers. It is anticipated that the government

will provide guidance on how the duty should be applied in due course. In the meantime, and without prejudicing that guidance, Natural England advises that:

- the duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape e.g. Dorset National Landscape can be furthered;
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose; The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The advice of the Dorset National Landscape Team should be sought.

Landscape Officer - Dorset National Landscape Team - We note that the application proposes the replacement of an established rest area, close to the A35, containing a toilet block, café, picnic area, parking spaces and landscaped areas.

We understand that the pretext for this application is that responsibility for gritting the A35 will be returned to Highways England, who require a suitable facility to deliver this service. The Council will need to appraise the need for this proposal and consider any perceived loss of amenity resulting from changes to the use of the site. Whilst noting that the area presently provides a degree of amenity to users of the trunk road and other users, it is not our opinion that the existing facility provides an experience that is necessarily representative of or linked to the landscape and scenic qualities of the designated landscape. Therefore, we would not consider the loss of amenity and services to inherently produce an effect that is directly contrary to the purpose of the designated landscape, this being the conservation and enhancement of natural beauty, or as being substantively detrimental to the special qualities that underpin the designation.

Notwithstanding the above, being sited within the Dorset National Landscape necessitates that particular care should be taken in the design of this development. The approach adopted is outlined within section 3.3.2 of the Planning Statement, informed by pre-application consultation. It is noted that in developing the final design, a number of enhancements to the design of the garage building and office have been made. These changes include areas where the aesthetics of these buildings have been uplifted, particularly in relation to the specification of suitable materials. It is noted that timber cladding is to be used extensively for the office and

garage buildings. A green roof for the office building will incorporate solar panels, but these will be orientated away from the site entrance. In addition to the timber elevations, the garage will be specified with an anthracite grey fibre cement roof, this being typical of agricultural barns in the wider area. It is understood that the colour of windows, doors and other external features, such as rainwater goods, will match the timber cladding, as per the visualisations that have been provided.

Concerning the salt barn itself, which is the tallest structure proposed by some measure, the materials specified for this will have a notable bearing on the visual integration of this within the wider existing landscape framework (the trees surrounding the site, which are to be retained and which will form a backdrop to any available views of the salt barn). I am encouraged to see that the applicant is proposing to specify a relatively textured roofing solution, this being Katepal UK's 'Rocky Shingle'. However, the image provided on the corresponding drawing appears to be 'Bedrock Red', which I consider potentially sub-optimal, due to the red hues. I therefore recommend that the specified colour be amended to be 'Barkwood Brown'.

Given the nighttime uses, a Lighting Assessment and Strategy has been prepared. Whilst we are not suitably qualified to appraise this, good lighting design is an important consideration for this proposal, given the likely operating hours. Overall, a condition can be applied to control lighting within the site, in accordance with the strategy, and to restrict the introduction of any potentially obtrusive lighting in the future.

We note that a Landscape and Visual Impact Assessment (LVIA) and landscaping proposals have been provided. Overall, the assessment considers that the sylvan nature of the site, in combination with topographical considerations, reduce the foreseeable impacts and thereby limit the wider landscape and visual effects on Dorset National Landscape. Overall, we would not contest this opinion and have concluded that the proposal would not have a significant detrimental impact, largely because of its containment within a wooded area, with surrounding trees screening or filtering views. Notwithstanding this point, there will be some notable localised effects, particularly from the gateway to the site, with the proposed removal of the semi-mature trees associated with the central picnic area effectively opening views into the central area until the new planting, understood to include 58 trees, provide substitute screening. It is noted that those trees that are likely to be more important to screening views into the site from the entrance point are specified to be semi-mature and that elsewhere the new trees are specified to be heavy or extra-heavy standard. Tree pit details have also been provided to illustrate how the area to be planted will be prepared and will accommodate means of irrigation. In relation to the triangular tree planting at the fore of the central island toward the site gateway, the tree planting will also be supplemented by native understorey planting, forming a layered approach to screening views into the site in the longer term.

Overall, it is our perception that the applicant has made a discernible effort to enhance the design of the depot and to incorporate mitigation measures that should reduce residual impacts within a reasonable timeframe. Whilst there will be some initial and residual impacts from the development, these are expected to be relatively localised and/or limited in their significance. Consequently, we do not have an overriding objection to this planning application.

Land Contamination Consultant - I have reviewed the Phase 1 site investigation prepared for National Highways by Pick Everard and dated August 2024. WPA concurs with the report's findings. A Phase 2 site investigation is warranted to further characterise potential contaminant linkages. Contaminated Land planning conditions should apply to this development to regulate/formalise the risk assessment process.

Tree Officer - No objection subject to an Arboricultural Method Statement and pre-commencement site meeting.

Environmental Services – Protection - The recommendation in paragraph 6.2 of the Acoustic Report, with regards to the cumulative noise levels from the as yet unknown fixed plant to be used, should be dealt with by way of a condition.

Economic Development and tourism - We have not identified any concerns within our remit and therefore have no objection to the proposal.

Flood-Risk Management Team - This is a follow up to my previous response dated 10/01/25. The applicant has submitted the following updated information to support the application: • Report: Drainage Strategy and Drainage Maintenance Plan, by Pick Everard, ref 240777-PEV-XXXX-RPT-C004, rev 03 and dated 17/01/25. I can provide the following comments: The amended surface water drainage management report and drawing provides adequate information to address our previous concerns. We can therefore recommend removal of our previous holding objection subject to the following recommended conditions:

-A detailed surface water management scheme for the site

-Details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system for the site

Senior Conservation Officer - (summary) - We confirm that there are no designated heritage assets identified within the immediate extent of the application site, thus the proposals are not considered to impact directly (physically) on the fabric of any encompassing assets. However, varying degrees of impact are considered likely by way of the scheme's presentation within the landscape and, therefore, the setting of encompassing designations and respective heritage assets. On this basis, the scheme has been assessed on its effect towards identified designations, in the context of perceived degrees of impact on their setting and thus, associated attributes, and their individual and collective contribution toward the significance and appreciation of the asset.

The assessment is proportionate to the significance of the identified heritage assets to which consideration is given to the degree to which proposals influence the setting by enhancing or detracting from that significance and any ability to appreciate it.

I note that pre-application commentary recommends the provision of a *Heritage Statement* and inclusion of an associated impact assessment. I consider that significance and impact, associated with the setting of affected assets, has been suitably addressed in the application's supporting Heritage Statement and is not, therefore, further reviewed here.

Based on the application's supporting indicative plans, and inclusion of a Heritage Statement, we consider that the scheme represents a conclusion of no harm and, therefore, on heritage grounds no objection is raised.

Symondsburry Parish Council – Object - Introduction: The proposal is for the redevelopment of the Rest Area, Picnic Area and Toilets to provide a new support hub for gritting and road network maintenance for the A35 through Devon and Dorset. It will involve the full removal of any public use for the site and a full regeneration of the site, to include the removal of the internal picnic area, trees and soft landscape, a new layout, new office buildings, new grit/salt storage, vehicle garaging and parking for operatives. No real consultation had taken place with Symondsburry Parish by National Highways. A letter was received which informed of the proposals and application which Symondsburry responded to. Immediately prior to the meeting a presentation was made by National Highways.

Consideration: The current site layout was given a temporary planning permission in 1983 however due to the passage of time this can be considered a full consent. It should be recognised that the site is busy all year round and especially in the spring, summer and autumn months. This is contrary to the comment in the planning statement which suggests the site is only lightly used, including the note that only 3% of commercial traffic uses the facility. Even if that small amount was correct (which the Committee felt was inaccurate) then this is still a substantial number of HGV vehicles given the large amount of passing traffic. It is clear the site accommodates both commercial traffic as well as business vehicles, holiday makers and general private travellers. There is no other rest area that can accommodate commercial vehicles with full facilities within a considerable distance. In addition, this site also serves the Eype Village and coastal area as there is limited vehicle access at the coast in this location.

In the planning statement at 3.1.2 it states that the NPPF gives weight and support to proposals where active community engagement has taken place, with Paragraph 16 of the NPPF promoting early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses. It appears that to date no such meaningful engagement has taken place with local people or Symondsburry Parish, apart from the direct neighbours of 'Cock Crowing'.

The real issue is whether the redevelopment of the site for a non-public access facility is appropriate, or should the facilities remain, be upgraded and a different site be identified for the Highways maintenance depot. The ownership of Land is not a planning issue.

The National Highways planning statement is clearly considered biased towards their goal of obtaining a consent on the land they own. As such the fact that they own the site is a considerable cost saving issue for them although this is not a planning matter. They do put a good deal of emphasis on the need for highway safety and that the Eype site can best serve that with a direct access to the A35. However, we have in our previous letters suggested alternative sites that are better placed. There are also sites outside of Symondsbury and Bridport but which are still located in a central operating position on the A35. With reference to the site off the new roundabout on land owned by Symondsbury Estate they claim there was no response to their approach. They added that the construction of the roundabout by the developer also provides a large risk. With regards to the commercial element of Vearse Farm they claim that reserved matters have yet to be submitted by Symondsbury Estate and as such the delay this might cause is too great a risk. With regards to the radio mast site near Dorchester they suggest this is not suitable. What was clear in the statement from National Highways was that they only develop on land in their ownership.

It must be remembered that National Highways do have a requirement to provide HGV rest areas. In considering the requirements of National Highways it is understood that there are other sites, although not in their direct ownership, within a reasonable distance with direct access to the A35 that provide the requirements of National Highways.

Looking at the planning issues the following key points are relevant.

1) Biodiversity and net gain: the proposals radically alter the site including the removal of habitat within the centre area and to the sides. The operation of the site can be intensively 24 hours. As such and notwithstanding the suggested proposals of the applicant it is felt there would be no net gain in this instance and a reduction on the site generally especially due to the 24 hour intensive use and lighting pollution.

2) Landscape: this area is outside of the development boundaries and within the Dorset National Landscape. SUS 2 expressly states that development outside of the defined development boundaries will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. Furthermore, Policy L1 of the Bridport Area Neighbourhood Plan states that proposals must preserve and enhance the natural beauty of the Dorset AONB (Dorset National Landscapes), by being located on sites that do not adversely affect the wider landscape setting and being designed in such a way as to positively exploit

the site features using form, scale, materials and an architectural approach appropriate to the site. The proposals remove the whole of the central tree and landscape area which will form part of the hard built area. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate changes. In addition, the Local Plan Policy ENV10 states that development should provide for the future retention and protection of trees and other features that contribute to an area's distinctive character.

The National Highways also claim is that there is no visibility of the site from the roads and surrounding area. Although there is screening landscape there is still clear visibility of the site from the A35 and the wide entrance, even of the current low rise built forms from all sides, especially around the entrance, which the existing landscape softens. It is clear the larger built forms such as the salt barn, garages and offices will clearly be visible from all sides and an intrusion into the landscape and create substantial harm to the Dorset national Landscapes in this area. There is no confidence that the proposed landscape treatment will provide any benefit to the site.

As a foil to the SUS2 requirements National Highways state that it will create new employment. However, this employment already exists elsewhere and is not 'new' and is only 15 posts. Highway depots appear to fall into the 'sui generis' category however it is felt this does not satisfy SUS2.

The current working regime is located at Rockbeare, located towards Honiton, by the PFI consortium whose contract ends in October 2026. The current regime subcontracts the work to local companies and also Dorset Council. There is no description of the effect on these subcontractors of running the maintenance in-house apart from the statement that 15 jobs will be created on the site.

3) Retention of local community buildings and structures: COM3 states that planning permission for proposals which result in the loss of community buildings or structures, will not be permitted unless it can be demonstrated that there is no local need for the facility or that the facility is no longer likely to be viable, and an appropriate community use to meet local needs is not needed or likely to be viable. Policy COM5 states that redevelopment of recreational facilities will not be permitted unless it meets one of the exceptions listed in the policy. Bridport Area Neighbourhood Plan Policy CF states that existing community facilities will be protected and enhanced unless it can be demonstrated that there is no local need for the facility or that the facility is no longer viable.

This site clearly provides benefits to all drivers arriving from both directions of the A35 and the site is also an important part of the tourism set up for the area and the Southwest in general. It is understood that Bridport Town have offered the Car Park next to the local football club as an alternative in providing the facilities the Eype rest

area currently has. The main issue with this site is that it is not directly off the A35 for through travellers. In addition, the car park does not have the facilities required and the route into the suggested car park is not straight forward as the roads have restricted widths and are busy with other traffic. This would result in further traffic congestion which the town does not need.

As stated previously National Highways has a requirement to provide rest areas for HGV drivers and this site is also used as a holding area for abnormal loads. The suggested car park by the football club cannot provide the rest area for commercial vehicles. National Highways also state that the current site is lightly used and suffers from anti-social behaviour. Local evidence suggests that the site is fully utilised and that the anti-social behaviour is no different than the rest of the highway network. The site is a national requirement as well as a local requirement which can be evidenced. National Highways do recognise the benefits of the site however it is clear the financial benefit of ownership is their main rationale.

4) Planning Comment: National Highways claim that the application planning statement and accompanying documents demonstrate that the proposal is in accordance with the policies contained within the development plan and the NPPF. They also claim that the proposed development is acceptable development within the countryside, would conserve and enhance the National Landscape and meets the criteria of policies relating to community facilities.

It is believed that the application - although substantial - does not demonstrate accord with the local plan policies and acceptable development. The only beneficial issue is that they own the site from the previous development of the Bridport bypass. It is also noted that Bridport Town Council have resolved to support the application but subject to five conditions, one of which is a financial compensatory funding for the large car park area adjacent to the football club. This condition of support does not address the increased traffic to the southern edge of the town or the facilities required to replace the rest area for transitory travellers, including commercial vehicles.

It is clear that the application fails to address the following policies:

Local Plan: SUS 2: ENV3: Biodiversity and Net Gain ENV4: Landscape ENV11: Amenity ECON2: Protection of Other Employment Sites COM2: New or Improved Local Community Buildings and Structures COM3: Retention of Local Community Buildings and Structures.

Bridport Neighbourhood Plan Objectives 4,8,12 and 17 AM2, EE3, CF1, CF2, L1, L2, D8.

The following key clauses of the local plan and Bridport Neighbourhood Plan are relevant: INT1: SUS 2: ENV3: Biodiversity and Net Gain ENV4: Landscape ENV11: Amenity ECON2: Protection of Other Employment Sites COM2: New or Improved

Local Community Buildings and Structures COM3: Retention of Local Community Buildings and Structures COM8: Parking Standards in New Development COM9: Provision of Infrastructure for Electric and Other Low Emission Vehicles DEV9: Neighbourhood Plans (Objectives 4, 8, 12, 17, clauses AM2, EE3, CF1, CF2, L1, L2, L5, D8)

Conclusion: In conclusion and following debate the Planning Committee confirmed they could not support the application. Decision: Object.

Bridport Town Council - (adjacent parish) - The Town Council recognises the potential highway maintenance, environmental, and employment benefits of the proposals and supports the application in principle, subject to the following:

- A condition or similar requiring alternative provision to be made, in order to meet policy CF1 of the Bridport Area Neighbourhood Plan which seeks to protect and enhance community facilities such as this. Whilst the council understands and supports the need for a highway depot in this area, this should not be at the expense of the amenity provided for those travelling on the A35. The Council's preference is for compensatory funding to the Town Council to meet the cost of completion of surfacing, and provision of toilets, at Bridport Football Club Car Park – a convenient alternative location.
- Provision of highway signage to such alternative amenity provision.
- A construction traffic management plan that incorporates consideration of timetabling such that the works do not exacerbate the impact of the forthcoming upgrade to the nearby Miles Cross junction.
- Safe access and egress arrangements in accordance with Bridport Area Neighbourhood Plan policy AM2, which may include consideration of safety improvements at the dangerous junction with the A35.
- Consideration of the impact of closure of the public area on the nearby facilities at Eype Beach, and on the area surrounding the application site, which is already subject to inconsiderate parking on highway verges."

Representations received

Summary of comments of objections:

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

- valued location for a rest-break, toilet and refreshments for tourists and commercial drivers on this Folkstone - Honiton trunk road
- valuable place for over-night park-up and stop for lorries and cars on long journeys
- lack of suitable alternative comprehensive facilities near-by, particularly for HGV/lorry drivers/towing vehicles
- used as a mandatory stop for lorry drivers (tachometer-related)

- will result in more vehicles entering town causing greater congestion and reducing parking availability
 - loss would encourage less suitable parking on A35 - detrimental to road safety.
 - Would increase traffic at a dangerous junction
 - Lack of similar convenient facilities will make it less likely long-distance drivers take a necessary rest-break-detrimental to road safety
 - increased movement of slow moving council vehicles in and out onto busy and fast A35 would increase risk of accidents
 - Useful toilet stop for disabled persons
 - loss of toilet could lead to relieving in lay-bys
 - a welcome rest area to break long or delayed journeys
 - important parking area/base for walkers/tourists to explore the AONB and local Jurassic Coast
 - its loss will mean less people come to the area
 - Eype village will be overwhelmed by the depot
 - café well used by locals, and by people travelling longer journeys
 - will result in less convenient, longer trips to find toilets, etc
- site not needed for depot as an adequate depot already present near the supermarket
- grit and salt not used very often so not needed
- Other redundant sites in Bridport should be used instead for the depot
- should build *more* rest areas-not have less.
 - only approve if an alternative free rest and toilet stop is provided elsewhere on the A35.
 - EV charging facilities should be added to existing rest area
 - Old Askerswell motel site or Broomhills area reclamation yard/cafe nearby, or on Vearse Farm sites could be used instead.
 - supermarket alternatives not open 24/7 and take more time to access and queue
 - vehicular access to the rest area could be improved
 - will further undermine already poor public toilet provision along the A35
 - toilets should be upgraded
 - Dorset removes facilities whereas other south-west counties improve theirs
 - also useful to exercise dogs
 - useful open space to stretch legs
 - employment at café would be lost
 - transient stoppers having to divert into Bridport will not add significantly to town viability
 - National Highways should provide an alternative rest/refreshment facility near-by
 - a replacement facility will have an adverse visual impact on the Dorset National Landscape
 - Bridport Football Club site suggested by Town Council not suitable due to substandard access/highway safety dangers
 - industrial development here would set a precedent for more development detrimental to AONB
 - for car-borne walkers, loss of this car park will force cars to use the Eype Beach car park—adding to congestion on the single track road-detrimental to Eype residents.
 - provides a social meeting place
 - wish to see facilities upgraded

- global warming means less area of site needed for salt storage-use for keeping rest facility instead
- will encourage litter on sites lacking these facilities
- ability of several HGVs to park overnight helps informal surveillance to deter potential thieves
- to re-locate this facility into town would not be in accordance with the Neighbourhood Plan/policies; it should remain.
- valued rest point for lorries in connection with supporting local businesses
- should accommodate both the depot and rest area uses on-site

Summary of comments of support:

None received

9.0 Duties

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

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

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)

10.0 Relevant Policies

Development Plan

West Dorset, Weymouth and Portland Local Plan (2015)–

INT1 Presumption in favour of Sustainable Development

ENV1 Landscape, seascape and sites of geological interest

ENV2 Wildlife and habitats

ENV4 Heritage Assets

ENV5 Flood-risk

ENV9 Pollution and contaminated land

ENV10 Landscape and townscape setting

ENV11 The pattern of streets and spaces

ENV12 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

ECON1 Provision of Employment

COM3 The Retention of Local Community Buildings and Structures

COM7 Creating a safe and efficient transport network

COM9 Parking standards in new development

COM10 The provision of utilities service infrastructure
COM11 Renewable Energy Development

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.

Bridport Area Neighbourhood Plan-

Policy CC1 Publicising Carbon Footprint

Policy CC2 energy and Carbon emissions

Policy CC3 energy generation to Offset Predicted Carbon emissions

Policy AM2 Managing Vehicular Traffic

Policy CF1 Protection of existing Community Infrastructure

Policy L1 green Corridors, Footpaths, Surrounding Hills & Skylines

Policy D8 Contributing to the local character

Policy D10 Mitigation of Light Pollution

National Planning Policy Framework

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

Other relevant NPPF sections include:

2 Achieving sustainable development
3 Plan-making
4 Decision-making
6 Building a strong, competitive economy
7 Ensuring the vitality of town centres
8 Promoting healthy and safe communities
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

AONB Management Plan (2019-2024)

Design and Sustainable Development Guidelines 2009

West Dorset Landscape Character Assessment 2009

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.

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

The scheme includes the removal of public toilets (including disabled facilities). Access to such facilities will be available to varying degrees/times in Bridport town and other locations in the wider locality as already existing alternatives.

13.0 Financial benefits

Material considerations

Facilitating the safe and free movement of all types of vehicular traffic on the highways network (beneficial to delivery times, timeliness to meetings/destinations, etc).

Additional number of jobs that may be created is up to 10.

14.0 Environmental Implications and Sustainability-

Emissions will be produced during the construction phase for the various buildings/structures. During the operational phase there will be emissions from any non-EV type road maintenance and other vehicles associated with the site.

The application includes a Planning Energy and Sustainability Statement. This covers a number of areas in detail including reducing energy consumption and carbon emissions (e.g. depot aligned with BREEAM requirements, rooftop solar PV panels and air source heat pumps); maximising use of sustainable materials (e.g. timber (not steel) frame for office); minimising waste and increasing recycling (e.g. an operational waste management strategy will be used); conserving water resources (e.g. water-saving devices in toilets, showers, kitchen); incorporating green infrastructure (e.g. green roof to the office building); sustainable drainage and pollution (e.g. an attenuation basin with a controlled outfall, silt and oil separators); adaptation to climate change (e.g. comprehensive energy modelling of office building); sustainable travel (e.g. EV charging ports, bike storage area).

15.0 Planning Assessment

Principle of development:

- 15.1 The proposed depot is proposed by the applicant, National Highways, to support gritting and maintenance services to the surrounding road network - which will become National Highways' responsibility from October 2026. Given this, they indicate there is an imperative to deliver a new depot to serve the A35 trunk road - a key and strategic local route. The applicants Planning Statement states the following:

"The depot will be vital infrastructure of regional significance which is necessary to ensure the ongoing safe operation of the local trunk road network, which in turn is vital to support the local economy and public safety".

- 15.2 The site will; "provide a new National Highways Depot to support the gritting and maintenance service to the surrounding road network, the responsibility of which for the A35 is due to be transferred to them from the local highway authority".

"The operational need for the proposed facility in the location proposed is significant and necessary to ensure highway safety".

- 15.3 Turning to adopted Local Plan policies, Policy SUS2 (Distribution of development) indicates that:

“Outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints”. Various uses are listed. Although highways depots are not specifically listed it could be regarded as new employment related development- because reference is made to new employment-related development in the policy. Additionally, the Local Plan glossary explains “For the purposes of this plan employment includes development in the B Use Classes such as offices, workshops and industrial premises, storage and distribution warehouses and sui generis uses commonly found on industrial estates.” The scheme is hence considered to be consistent with the thrust of policy SUS2. The visual/landscape issue will be explored further later in this report.

15.4 Policy ECON1 (Provision of Employment) of the adopted Local Plan is relevant. This states that employment development will generally be supported within or on the edge of a settlement. The applicant indicates that the proposed depot would provide employment for up to 18-23 full-time posts (there are up to 8 full time jobs (at height of season) at present associated with the café). Whilst in a rural area it is an existing developed site and lies a short distance south-west of the Defined Development Boundary (associated with the Vearse Farm development). In these circumstances it is considered it can be regarded as on the edge of the settlement of Bridport and as such would in principle meet the above policy.

15.5 The applicant has also explored other sites before focussing on this site and they summarise these as below:

Land at Vearse Farm

Whilst the outline consent for the Vearse Farm development includes employment floorspace, our understanding is that Reserved Matters for the commercial element of the development are yet to be submitted or approved, and occupation here would also be dependent on delivery of the new Miles Cross roundabout (enforced by planning condition). As such, it cannot be said to be deliverable within the required timescales.

Land south of the proposed Miles Cross Roundabout

National Highways made an approach to the landowner of this site in October 2023. However, no response was received. Notwithstanding that, delivery of any development there would be far less certain in planning terms given it is a greenfield site within the National Landscape (formerly AONB – the application site in contrast is well screened and predominantly previously developed), and inherently dependant on delivery of the wider roundabout and infrastructure, which is outside of National Highways’ control, so is not a feasible option.

Land East of New St Lane

Land opposite the entrance to the application site, between New St Lane and the A35 is in National Highways ownership and therefore available to them. This land is however a narrow parcel making it unsuitable for the depot, which necessitates room

for vehicle loading and manoeuvring etc. It is also heavily vegetated, which coupled with its geometry would mean that meaningful retained screening would be unlikely. This is not compatible with the National Landscapes designation and policy and would also prove much more problematic in ecology and Biodiversity Net Gain terms. As such, the site is not suitable and has been discounted by National Highways.

Former Askers Motel Site

This site was reviewed by National Highways two years ago. It was however confirmed by them to be too far east to achieve the target winter gritting routes and incident response times. Operational concerns were also raised regarding the ability to provide a suitable and safe access for larger vehicles owing to the road geometry at that point. Being on the brow of a hill, visibility is limited to the east and manoeuvres into and out of the site could not be safely achieved. The location is also known for its heavy fog and poor visibility during winter.

Land at Broomhill Farm

This site is well located to serve the network and benefits from an existing and safe access onto the A35, shared with the adjacent nursery and recycling centre. The site does though predominantly fall within Flood Zone 3, the highest risk of flooding, with a smaller portion (under 2 acres) in Flood Zones 2 and 1. Given this, the site is not sequentially preferable in planning policy terms. This, coupled with other constraints including its greenfield status and more open setting in the National Landscape, the nearby Grade II Listed 'Broomhills', and the Grade 2 agricultural land classification making it Best and Most Versatile Agricultural Land, means that the site was considered less suitable in planning terms than the application site. Third party ownership also adds further to uncertainty on delivery – NH have previously approached the site owner, however they were not willing to consider a sale at the time given its established yearly use in association with the Jurassic Fields Music Festival.

- 15.6 The applicant sets out in more detail the justification for their proposal in their Planning Statement sections below :

(6.2) National Highways have identified a need for a new depot within the area. The County Council's existing highway depot is situated in Dorchester. However, National Highways will soon adopt responsibility for maintaining the A35, which the site is situated directly adjacent to. Their responsibilities will require good and unhindered access to the A35, in particular during the winter months. When gritting, large operational vehicles travel to and from the depot throughout the night with nighttime movements also occurring during the summer when incidents on the highway require such movements. Therefore, a site located in very close proximity to the A35 is essential and also overcomes risks associated with delays accessing the A35 if operational vehicles relied on the local road network to get to and from the

depot. Given the function of the depot ultimately is to maintain highway safety, a location with free access to the highway is essential and in the public interest.

Furthermore, if the depot was situated within a settlement or further from the highway, this would add large vehicle trips onto the local network at unneighbourly hours and could add potential delay and inefficiencies to the operations resulting from increased travel times. In the interest of highway safety and the public interest, it would not be suitable to locate the depot within the settlement and further from the highway.

(6.2.7) Bridport is also a geographically favourable location within the wider network, being the approximate mid-point between the urban areas of Exeter and Bournemouth, providing a convenient location to access and service the A35 in both directions.

(6.2.8) Furthermore, National Highways owns the site subject to this application, making it a deliverable option within the required timescales prior to October 2026. No more suitable deliverable sites have been identified to date by National Highways to meet the key operational requirements.

Loss of Community Facility Issue:

- 15.7 Policy COM3 of the adopted Local Plan relates to the retention of local community buildings and structures. Regarding the parking provision, whether for cars or HGVs, there is no policy requirement for its provision in the Local Plan and Policy COM3 is not relevant to parking areas. In these circumstances It would not be appropriate (as suggested by the Town Council) to require National Highways to fund or provide alternative parking provision and toilet facilities.
- 15.8 Turning to the café facility, this could be considered as a community facility since it is listed as such in the Local Plan. However, that mention is caveated by “especially where there are only one or two locally”. Clearly, there are various other cafes in and around Bridport town. For example, those on the more peripheral town edge locations include those at Morrisons, Groves Garden Centre, Highlands End Holiday Park and the Symondsburry Estate Café.
- 15.9 Regarding the public toilets, Policy COM3 of the Local Plan does not actually refer to toilets in the list of community facilities. Whilst there is an argument it could be regarded as a community facility, given that there are other free to use public toilets in locations within the town centre and whilst they may not be so convenient, alternative facilities do exist in relatively close proximity. It is also worth noting that the on-site toilets are only open between 7am-5pm (due to vandalism and anti-social behaviour).
- 15.10 Policy COM5 of the Local Plan refers to retention of open space and recreational facilities. This is in the context of open spaces of public value and recreational facilities. Whilst there is a small central grassed area within the site associated with

several picnic tables, this area is not specifically identified in the Local Plan as of particular significance. Furthermore, Policy COM5 is really aimed at the more “obvious” open spaces of public value such as recreation fields and school playing fields. This site functions primarily for rest and refreshment rather than recreation.

15.11 Regarding the Neighbourhood Plan, policy AM4 (Car parking strategy):

This refers to: proposals for the redevelopment of public car park sites in the neighbourhood plan area should be informed by a comprehensive Transport Assessment. A broadly equivalent amount of public car parking should be provided within walking distance of the existing car park, unless it can be demonstrated that the level of car parking is no longer required due to the provision of alternative modes of transport/access.

The supporting text includes:

Surveys and community consultations have highlighted that in the absence of extensive public transport, access to the centre of Bridport and around the neighbourhood plan area by car is the only choice many people have. Places to park cars, in or close to, the town centre and community facilities are therefore very important.

It is clear from this that Policy AM4 is really aimed at more “conventional town centre” car parks, as distinct from any associated with transit-related rest areas. In these circumstances it is not considered the compensatory measures cited in the policy are required.

15.12 Policy CF1 Protection of existing Community Infrastructure - In the context of CF1 of the Neighbourhood Plan community facilities includes public toilets and amenity open space. The policy seeks to retain these unless it can be demonstrated there is no local need or the facility is not viable. The applicant responds that:

there is no operational requirement to requiring National Highways to provide rest areas. Where National Highways do have a need and strategy in place to resolve, is in relation to HGV rest areas. This site however is not suited to HGV use and does not meet this strategic need.

The Case Officer adds that whilst this is not a “formal” amenity space it clearly does have some usage-albeit really as an ancillary to the transit rest area. It is also worth noting, as has previously been pointed out there are other public toilet options in Bridport town and area to cater for this need, so its loss is less critical in these circumstances.

Effect on Dorset National Landscape and Visual Amenity:

15.13 The site lies within the Dorset National Landscape (AONB) and is near to several public rights of way to the south, east and north of the application site.

- 15.14 The site benefits from an extensive existing tree planting belt that runs around the perimeter apart from the north where the vehicular access/egress is located. The site is also partially “sunken”, notably toward the southern end, with surrounding banking.
- 15.15 The existing structures would be removed and replaced with an office building (4.48m high), vehicle maintenance garage (6.48m high) and domed salt store (11.63m high) as the main built structures. The extensive surrounding tree belt would be beneficial in providing screening.
- 15.16 The Landscape Officer, Dorset National Landscape has been consulted and advises:

it is not our opinion that the existing facility provides an experience that is necessarily representative of or linked to the landscape and scenic qualities of the designated landscape. Therefore, we would not consider the loss of amenity and services to inherently produce an effect that is directly contrary to the purpose of the designated landscape, this being the conservation and enhancement of natural beauty, or as being substantively detrimental to the special qualities that underpin the designation.

Regarding the proposed building he refers to the use of suitable materials such as timber cladding with a pre-weathered treatment for the offices and garage building, and use of anthracite grey fibre cement for the garage roof- this being typical of agricultural barns in the area. Turning to the salt barn, the tallest structure on the site, he advises careful choice of the textured roofing to ideally be amended to “Barkwood Brown”. *(The agent has agreed this colour finish)*. The garage would have roller shutter doors, and aluminium windows and doors. The office has PV panels on the south-facing mono-pitch roof slope.

He summarises the scheme as:

I note that a Landscape and Visual Impact assessment and landscaping proposals have been provided. Overall, the assessment considers that the sylvan nature of the site, in combination with topographical considerations, reduce the foreseeable impacts and thereby limit the wider landscape and visual effects on Dorset National Landscape. Overall, we would not contest this opinion and have concluded that the proposal would not have a significant detrimental impact, largely because of its containment within a wooded area, with surrounding trees screening or filtering views.

He does however note that the localised effects of removal of some trees towards the northern entrance will need to be mitigated by the proposed replacement planting which includes 58 new trees. He concludes that he does not object to this application.

- 15.17 The submitted landscaping scheme includes a new line of trees to part of the western side of the site, a “triangle” of planting around the attenuation pond (wetland

meadow mix) plus several other small tree planting groups, and an area of woodland regeneration to the south.

- 15.18 The proposed buildings and facilities will be lower in height than the existing mature woodland boundary planting. The existing site boundary which consists of mature woodland belts will be retained and enhanced where required to continue to provide screening to onsite activities through the construction process and when in use.
- 15.19 Following from the above it is considered that the scale, design and general palette of materials are acceptable. Final materials details would be addressed by a planning condition.
- 15.20 Having regard to the above it is considered that the duty to further the purpose of conserving and enhancing the natural beauty of the National Landscape is satisfied by this proposal. (The duty is as defined within the Countryside and Rights of Way (CRoW) Act 2000).
- 15.21 An Arboricultural Impact Assessment-(AIA) has been submitted and considered by the Tree officer. It relates to the two main groups; the densely spaced group forming the perimeter edge and the internal group on the central "grass island". The Tree Officer advises that an Arboricultural Method Statement, preceded by a pre-commencement site meeting will be required.

Employment:

- 15.22 The existing Kabin Café on-site would be removed. The employment associated with this is understood to be 3 full-time plus up to 5 on rotas in the April-October period. The café is open 8am to 4pm.
- 15.23 Regarding proposed employment with the depot the applicant indicates:
National Highways have confirmed that they expect their maintenance and response delivery resource to be 10-15 FT posts, these mainly being operatives, HGV drivers with support of 3 additional FT supervisor/managers/admin staff. In addition to this, they are planning 4 highway inspectors (principal function being safety and asset inspectors) supported by a team manager. Therefore, in all, 18-23 FT posts are anticipated to be created. Under the existing Design, Build, finance and Operate (DBFO) contract, National Highways expect approximately five of these posts to be filled across from the existing supply. The remaining gaps will be filled by advertising locally, meaning c. 13-18 new FT posts generated by the development.

From the above it is apparent that the scheme is likely to generate larger employment numbers than on-site at present.

Effect on Heritage Assets:

- 15.24 A Heritage Statement has been submitted as part of this application. The site lies outside of the Eype Conservation Area. The Senior Conservation Officer has reviewed the Heritage Statement. He comments that:

the assessment is proportionate to the significance of the identified heritage assets to which consideration is given to the degree to which proposals influence the setting by enhancing or detracting from that significance and any ability to appreciate it.

I consider that significance and impact, associated with the setting of affected assets, has been suitably addressed in the application's supporting Heritage Statement and is not, therefore, further reviewed here.

Based on the application's supporting indicative plans, and inclusion of a Heritage Statement, recommended at pre-application stage, we consider that the scheme represents a conclusion of no harm and, therefore, on heritage grounds no objection is raised.

- 15.25 This conservation area lies south of the site and includes Mount Lane which commences to the south beyond Broad Lane. The conservation area leads away from the site broadening into the main body of the conservation area embracing Eype village. Regarding the relationship with the setting of the conservation area, the site is significantly physically separated from it, is sunken, with mature trees substantially encircling this side of it. There is a lack of intervisibility between the proposed development and the conservation area. In the light of these considerations it is considered there would be no harm to the setting of the conservation area.
- 15.26 The nearest listed building in the conservation area is Lower Eype Farmhouse - over 500m to the south-west from the site. By reason of the significant separation distance, topography and intervening roads and vegetation there is no intervisibility with the asset or its setting and as such makes no contribution to its significance. On this basis, it is considered that the proposed development would not result in any harm to Lower Eype Farm House and would therefore not result in any heritage impacts.
- 15.27 The nearest of the surrounding listed buildings is c350m from the site. Others lie at increased distance. Manor Farm lies to the west and Verse Farm buildings a similar distance to the east. Given the topographic characteristics of the surrounding area and the screening that the site provides, there would be no direct intervisibility between the site and these listed buildings. Consequently, it is considered there is no harm to the setting of the listed buildings.
- 15.28 The proposal is considered to preserve the character and appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy. The scheme would preserve the setting of the conservation area. It is considered that the proposal will not adversely affect the setting of listed buildings. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the

desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

Drainage considerations:

- 15.29 Regarding foul drainage, the existing site connects to the existing foul pumping station on the site (Wessex Water). This would also serve this scheme. Turning to surface water drainage, a drainage strategy has been submitted together with a Flood Risk Assessment. The site lies in Flood Zone 1 (low probability of flooding). The existing surface water system discharges to a water course away to the east of the site. It is proposed to use this outfall but limit the flow; an attenuation basin would be constructed on site with a flow control device.
- 15.30 Following the submission of additional information the Flood Risk Management Team advise they have no objection subject to conditions. These would include a detailed surface water management scheme and maintenance/management details. Accordingly, the scheme is now considered to comply with policy ENV5 of the adopted Local Plan.

Ecology:

- 15.31 An Ecological Impact Assessment has been submitted by the agent. In summary, this includes the following statements:

Broadleaved plantation woodland encompasses the site with an opening in the north for site access. Other habitats comprise modified and other neutral grassland, sealed surface urban land and a brick built toilet block (B1) and portacabin cafe.

- The indicative proposals have been assessed using the DEFRA Statutory Biodiversity Metric tool and this has demonstrated that the proposals (Landscape General Arrangement Plan, Pick Everard) will lead to a habitat net gain score of +12.10% (providing an extra 0.65 habitat units). There are no hedgerows ponds or watercourses on site.*
- Surveys have demonstrated that the site is used by low numbers of common and widespread bat species, with the assemblage including registrations from low annex II listed species: lesser horseshoe (1 registration) and barbastelle (2 registrations).*
- Three buildings were assessed for bat roosting potential, two had negligible roosting potential and one (B1) had Low bat roosting potential. A nocturnal survey observed no roosting bats in association with the building and bat activity during the survey was very low.*
- Nest tube surveys for dormice were conducted throughout the wooded areas bounding the site. Evidence of dormice has been confirmed within the perimeter woodland.*
- Hedgehog were not recorded on site but are present locally and suitable habitat is present on site. Precautionary measures are recommended.*

The scheme includes ecological mitigation and enhancement such as green infrastructure, planting of new trees and the retention of enhancement of the broad-leaved woodland. • Wherever vegetation removal is needed, it will occur only from November to March, to avoid nesting bird season. Vegetation clearance will need a granted European Protected Species Licence for dormice and will be supervised by

an ECoW, which would follow precautionary method statements detailed in the CEMP. Additionally, the CEMP would include a precautionary passive displacement method statement for reptiles.

- A sensitive lighting scheme for bats will be implemented to ensure surrounding habitats remain functional for foraging and commuting bats.*
- The scheme will also include bat and bird boxes within the woodland, as well as hedgehog highways and woodpiles for reptiles, amphibians and invertebrates.*
- Intrinsic mitigation measures for protected species on site, and off site habitat provisions for Biodiversity Net Gain will ensure that all residual effects on Important Ecological Features present on site are not significant*

15.32 The ecological reports have been reviewed (with amendments) by the Senior Ecologist. He has no objection to the scheme subject to all of the proposed mitigation, compensation, enhancement measures, and BNG proposals being conditioned, along with the proposed CEMP and LEMP documents. In the light of these the scheme is considered in compliance with policy ENV2 of the adopted Local Plan.

15.33 Regarding biodiversity net gain (BNG), the baseline biodiversity metric is 5.36 habitat units. The total amount of proposed habitat units is 6.01 including a mix of enhanced broadleaved woodland, 58 small urban trees and wetland meadow areas. In total, the site post-intervention can achieve 12.1% net gain (i.e. an extra 0.65 habitat units above baseline). There would be a requirement, post decision, if planning permission is granted, for the completion of a section 106 agreement for the BNG elements within the blue line of the wider site in order to secure those elements and their management and monitoring for 30 years, along with the management and monitoring of the on-site significant BNG.

Residential amenity related aspects:

15.34 The nearest housing is Cock Crowing Cottages/Moon Cottage (3 terraced properties) on Higher Eype Road located about 25m to the west of the site. Other residential properties are at a markedly greater distance away along Mount Lane and Higher Eype Road. There will clearly be activity, notably at night-time, with the proposed depot.

15.35 The applicant has carried out noise impact assessments in relation to this site. This particularly included readings relative to the nearest noise sensitive receptor (NSR) - nearest window in Cock Crowing Cottages to the west. This included examination of the nature and frequency of gritter lorry movements and outlined the nature of fixed plant that is likely to be installed. The assessment included analysis of daytime and night-time movements of gritter lorries, notably most likely in Winter (when residential windows are more likely to be closed). The submitted report concludes by saying; *no adverse impact due to noise is likely to result at the location of the nearest-affected NSR location, as a result of vehicular movements at the site.*

15.36 The Council's Senior Environmental Health Officer has reviewed the report and comments that they have no objection subject to the following:
The recommendation in paragraph 6.2 of the Acoustic Report, with regards to the cumulative noise levels from the as yet unknown fixed plant to be used, should be dealt with by way of a condition.

15.37 In more general residential amenity terms, whilst the use will generate some noise from activities, the physically contained nature of the site, coupled with the peripheral landscaping and the distance to properties would all help to assimilate the use on the site. It is considered that the scheme is acceptable in residential amenity terms, subject to the above recommended condition. Accordingly, the scheme is considered to comply with policy ENV16 of the adopted Local Plan.

External Lighting Scheme:

15.38 The lighting strategy has sought to minimise effects on local ecology. It includes use of warmer temperature LED and reducing the column height to 8m from the (preferred) 12m. A warm white source (2700k or lower) to reduce the blue light component is indicated. Back shields are also being included as an additional method to reduce light off-spill onto retained habitats. Some lanterns will have a 10 degree tilt, although the building mounted lanterns do not have a tilt. The applicant states:

The site will be an operational highway depot, which requires to meet BS 1246-2, to ensure it can operate in accordance with regulations. Furthermore, and as set out within Section 4 of the submitted Lighting Strategy, the lighting is dimmable.

To ensure lighting illumination is kept to the minimum necessary, a condition is recommended such that prior to first use of the lighting a schedule of lighting times and lighting levels will have been submitted for approval.

15.39 It must be recognised that the proposed lighting will be more visible than the current situation. However, the contained nature of the site, coupled with the peripheral tree belt helps to reduce visibility of the lighting. In these circumstances the lighting scheme is considered acceptable.

Land contamination:

15.40 A land contamination assessment desk study has been submitted. This indicates that the site was occupied by agricultural land from the time of the earliest available mapping data until the development of the current picnic/rest area by 1989. The submitted report's executive summary states that:

it is considered to be a low/moderate risk to future site and construction workers from on-site contamination. All other risks are considered to be low to very low at this stage. Any Made Ground may require removal and replacement. Ground would be required to confirm the ground conditions. Undertake a scheme of ground investigation to further understand the ground conditions and to facilitate collection of samples for geotechnical testing.

15.41 The Council's consultants have reviewed the report and advise that they concur with the findings. A Phase 2 site investigation is warranted to further characterise potential contaminant linkages and Contaminated Land planning conditions should apply to this development to regulate/formalise the risk assessment process. In the light of this information the scheme is considered to accord with policy ENV9 of the adopted Local Plan.

Highways:

15.42 The existing site access is to be utilised from New Street Lane, in turn being accessed from the A35 trunk road close-by. The access with the A35 benefits from a right turn lane into the lane serving the site, and from good visibility in both traffic directions for vehicles exiting the lane when joining the A35. It is proposed to continue the one-way access/egress system within the proposed scheme. The site currently has two lay-by which can accommodate 3 HGVs each, or 9 or 10 cars each. There are also 26 car spaces. As proposed, there would be garage spaces for 4 gritter lorries and a snow plough. There would be 4 LGV/HGV spaces, and a frontage area with 15 car spaces.

15.43 A Transport Statement was submitted and has been considered by the Highways Officer. The Highways Officer comments:

It is anticipated that the proposed development would attract 62 vehicle movements on an average day between 0700-1900 compared to 707 currently.

To sum up, the Highway Authority considers that the submitted Transport Assessment is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 115 and 116 of the National Planning Policy Framework (NPPF) - December 2024. Should planning permission be granted, it is suggested that the following conditions be imposed:

-Manoeuvring, parking and loading areas

-Construction traffic management plan to be submitted

-Visibility splays as shown

-Electric Gate(s) details to be submitted.

15.44 In the light of the above the Case Officer considers that the scheme is acceptable in highway safety and parking terms and is compliant with policies COM7 and COM9 of the adopted Local Plan.

Case Officer Comments on Town and Parish Council Comments:

15.45 Other sites have been suggested by Symondsbury Parish Council in order to retain this as a public access facility. The applicant has indicated other sites have been considered (as indicated earlier in this report) and has provided explanations as to why those sites have not been pursued. Ultimately, it is the suitability of *this* site for this development which needs to be considered.

15.46 The Parish Council suggests there is no additional benefit in biodiversity net gain (BNG) terms. However, the gain in biodiversity from submissions is calculated as 12.1%. The scheme also includes a comprehensive landscaping scheme, and BNG will be managed and monitored under the terms of a S106 agreement to be completed post decision.

- 15.47 The Parish Council refer to removal of landscaping/trees from the central area. However, this is compensated for by the new tree and hedge planting, retention of the peripheral tree buffer, together with native species understorey scrub planting and wetland meadow mix planting.
- 15.48 The Parish Council consider the buildings will be clearly visible from all sides and create substantial harm to the National Landscape. However, the Landscape Officer, National Landscape Team, considers the scheme acceptable (see para 15.16).
- 15.49 Regarding employment the Parish Council consider the jobs are not “new” but exist elsewhere. As set out earlier in this report there are a range of jobs likely to be created; the applicant states: *National Highways have confirmed that they expect their maintenance and response delivery resource to be 10-15 FT posts, these mainly being operatives, HGV drivers with support of 3 additional FT supervisor/managers/admin staff. In addition to this, they are planning 4 highway inspectors (principal function being safety and asset inspectors) supported by a team manager. Therefore, in all, 18-23 FT posts are anticipated to be created.*
- 15.50 Regarding the loss of community facilities raised by the Parish Council this has been covered in detail in the earlier section headed Loss of Community Facilities, and is further considered in the Planning Balance section further below.
- 15.51 Bridport Town Council refer to Policy CF1 of the Neighbourhood Plan (NP) (Protection of existing community infrastructure) and suggest that if supported, the Town Council be given compensatory funding to meet the cost of new surfacing and toilets at Bridport Football Club car park. However, this is not a justifiable requirement, firstly there are other toilet and refreshment options available in the locality and secondly because it would not be a reasonable requirement having regards to the test of necessity and reasonableness when considered against the policies of the development plan. Furthermore, the Football Club site is not well located for safe and convenient access for significant vehicle numbers, particularly larger vehicles or HGV's. The Parish Council have also identified capacity and traffic problems with this suggestion.
- 15.52 The Town Council request a Construction Traffic Management Plan (CTMP) to ensure timetabling does not exacerbate the impact of the forthcoming upgrade to the Miles Cross Junction. A CTMP is recommended by the Highways Officer and will be conditioned. This would provide control over the timing of works.

Planning balance:

- 15.53 The existing contract for gritting and related highway matters will change from Dorset Council (Charminster Depot) to National Highways in October 2026. A new location for a National Highways Depot is consequently required. The location needs to be close to the A35 strategic trunk road to enable efficient distribution of gritting lorries to the highways network. The site in question clearly lends itself to this. However, the existing public rest area is used by a variety of the general public and commercial travellers for rest and refreshment. Whilst it is not used continuously/intensively 24 hours a day it nevertheless is used mainly when the on-site facilities are open. Some walkers also use it to park in.

15.54 Planning policies generally seek to retain community facilities, although as explored earlier in this report, some Local Plan policies do not relate specifically to this type of facility, and in certain policy phrasings the availability of other community facilities (in this case particularly toilet or refreshment options) means the policy allows some flexibility, as can be the case in this locality. Neighbourhood Plan Policy CF1 is a more recently “made” policy and perhaps the most in conflict to the proposed development because it refers in its first sentence to:

Existing community buildings, infrastructure and ancillary facilities will be protected and enhanced unless it can be demonstrated that there is no local need for the facility or that the facility is no longer viable.

Viability here is really a reference to businesses such as pubs and convenience stores, which does not apply here.

15.55 Policy CF1 defines a range of community facilities including public toilets and amenity open space. Cafés are not specifically mentioned but could qualify as the definition says “not limited to” its specified list. Whilst this is not a “formal” amenity space it clearly does have *some* usage, albeit really as ancillary to the transit rest area. The existing rest/refreshment facility is clearly used. On the occasions the Case Officer has visited it has not been at, or near, capacity. It has not been witnessed in highly intensive use, but it clearly does have significant usage. In this sense it can be argued the scheme is contrary to Policy CF1 because there is a local need for the facility. However, it is also worth noting that the café and toilets are *not* available 24 hours a day; the café opens 8am to 4pm and the toilets 7am-5pm. The location of the facilities is convenient for users of the A35. However, there are a range of other rest/refreshment/toilet options nearby and in Bridport town. Given this, coupled with the compelling importance of highway safety; ensuring the availability of timely and efficient gritting of snow/ice affected roads and to attend other highways incidents, it is considered that the depot proposal is acceptable and the weight to be attached to the provision of it and its benefits in respect of employment provision and highway safety outweighs Policy CF1 and the loss of the rest area. The proposed development is considered to be in the wider public interest. The “redistribution” of the users of the current site to other sites would also be likely to spread wider benefits to the town economy such as shops, pubs, cafes and restaurants.

16.0 Conclusion

16.1 Given the existing locally available options for rest/refreshment/toilets, the increased employment at the site and the acceptability of the ecological and landscape works, it is considered the scheme is acceptable. Policy SUS2 of the adopted Local Plan provides a basis for the use close to the defined development boundary. The increased employment associated with the use is aided by policy ECON1. Policies relating to retaining community uses, such as COM3, have limited relevance to transit rest sites; albeit policy CF1 of the Neighbourhood Plan has relevance, but must be balanced against the need for this strategic public safety-related facility.

16.2 In economic terms the scheme would provide jobs during construction in addition to those when operating. It is likely more will be spent in the businesses in and around Bridport due to travellers visiting, rather than using the current site. There is also the economic benefit of the efficient and timely gritting of roads to keep traffic flowing

freely. Subject to conditions, the development would not adversely impact highway safety. In social terms the movement of traffic is facilitated by the scheme in winter months. The development, subject to conditions, would have an acceptable impact on the residential amenity of nearby dwellings. In environmental terms the proposals include biodiversity gains and enhancements to the existing landscaping and would not adversely impact on views into and out of the Conservation Area or the setting of designated heritage assets.

16.3 The proposal is therefore considered to be in accordance with the Development Plan as a whole and there are no material considerations indicating that permission should be refused.

17.0 Recommendation

Grant subject to the following conditions:

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

Location plan 240777-PEV-ZZ-ZZ-DR-C-0102 P04

Demolition and Site Clearance 240777-PEV-ZZ-ZZ-DR-C-0110 P01

Proposed site layout 240777-PEV-ZZ-ZZ-DR-C-3701 P06

Proposed site levels 240777-PEV-ZZ-ZZ-DR-C-0600 P02

Proposed ground floor - office PL0001

Proposed ground floor - garage PL0002

Proposed roof plan -office PL0003

Proposed roof plan -garage PL0004

Proposed east and west elevations PL 0005

Elevations-office P0006

Proposed garage elevations PL0007

Proposed salt barn LD-25-4P5-30

Landscape general arrangement plan 240777-PEV-XX-00-DR-L-0201 P06

Tree pit details 240777-PEV-XX-XX-DR-L-1001 P02

Landscape sections 240777-PEV-XX-XX-DR-L-1201 P04

Site layout 240777-PEV-ZZ-ZZ-DR-C-3701 P10 (in Transport Statement)

Visibility splays H01-P2 (in Transport Statement)

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

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

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

3 Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan 240777-PEV-XX-00-DR-L-0201 P06 to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

4 Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- location of construction site access
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary.

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

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

5 Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

- 1) a 'desk study' report documenting the site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
- 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.

4) a detailed phasing scheme for the development and remedial works (including a time scale).

5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

6 Prior to the installation of any gates at the site a scheme showing precise details (including the technical specification) for the provision of the electric gate(s) must be submitted to the Local Planning Authority and approved in writing. The approved scheme must be constructed before any part of the development hereby permitted is occupied or utilised. Thereafter, the electric gate(s) must be maintained and available for the purpose specified.

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

7 Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following where appropriate:

a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;

b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);

c) a schedule of tree work conforming to BS3998;

d) details of the area for storage of materials, concrete mixing and any bonfires;

e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;

f) details of any no-dig specification for all works within the root protection area for retained trees;

g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

8 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

Thereafter the development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

9 Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). The surface water scheme shall thereafter be implemented in accordance with the approved details including the timetable for implementation.

Reason: To prevent the increased risk of flooding and to protect water quality.

10 The development shall be carried out in accordance with the Ecological Impact Assessment Rev C dated March 2025 and its appendices. Such measures as are included shall be retained at the site thereafter.

Reason: In the interests of safeguarding ecological interests.

11. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to any works above damp proof course. The ecology/landscape features shall be managed for a minimum of 5 years. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.

- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

12 Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include Barkwood Brown colouring for the salt barn exterior unless otherwise first agreed in writing by the local planning authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

13 Prior to the occupation of the development details of maintenance and management of 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 should have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). 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 the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

14 Before the development is occupied or utilised the areas shown on Drawing Number 240777 P10 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.

15 Before the development hereby approved is occupied or utilised visibility splays must be provided at the access from a driver position of 2.40 metres and a stopping sight distance (SSD) of 24 metres to the east and 34m to the west as shown on Drawing Number H-01 P2 (in Transport Statement) Thereafter the visibility splay areas must be maintained and kept free from obstruction. All land within the area of any visibility splay must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway.

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

16 Prior to first use of the lighting a schedule of lighting times and lighting levels shall first have been submitted and approved in writing by the local planning authority. The site lighting shall be carried out in accordance with the submitted External Lighting Assessment and Strategy dated 29/10/24. There shall be no lighting of the site other than in accordance with the details approved under this condition.

Reason: In the interests of minimising necessary lighting and to safeguard biodiversity.

17 No fixed plant is to be used on the premises until full details of this shall first have been submitted to and approved in writing by the local planning authority. The submitted details shall be in accordance with the "Rating Levels" and the contents of Section 6.2 regarding cumulative noise levels of the Acoustics Planning Report 0063928-BHE-RP-YA-0001 P02 dated 8/11/24. The agreed fixed plant shall be permanently retained thereafter.

Reason: In the interests of the amenity of the area.

18 The soft landscaping works detailed on approved drawings; Landscape general arrangement plan 240777-PEV-XX-00-DR-L-0201 P06; Tree pit details 240777-PEV-XX-XX-DR-L-1001 P02; Landscape sections 240777-PEV-XX-XX-DR-L-1201 P04 must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

19 The development shall be carried out in accordance the Hard and Soft Landscape Specification document 240777-PEV-XX-XX-SP-L-1401 dated 13 September 2024, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate landscaping.

Informatives:

1. This application is subject to Biodiversity Net Gain. A Section 106 Agreement is likely to be required to secure the maintenance and monitoring of any Biodiversity Gain Plan or Habitat Management and Monitoring Plan (HMMP) approved by the Council.

Biodiversity Net Gain

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

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain and Biodiversity Gain Plans at

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

<https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

4.2 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).

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

4. The applicant’s attention is drawn to the Scotia Gas Networks letter dated 27/11/24 on the Dorset Council website.

Application Number:	WD/D/20/002002
Webpage:	The planning application documents for WD/D/20/002002 are available here: LINK
Site address:	Manor Farm, Manor Farm Lane, Winterbourne Abbas, Dorchester, DT2 9LR
Proposal:	Erection of 32.no dwellings with parking, demolition works, provision of public open space, public off-road parking, bio-diversity provisions and off-site flood storage measures and modify existing vehicular access.
Applicant name:	Smith-Daniels
Case Officer:	James Lytton-Trevers
Ward Members:	Cllr. Tarr

1.0 Reason for committee determination:

The application is brought to committee in accordance with the scheme of delegation as there was initially support for the application from the Parish Council and the application is for major development and is being recommended for refusal.

2.0 Summary of Recommendation:

2.1 The application is recommended for refusal for the reasons set out at the end of this report.

3.0 Table of key planning issues

Issue	Conclusion
Principle	The principle of development is considered to comply with Policy SUS2 of the local plan subject to other considerations.
Character and appearance of the area and setting of heritage assets	The proposal would not significantly alter the character and appearance of this part of the village through its quantum and scale and would lead to less than substantial harm to heritage assets outweighed by public benefit. Furthermore, it would have an acceptable impact on landscape character and visual amenity in the Dorset National Landscape. It would comply with Policies ENV 1, ENV4 and ENV 10 of the Local Plan.

Flood risk	The proposal does not pass the sequential test and safe access and egress to the site cannot be achieved in a flood event contrary to Policy ENV5 of the Local Plan and paragraphs 174 and 181 of the NPPF. In the absence of a S106 agreement to secure the management and maintenance of the attenuation basin it cannot be concluded that the development would not result in surface water flooding. Hence it is contrary to Policy ENV5 of the Local Plan and paragraphs 170, 181 and 182 of the NPPF.
Amenity	The site can provide for adequate living conditions for the occupiers of the existing and proposed properties. The scheme therefore complies with Policy ENV16 of the local plan.
Highways matters	The means of access would be safe and comply with policy COM7 of the local plan.
CIL	The development proposal is CIL liable.
Affordable housing	In the absence of a S106 agreement to secure a policy compliant level of affordable housing the development is contrary to Policy HOUS1 of the local plan and paragraph 66 of the NPPF.
European Protected habitats and nutrient neutrality	The proposal would be able to comply with Policy ENV2 of the local plan.
Biodiversity	In the absence of a S106 agreement to secure the long-term management and maintenance of the large barn to be retained with the bat roost it can not be concluded that the development would have an acceptable impact on biodiversity and protected species. Hence the

	development is contrary to Policy ENV2 of the Local Plan and paragraphs 187 and 193 of the NPPF.
Play Area (LAP)	In the absence of a S106 agreement to secure the provision and maintenance of the local area of play (LAP) the development would be contrary to paragraphs 98 and 103 of the NPPF.

4.0 Description of Site

4.1 The site of Manor Farm is a complex of stone and flint farm buildings, a listed farmhouse and modern agricultural sheds which lie to the north of the A35 in the eastern half of the village. Five stone barns and a large gabled farmhouse are present within the site and which form a loose courtyard arrangement at the centre of the site. These buildings, some of which have been altered to accommodate modern farming practices, whilst unlisted, are clearly of historic value. A stone wall runs along the entire frontage.

4.2 The village and its surrounding landscape are located within the Dorset National Landscape (formerly known as an AONB) and a significant proportion of the western side of the site falls within the Winterbourne Abbas Conservation Area. 5No. trees on the southern boundary are protected by a Tree Preservation Order.

4.3 The farm is bounded to the west by residential development; to the north by open farmland on the rising chalk downland; to the east by a petrol station; and the south by the A35 and Winterbourne Valley Primary School (on the opposite side of the road).

4.4 There is a vehicular access to the site from the A35 and Manor Farm Lane.

5.0 Description of Development

5.1 The development comprises the erection of 32 dwellings. The application has been revised during the course of consideration, owing to concerns raised by some consultees and officers.

5.2 The original scheme sought the demolition of all but two historic barns. The revised scheme proposes the retention of two additional barns, to the immediate east and west of the farmhouse. Also, a structural inspection has been produced as evidence of the poor condition of the two barns proposed for demolition. The barns have not been in use for some time.

5.3 The site would be divided into three areas. In the western part of the site the new units are shown oriented towards the farmstead and in a more spacious and informal arrangement. Within the farmstead, in the central area, the development is shown to respect the loose-knit courtyard arrangement of the

complex, placing the new proposed buildings along the same building lines of the existing. The eastern part of the site remains broadly the same as in the previous proposal, with the new units and the associated parking distributed along a grid arrangement.

5.4 The dwellings would be in several terraces of three and two semi-detached pairs. Six houses would be 2 bedroom and twenty six would be 3 bedroom dwellings, of which eleven would be affordable dwellings (four 2 bedroom and nine 3 bedroom). The dwellings would be conventional in appearance with symmetrical window arrangement, pitched roof and materials varying from brick and flint banding to brickwork or render. A pair of semi-detached bungalows would be a partial conversion of a single storey barn. One large barn facing the road would be retained as a bat roost. One small barn on the road frontage would be retained for electric vehicle charging and cycle parking. One barn west of the farmhouse would be retained for ancillary use. One small barn east of the farmhouse would be retained for storage for some of the new dwellings. Two barns would be demolished.

5.5 Vehicular access would be at the same position as existing on the A35, with improvements, and additional pedestrian access would be available from the A35 and from Manor Farm Lane (which would be closed to vehicular traffic by a post and rail fence with pedestrian access only). A pedestrian footpath on the eastern edge would be retained. Access within the site would be from new roads branching out from the entrance and would also serve the existing farmhouse.

5.6 'School' parking would be provided at the front of the site with 7 spaces for cars. Parking for dwellings would be either assigned alongside the dwellings or unassigned in parking courts.

5.7 A play area would be provided on the eastern side of the site.

5.8 Eleven of the dwellings would be affordable. It is proposed to provide a tenure split of 70% affordable/ social rent and 30% intermediate.

6.0 Relevant Planning History

WD/D/18/002351 - Decision: RES - Decision Date: 08/11/2018
Pre-Application Consultation - Erection of 25 Dwellings comprising mixture of conversion of agricultural buildings and new dwellings.

Between 1974 and 2009 there have been a number of applications for agricultural works and buildings.

7.0 List of Constraints

Poole Harbour Catchment Area

Flood Zone 2

Footpaths

Dorset National Landscape

Contaminated Sites Buffer

Contaminated Sites

Section 106

Important Local Buildings

Surface water flooding

Tree Preservation Order

8.0 Consultations

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

8.1 Wessex Water – No reply.

8.2 Environment Agency – No objection conditional:

- development carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by GAP Ltd (Revision 5, dated 15th March 2022);
- a scheme for water efficiency;
- a Construction Environmental Management Plan.

8.3 National Highways – No objection conditional:

- the improvement of the access onto the A35 trunk road is completed in accordance with the preliminary design drawing 8130001.002 Revision B;
- a detailed design and maintenance schedule for the treatment of surface water drainage;
- maintenance and management of the surface water drainage design;
- a construction traffic management plan.

8.4 Natural England – No objection.

8.5 Historic England – Comment

- accept that barn H - Shelter shed and barn E - stables and hay grain store can be carefully taken down and the materials reused and the west wall of the Shelter Shed (barn 3) is to be retained within the converted building and would support this;
- accept that in the short term at least, given the presence of a colony of rare bats, the reuse of the long barn at the front of the site is challenging. Recommend that a maintenance plan for this building should be conditioned.

8.6 Dorset Police – Comment

- recommend that the security of the development meets the standards laid out in the Secured by Design Homes 2019 guide.

8.7 Senior Conservation Officer– No objection conditional:

- A method statement for the demolition of Buildings 3 and 5;
- Details of proposed structural repairs to retained buildings;

- Samples of materials;
- A sample panel;
- Details of rooflights;
- New boundary walls constructed from salvaged stone;
- the Bat Barn will be maintained;
- All new windows and external doors in timber;
- All new rainwater goods in cast metal.

8.8 Highways – No objection conditional:

- Construction of the private estate road.

8.9 Tree Officer – No objection

- Conditional of Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) dated 27th July 2020 being implemented.

8.10 Environmental Health – Comment

- Due to the proximity of the A35 to the site, a condition is recommended for details of a noise assessment;
- Contamination may be present;
- A CEMP to control nuisance during building works.

8.11 Senior Archaeologist – Comment

- The applicant has now undertaken an archaeological assessment and an archaeological evaluation of the site, before the application is determined. The Senior Archaeologist has been re-consulted. An update will be provided to the committee.

8.12 S106 / CIL – Comment

- A s106 would be needed to secure affordable housing and BMP.

8.13 Dorset AONB – Comments

- Would not harm the wider landscape of the AONB.

8.14 Flood Risk Management – No objection subject to:

- a s106 to secure:
- A drainage easement is to be created over the area used for the attenuation basin;
- a detailed design for the attenuation basin and connecting surface water drainage works;
- a detailed plan for the maintenance & management of the attenuation basin;
- a drainage easement is to be created over the extents of the swale traversing proposed residences 1-6.
- conditions:
- for finished floor levels for residential properties to be 600mm above any adjacent flood level;
- a detailed surface water management scheme;
- maintenance & management of both the surface water sustainable drainage scheme and any receiving system.

8.15 Emergency planning – Comment

- Occupants should receive flood alerts and have an evacuation plan.

8.16 Housing Enabling Team – Comment

- The Local Plan requires 35% affordable housing on site which would provide 11.2 homes on this site. The Council will accept a financial contribution towards the provision of affordable housing when there is a shortfall on site.
- The split of the tenure / room type is 4x 2 bedroom terraces and 7x 3 bedroom terraces.
- This is a policy compliant development and the housing enabling team recognise that Sovereign Network Group are supporting the continued development of affordable housing in the area to assist in meeting local need.

8.17 Rights of Way Officer – No objection.

8.18 Senior Landscape Architect – Objection to original proposals, but did not comment on revised plan:

- the design and layout of the parking courtyards, and the proposed on and off site water management features would have an adverse landscape and visual impact on the landscape and scenic beauty of the AONB and an adverse impact on trees.

8.19 Urban Design – Objection to original proposals, but did not comment on revised plans:

- For the same reasons that conservation initially objected (which was an objection to demolition of all of the farm buildings).

8.20 Winterborne Abbas Parish Council – Originally support, but with concerns also raised.

- All roads must be constructed to a standard to be adopted;
- Storm water must have a flood alleviation scheme;
- Parking spaces must be provided;
- The bat-roost barn must be included in the proposal;
- Ground works appear to affect trees;
- Surface water flooding mitigation would need to be managed;
- The scheme fails the sequential test;
- Sewage overflows have occurred during extreme rainfall;
- A complex scheme which will need management;
- The attenuation basin would be close to residential property;
- The attenuation basin would be overwhelmed;
- Ongoing management of the attenuation basin questioned;
- The proposed play area is flood prone;
- Ongoing maintenance of the bat roost barn;
- Support affordable provision.

9.0 Representations

Would cause sewer to overflow;
 Increase ground water flooding;
 Additional use of narrow Manor Farm Lane by pedestrians;
 Flood risk;
 Monies should be allocated from the development to fund repairs to the church;
 Loss of informal parking in Manor Farm during church events;
 Would provide needed housing;
 Would provide jobs;
 Attenuation basin too near to properties and risk of flooding properties if it does not cope or is maintained and where would it drain to?;
 Ongoing maintenance of the attenuation basin questioned;
 Health & Safety issues around the attenuation basin such as risk of drowning, stagnated water attracting mosquitos.

Total – Objections	Total - No Objections	Total – Comments
1	1	14

Petitions Objecting	Petitions Supporting
0	0

10.0 Development Plan – Relevant Policies

West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting.
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV15 - Efficient and appropriate use of land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- HOUS1 - Affordable Housing
- HOUS3 - Open Market Housing Mix
- COM7 - Creating a safe & efficient transport network.
- COM9 - Parking provision

Other Material Considerations

Emerging draft Dorset Council Local Plan:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

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

The Dorset Council Local Plan 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.

On the 26th September 2024, The Planning Inspectorate issued the Inspector's report confirming the Council's Annual Position Statement (APS). The APS confirms that the whole of the Dorset Council area can demonstrate a 5-year supply of housing of 5.02 years, and that this figure is fixed until 31 October 2025 in accordance with paragraph 233 of the NPPF. An updated APS that reflects the Inspector's findings is available on the Council's website.

Emerging Neighbourhood Plans

None

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless 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 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making efficient 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.
- 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).

National Planning Practice Guidance

Supplementary Planning Document/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)

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

12.0 Public Sector Equalities Duty

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

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

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

Access: any arrangements made to ensure people with disabilities or mobility impairments have been accommodated. This would include level access to dwellings and accessible parking. There is level access to the church, school, public house, petrol station and shop. It is within easy reach of Dorchester by public transport.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	35%
Non-Material Considerations	
Council Tax.	Not known.

14.0 Climate Implications

14.1 The proposal would lead to additional CO2 emissions from construction of the dwellings and from the activities of future residents.

14.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

14.3 The dwellings would require the provision of electric car charging under building regulations.

15.0 Planning Assessment

Principle

15.1 The site is situated within a Defined Development Boundary. The spatial strategy in Policy SUS2 has a three-tiered approach, advising that “*Development in rural areas*

will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement.”

15.2 The proposal would comply with policy SUS2 of the Local Plan that directs the provision of open market housing to sites located within a settlement boundary. This is subject to site specific matters considered below.

Character and appearance of the area and setting of heritage assets.

15.3 The character of Winterbourne Abbas is quite coherent with groups of stone and flint cottages often linked by walls along the chalk valley of the South Winterbourne which lies directly south of the road. The historic built form lies along the road, with farms set back behind barns and yards. In recent times, development along the road has increased in depth with housing, mostly in the west of the village.

Conservation Area

15.4 Much of the village is designated as a Conservation Area and a Conservation Area Appraisal was produced in 2007. All of the Manor Farm buildings (excepting for one large modern barn) and farmhouse are in the Conservation Area and these are noted as ‘Important Local Buildings’ and stated to be one of the most significant group of buildings within the settlement in the Conservation Area Appraisal. The site also affects the setting of the wider Conservation Area which extends westwards along the built-up part of the village on both sides of the road. The revised scheme proposes retention of three barns and a structural report has been provided to justify demolition of the remaining two.

15.5 While Historic England initially raised concern about the loss of these two historic barns, in view of the structural report, it is considered to be justified. The buildings which would be demolished are an open sided bayed building and a storage and milking building which lie across the centre of the site. A report (December 2020) and subsequent letter (15 April 2021) by Ellard Consulting Ltd have been provided, which follow an inspection of the buildings. Broadly, with regard to the storage and milking building the report identifies a number of potential structural defects and that ‘any work...is likely to result in the building having to be fully taken down to achieve a safe working environment for the structure to be rebuilt’ (report, p. 7). With regard to the open sided bayed building, the report concludes similarly that the West and South walls would require full rebuilding (p. 9). A conservation accredited engineer (letter, 30 June 2022) confirmed the conclusions of this report. With this information, it is accepted that the dismantling and rebuilding of these structures has been justified, though the loss of the farm buildings still results in a diminishment of the historic group’s contribution to the Conservation Area, leading to less than substantial harm.

15.6 The site would be divided into three areas. In the western part of the site the new units are shown oriented towards the farmstead and in a more spacious and informal arrangement. The houses (units 1-6) would be in

terraces of three, with traditional cottage detail and proportions constructed in flint with brick banding. This would have an informal farmstead character and retain more of the historic buildings and be more akin to the character and appearance of the Conservation Area. The proposed replacement buildings for the demolished open sided bayed and storage and milking buildings, Units 7-8 and 9-11 respectively, have been subject to design amendments. These proposed buildings would have the appearance of converted barns and would retain the scale and agricultural aesthetic of the existing buildings, with Units 9-11 utilising salvaged masonry to construct the flint and brick banding and brick dressings to openings. The front (East) of Units 7-8 would have timber cladding, which reflects the sense of infilling an open-sided structure. The rear would retain the existing masonry wall. The proposed design is considered to be acceptable and closely aligned to the existing building. This part of the scheme would have an acceptable appearance.

15.7 In the centre, near the farmstead, the development would respect the loose-knit courtyard arrangement of the complex, placing the new proposed houses (units 12-17) in an L shape of two terraces. These would be in the style of converted barns. The scheme now proposes the retention of the former stable and trap shed for the farmhouse and a store), situated to the West and East of the farmhouse respectively. This part of the scheme would have an acceptable appearance.

15.8 The eastern part of the site would have the new units in a grid arrangement. The layout is broadly unchanged from the original scheme and there has been a slight increase in the size of the building at the South end of this area, now showing 4 units (Plots 18- 21) which would be cottage style terraces in flint with brick banding. The scale of Units 28-32 at the North East corner of the site has been reduced. These would be 1 ½ storey houses in flint and brick. Units 22-27 would be traditional cottages style houses in brick and flint with brick banding. The more orthogonal layout of this part of the site forms an appropriate contrast with, and therefore a distinction from, the looser arrangement of the historic farm buildings, whilst also reflecting the current layout of the modern farm buildings. This part of the scheme would have an acceptable appearance.

15.9 Taking into account that the replacement of two of the farm buildings and the resulting change in character of an identified important building group, the proposals would result in less than substantial harm to the Conservation Area's significance.

Designated heritage assets

15.10 There are a number of designated heritage assets surrounding the site including a number of barrows. These are all monuments: Copyhold Trackway, Manor Farm Trackway, Pound Hill Field boundaries, and 13 round barrows. NPPF para. 212 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 213 requires that any level of harm to their significance should require 'clear and convincing justification'.

15.11 Following the revisions to the scheme, which included reducing the scale of the buildings at the NE corner of the site, the proposed development would not result in detrimental effects on the identified elements of these monuments' setting. For the above reason, the proposals would result in no harm to the monuments' significance.

Non designated heritage assets

15.12 There are a number of non-designated heritage assets within the site, namely the barns already described and the farmhouse. Though the replacements would be of broadly similar character, scale and footprint, the proposals comprise the demolition of two farm buildings which form part of the identified important local building group, though one of these has already been changed considerably. In addition, the construction of numerous housing units to the west and east sides of the farmyard would result in a change to the immediate and historical agricultural setting.

15.13 It is noted that the scheme does not propose any changes to the Bat Barn, meaning that the building is retained *in toto* as a bat roost, but does not have any clear vision for how it would be maintained. It is understood that Natural England have indicated that *any* form of partial use, even attended by full accommodation of the bat roosts, is not achievable. There is therefore concern that, when put together with the development and dismemberment of the farm in separate ownerships, there would be no mechanism of ensuring that the building remains in good condition, whether for its own sake as a non-designated heritage asset or as a bat roost. A s106 to address the retention and maintenance of the barn is therefore considered necessary to make the development acceptable in planning terms, it would directly related to the development; and fairly and reasonably related in scale and kind to the development. The three barns to be retained for storage, ancillary use and electric vehicle charging would have new purposes as a result of the development and new owners which would ensure their maintenance without a s106 being necessary.

Landscape setting

15.14 The layout, density, scale and appearance of the proposed dwellings would reflect the adjoining parts of the village. Given the location of the proposal in the valley where it would occupy the lower slopes it would follow the existing pattern of development in this part of the village. The development would be broken up into parts with different and distinct characters, some traditional rows of houses as distinct from the farm group. In view of these attributes, the proposal would not harm the landscape setting of this part of the Dorset National Landscape.

Summary conclusion

15.15 On balance, the proposals would result in less than substantial harm to the significance of the farmhouse and farm building group. The proposal would not significantly alter the character and appearance of this part of the village through its location and quantum. The scheme would have an acceptable appearance. The proposals would lead to less than substantial harm to a number of non-designated heritage assets. The proposals would result in less than substantial harm to the significance of a designated heritage asset, the Conservation Area, meaning that

para. 215 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use). However, this balance needs to take into account the need to give 'great weight' to the asset's conservation, irrespective of the level of harm.

15.16 In this case, the potential public benefits including the provision of 11 affordable dwellings, a play area, a school car park, a public footpath link, enhancement of a neglected site and reduction in surface water run off onto the A35 are considered to be relevant to the balanced judgement for impacts on non-designated heritage assets. The need for rebuilding the two farm buildings has been demonstrated on structural grounds.

15.17 In view of the above the public benefits of the proposal would outweigh the less than substantial harm to the non-designated heritage assets described above if a S106 agreement was completed to secure the benefits as necessary. For the same reasons officers consider that the less than substantial harm to the Conservation Area is outweighed by the public benefits of the scheme. However, at this point in time there is no completed S106 agreement and therefore the affordable housing, play area and surface water drainage would not be secured and therefore limited to no weight can be attached to them. As such it is considered that the very limited public benefits would not outweigh the less than substantial harm to the identified heritage assets and as such the development would not accord with Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan and paragraphs 212, 213, 215, 216 and 219 of the National Planning Policy Framework.

Flood risk.

15.18 Part of the site is within flood risk zones 2 and 3 (in particular the access, but not the proposed dwellings). Consideration is needed having regard to the following: the sequential test; and, access, egress and emergency planning. The national flood risk mapping released in March 2025 by the Environment Agency has been checked and there are no changes to flood risk, which had not been previously identified.

Sequential Test

15.19 In accordance with the National Planning Policy Framework (paragraph 174), development in flood risk areas should not be permitted if there are available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

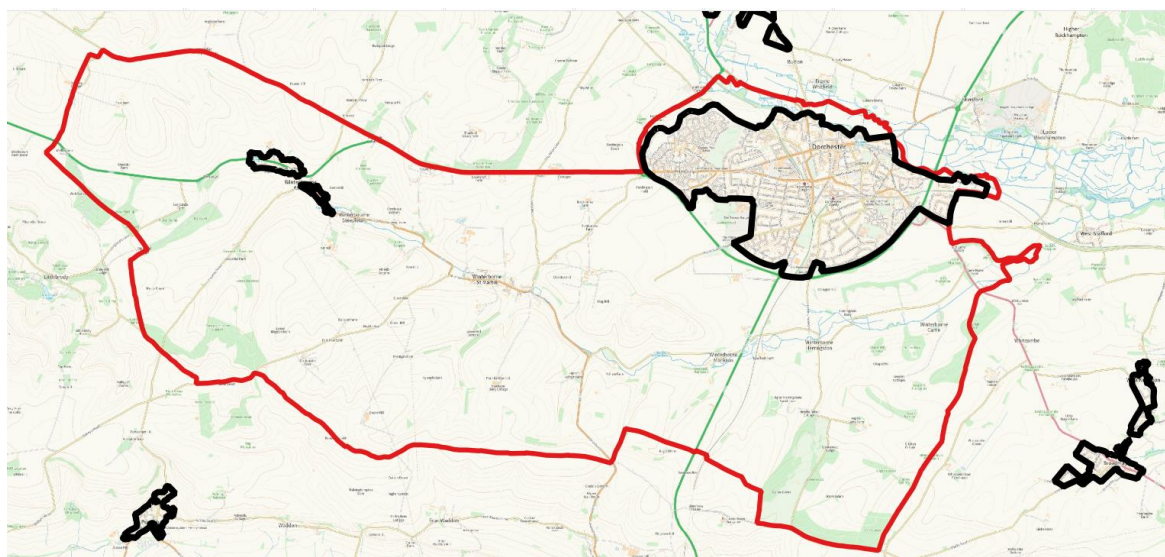
15.20 Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and shown to be at future flood risk or at risk from other sources of flooding.

15.21 Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

15.22 The applicant has provided a Flood Risk Assessment and a Sequential Test. It is necessary to consider whether the Sequential Test is passed taking into account the flood risk described below. This advice is made in context with paragraph 170 of the NPPF which states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)*'.

15.23 It is the responsibility of the applicant to present sufficient information to the Council to allow it to consider demonstration of the Sequential Test. The applicant has identified sites within the defined development boundary and sites previously presented for consideration as a part of the SHLAA 2018. These are all dismissed by the applicant because of availability, size or other reasons. Officers consider that it was incorrect for the applicant to dismiss locations because the alternative site is unavailable or too small to supply the level of housing sought as it is a requirement for sites to be included, including disaggregated sites. In addition, the search area provided by the applicant was small and the applicant could have looked further afield within the Dorset Council area. It should be noted that the Exception Test and flood risk mitigation is only applied *after* passing of the Sequential Test.

15.24 Officers identified the spatial area of search for alternative sites which are those with defined development boundaries, and alternative sites (these are derived from Strategic Housing Land Availability Assessment ([SHLAA](#)), Annual Position Statement ([APS](#)) and remaining allocations from the West Dorset, Weymouth & Portland Local Plan). This is shown on the plan below. Winterbourne Abbas is in the western part of it.



15.25 Below are two potential alternative sites identified by officers as part of the preparing of the data for the last Annual Position Statement (APS). Neither development has commenced.

Application P/FUL/2021/02623 FOUR PADDOCKS LAND SOUTH OF ST GEORGES ROAD DORCHESTER Granted on 7/5/2025 for 107 dwellings. Allocation DOR8 in the adopted local plan.

Application P/FUL/2025/05673 Maltings and Maltings Mews, Brewery Square, Dorchester Granted on 21/5/2025 Allocation DOR6 in the adopted local plan.

15.26 The remaining tasks for applying the sequential test are as follows:

To assess whether the alternatives from each of the sources of supply are 'Reasonably available sites' i.e.

- a. those in a suitable location for the type of development
- b. with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development
- c. potentially comprising a series of smaller sites and/or part of a larger site if these would be capable of accommodating the type of development
- d. the alternative sites need not be owned by the applicant to be considered reasonably available

to compare flood risks from all sources of flooding between the alternatives and the application site and then reach a view whether there are 'Reasonably available' alternatives.

15.27 Given there are a number of alternative sites, officers consider that the sequential test fails as there are other reasonably available sites at no risk of flooding.

Access, egress and emergency planning

15.28 In circumstances where Flood Warning and emergency response is fundamental to managing flood risk, the emergency planning and rescue implications of new development need addressing as follows:

- Whether or not the principle of relying on flood response planning (prior warning and evacuation or refuge) is acceptable given the potential flood risk (depths and hazard). If not then the application should be refused.
- Whether or not any proposed refuge will enable people to remain safe, taking into account, the resilience and recoverability of essential services during and after a flood, and the ability of buildings to remain structurally stable during a flood.

15.29 The Planning Practice Guidance on Flood Risk and Coastal Change states "Access considerations should include the voluntary and free movement of people during a design flood', as well as the potential for evacuation before a more extreme flood, considering the effects of climate change for the lifetime of the development. Access and escape routes need to be designed to be functional for changing circumstances over the lifetime of the development. Specifically:

- Access routes should allow occupants to safely access and exit their dwellings in design flood conditions. Vehicular access to allow the emergency services to safely reach the development during design flood conditions will also normally be required in addition to the requirements of the [building regulations](#)."

15.30 Whilst the dwellings would provide refuge in the event of a flood, the access and some of the land within the site would be susceptible to flood risk and there would be no safe route to leave the site in the event of a flood. An alternative route avoiding a flooded access is not achievable. Any amount of flood water affecting the access should be avoided especially as it would have the potential to be fast flowing and of some depth. Page 31 of the applicant's modelling and mapping (June 24) shows the depths in the road in the 1 in 100year +Climate Change as generally, 100mm to 200mm, but could be up to 300mm in limited places.

Taking into account all relevant considerations, the proposed development cannot be considered safe without additional provision of safe access and egress, and planning permission should not therefore be granted.

Surface water flooding

15.31 The site is susceptible to surface water flooding (1 in 30 years). The means of alleviating this have changed over the life of the application. Surface water flooding also triggers the need for a sequential test. As stated above the development does not pass the sequential test. Notwithstanding that the applicant has provided means of alleviating surface water flooding.

15.32 The applicant has submitted an updated flood modelling report: Technical report – Proposed Flood Risk Mitigation, by Weetwood, ref 5909, Rev 1.1 dated 10/06/24. The report has been updated to include a formal swale on the site layout plan at the far west of the gardens of proposed units 1-6. The swale would act as a formal exceedance flow route in the event there is a significant blockage of the twin culvert pipes from the proposed attenuation basin.

15.33 The proposed location of the attenuation basin would be in the northeast corner of the site. It would comprise a shallow, round shaped feature. The proposed attenuation basin would be required to be built before construction of any dwellings.

15.34 Concern has been raised by residents living near to the proposed attenuation basin, which would be upslope of their properties, whether it could increase risk of flooding to their properties during heavy rain, as well as stagnant water and danger to persons entering it.

15.35 The attenuation basin is essentially a 'hole' in the ground. It is not elevated above normal ground level. There are no levee banks. However, it is likely to have a higher elevation than properties downslope. The emergency overflow/spillway from the basin would direct water to the proposed development and along a dedicated emergency overflow channel. The channel would be within a drainage easement and not within property boundaries forming part of the communal areas and managed by a management company. However, the normal route for water from the basin would be via twin pipes at the base of the basin. These would traverse the site and then discharge in the southeast corner of the site. The pipes first discharge to an open channel. The open channel then discharges to the existing channel/ditch. The existing channel/ditch discharges to the existing pipe/culvert, and then to the watercourse on the other side of the road. The basin would drain to empty sometime after rainfall runoff ceases. The basin is not a soakaway and would be lined with an

impermeable layer to prevent ingress of groundwater. The basin would provide sufficient storage for the 1 in 100 year rainfall event + 45% uplift for climate change, and still provide a 300mm safety margin to the spillway of the basin. Maintenance and management of the basin would be provided by a private management company nominated and paid for by the developer by a s106. The applicant's Flood Risk Assessment, which is underpinned by hydraulic modelling, has demonstrated that existing properties are not at greater risk of flooding due to the development. The modelling supplied by the applicant actually shows a very slight reduction in flood risk to downstream properties.

15.36 Floor levels of the dwellings would need to be 600mm higher than surrounding flood levels to reduce the risk of flooding from external sources. The floor levels are set as per table 5 in the Weetwoods report and all of the properties are outside of the flood risk area.

15.37 In conclusion while surface water flooding could be mitigated (secured by a s106 agreement), fluvial flood risk cannot. It has not been demonstrated that the development could not be accommodated on an alternative site at lower risk of flooding and the proposal fails the sequential test. There would also be no safe access and egress route to the site in the event of a flood. Therefore, part of the proposal would be located in flood risk zones 2 and 3 and would potentially lead to risk to life and property contrary to West Dorset, Weymouth & Portland Local Plan policy ENV5 and paragraphs 170, 174 and 181 of the National Planning Policy Framework.

15.38 Furthermore whilst the maintenance and management of the basin could be secured and controlled via a S106 agreement, there is no such agreement in place at this time. In the absence of a s106 to secure maintenance and management of an attenuation basin, the proposal could lead to surface water flooding potentially bringing risk to life and property contrary to West Dorset, Weymouth & Portland Local Plan policy ENV5 and paragraphs 170, 181 and 182 of the National Planning Policy Framework.

Amenity

15.39 The dwellings would have adequate living accommodation, amenity space and parking. There would be adequate privacy, outlook and light to each of the dwellings. The relationship with existing dwellings on or near the site would be acceptable. The design and layout of units 7 and 8 would retain a courtyard appearance to the layout, such that there are courtyard gardens provided for units 7 and 8. There is a window in the gable end at ground floor level of unit 21 which would directly face the play area and therefore be potentially overlooked. However, this would be a secondary window which would serve the living space of unit 21. It could be obscurely glazed, but defensible planting is proposed so that persons would be unable to directly approach the window. There is a benefit to this window as it provides passive surveillance to the play area. It is proposed that the boundary treatment to the rear of units 18 -21 would be close boarded fencing. The arrangement has been altered to include low level planting at the junction of the footpaths to improve visibility at the corners of the footpath. The Biodiversity Mitigation Plan indicates that a number of

units would be proposed to have tinted windows. The proposed level of tinting would be 20%. This level of tinting would not impact on the amenity of future occupants. It would be subject to a planning condition.

15.40 The attenuation basin would be 2m deep. The side slopes of the attenuation basin are shown to be 1:3. It would be fenced for safety. The approach is consistent with standards detailed in the CIRIA SuDS manual and usual industry practice to prevent danger to persons. Details of this would be secured by condition.

15.41 The proposal would comply with policy ENV16 of the Local Plan.

Highway matters

15.42 Highways England provided an initial response which identified a number of areas of concern, particularly in relation to the access and drainage arrangements.

15.43 A suitable preliminary scheme for the improvements to the existing access onto the A35 has been provided which would be implemented and available for use prior to occupation of the development. The applicant would also be required to enter into a suitable legal agreement with National Highways as the scheme would involve works within the highway boundary that is land not within the applicant's control, but in the control of National Highways.

15.44 An updated Flood Risk Assessment has been provided with an attenuation tank in addition to the attenuation basin to ensure there would be no flood risk to the carriageway. Its detailed design and location on the applicant's land would need to be requested and secured by condition.

15.45 The internal estate roads would need to comply with national guidance such as Manual for Streets and Inclusive Mobility and be built in a good and workmanlike manner to current British Standards.

15.46 There would be safety benefits for pedestrians using Manor Farm Lane as it would not be used by vehicular traffic to the scheme as it would remain closed off by a post and rail fence. There would also be a dedicated pedestrian access through the site avoiding the A35 and roads within the site.

15.47 Whilst the provision of the school parking could be secured by a s106 agreement it could be difficult to ensure it was only used by those dropping off/picking up from or visiting the school. It could be used by residents, visitors to those living at the site, people using the play area etc. The applicant suggests that the use of the parking area could be controlled via a parking management plan which would then be monitored by Sovereign Housing/a management company.

15.48 Electric vehicle charging in the retained barn would be secured by condition.

15.49 The use of Manor Farm for informal parking during church events could not be secured by this scheme as it was only on an informal basis in the past. However, there would be 'school' parking provided which could be available for this use.

15.50 The scheme would have sufficient room to provide adequate parking for the proposed dwellings in line with the adopted standards in the Bournemouth, Poole & Dorset Residential Car Parking Study.

15.51 The means of access would be safe in highway safety terms (albeit not in respect of flood risk, but that is a separate consideration) and would comply with policy COM7 of the Local Plan.

Community infrastructure Levy

15.52 The development proposal is CIL liable.

Affordable Housing

15.53 Policy HOUS1 in the Local Plan seeks affordable housing contributions on all new residential development. For the former West Dorset district, the requirement is for all new dwellings to make a 35% contribution towards affordable housing due to significant unmet need.

15.54 As the proposal exceeds 10 dwellings, an on-site provision would be needed of 11 dwellings and an off-site contribution for the remaining 0.2 of a dwelling. This would need to be secured through a s106 Agreement. It is proposed to provide a tenure split of 70% affordable/ social rent and 30% intermediate. The applicant agrees to the 0.2 portion of a unit being provided by a financial contribution secured within a s106 agreement. It is understood that there is a contract in place for the entirety of the scheme (32 dwellings) to be delivered as affordable housing. Other than those units required under the local plan policy this (the delivery of the project as affordable housing units) would be outside of the planning process to allow Sovereign Housing to securing grant funding to aid the delivery of the development.

15.55 The proposal could comply with policy HOUS1 of the Local Plan subject to a s106 agreement to secure it. However, at this time there is no S106 agreement in place to secure the affordable house and therefore in the absence of such an agreement the development would be contrary to Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015) and paragraph 66 of the National Planning Policy Framework.

Poole Harbour Nutrient Neutrality Catchment Area

15.56 Increased wastewater from new development, including new residential developments, has the potential to increase levels of nitrogen within Poole Harbour. The proposed development has the potential to result in adverse impacts on water quality via enrichment, given the addition of dwellings on site. In order to avoid an adverse effect upon the integrity of the Poole Harbour SPA and Ramsar from water quality impacts, the proposed development must provide mitigation. While Natural England have confirmed that phosphate neutrality would no longer be required, nitrates remain an issue and the applicant has prepared a nutrient budget to calculate the cost to offset it. An Appropriate Assessment has been undertaken by Dorset Council and reviewed by Natural England. The mitigation would need to be secured separately and a suitable condition would secure it. The intended approach

to nutrient mitigation is to purchase of site nutrient credits and a condition would secure this.

15.57 The proposal would be able to comply with policy ENV2 of the Local Plan subject to the condition.

Other matters

15.58 Concerns that sewage can be forced out of the mains sewer by surface water flooding would not be exacerbated by the scheme with the measures detailed above to mitigate against this occurring. Surface water would not be able to enter the foul sewer as a result of the mitigation works offered where surface water would be managed by an attenuation basin.

15.59 To protect trees, a condition would secure the implementation of the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) dated 27th July 2020.

15.60 Potential existing land contamination would be able to be addressed through planning conditions.

15.61 A programme of archaeological work has been carried out. The trench evaluation constituted a thorough examination of the site, with trenches positioned to provide a spatial sample of the site. A simple sequence of topsoil and subsoil (up to 0.7m deep) above natural subsoil has been confirmed, and the total removal of this material within each trench has revealed limited evidence for archaeological features and deposits. The remains of a dew pond in Trench 2 and a pond or dew pond in Trench 3 relate to postmedieval activity within the site. No other archaeological deposits, features or dating evidence indicative of archaeological activity was found.

15.62 An Ecological Impact Assessment and Biodiversity Plan would need to be secured by condition and s106. In particular this would include a bat mitigation and compensation strategy on account of the bat roost in the large retained barn. Other biodiversity enhancements would also be secured. A Construction Environmental Management Plan (CEMP) would be secured by condition and as part of the ongoing mitigation measures, a Landscape & Ecology Management Plan (LEMP) would need to be secured by condition. The application was not subject to Biodiversity Net Gain because it was submitted in August 2020 well before the date it became required in February 2024.

15.63 To date a S106 agreement has not been completed and therefore there is no certainty over the management and maintenance of the bat roost in the large retained barn (bat barn). The wider site would be developed and split into different ownership creating uncertainty over the future of the barn and its use as a bat roost. As such in the absence of a S106 agreement it is considered that the proposal would lead to harm to biodiversity and protected species contrary to West Dorset, Weymouth & Portland Local Plan policy ENV2 and paragraphs 187 and 193 of the National Planning Policy Framework.

15.64 The existing footpath through the site would be unaffected and the new link for school parking would be desirable.

15.65 The play area for public use near the front of the site would need to be secured by s106. The proposal would be to deliver the play area as a Local Area of Play (LAP). The proposed site plan shows the extent of the proposed LAP. This sits outside of the root protection area (shown in green on plan PL03 rev:I) and the swale. The Westwood Technical Note of 10/6/2024 Final V1.1 indicates that the ground levels in the south east area of the site where the play area is proposed are to be lowered. The updated plan PL03 rev:I shows the extent of the Root Protection Areas of trees. The proposed swale would connect to the existing drainage ditch outside of the Root Protection areas. Alterations to the ground levels would not occur within the Root Protection Areas (levels are shown on the plans). Safety barriers are proposed around the play area (i.e. to stop children straying and to keep dogs out). The safety barriers would be provided/ confirmed as part of the final design of the LAP. The design/ layout of the LAP would be agreed by condition and s106 obligation would be required in respect of its provision and maintenance. However currently there is no completed S106 agreement and in the absence of such a legal agreement the development is considered to be contrary to paragraphs 98 and 103 of the National Planning Policy Framework.

15.66 There would be some monies from CIL, but it would be unlikely to be allocated from the development to fund repairs to the church.

Planning balance

15.67 The proposals would result in less than substantial harm to non-designated heritage assets, some historic farm buildings, meaning that para. 216 of the NPPF is engaged, requiring a balanced judgement taking into account the significance of the affected asset and the scale of harm or loss. In this case, the potential public benefits including 11 affordable dwellings, a play area, a school car park, a public footpath link, enhancement of a neglected site and reduction in surface water run off onto the A35 are considered to be relevant to the balanced judgement for impacts on non-designated heritage assets. The need for rebuilding the two farm buildings has been clearly demonstrated on structural grounds.

15.68 In view of the above the public benefits of the proposal could outweigh the less than substantial harm to the non-designated heritage assets described above if a S106 agreement was completed to secure the benefits as necessary. For the same reasons officers consider that the less than substantial harm to the Conservation Area could be outweighed by the public benefits of the scheme. However, at this point in time there is no completed S106 agreement and therefore the affordable housing, play area and surface water drainage would not be secured and therefore limited to no weight can be attached to them and as such it is considered that the very limited public benefits would not outweigh the less than substantial harm to the identified heritage assets.

15.69 The applicant makes the following case in support of the development:

- 32 Affordable houses provided in conjunction with Sovereign Housing;

- 'School' Parking spaces to be provided and upgraded, pedestrian protection barriers.
- A secure children's play area;
- The designation of the stone barn to house the small colony of grey long-eared bats;
- Surface water attenuation which would assist in managing the current overland flows;
- Removal of unsightly agricultural buildings;
- The creation of pedestrian walkway linking two ends of the village (through the site) removing the need to walk alongside the busy A35.

15.70 It is acknowledged that these would result in a number of benefits. A number of the benefits would need to be secured by a s106 agreement and currently there is no s106 agreement in place to secure biodiversity mitigation/maintenance of the bat barn, maintenance and management of an attenuation basin, provision of affordable housing and a Local Area of Play and its maintenance. The absence of a S106 agreement to secure these matters leads to a number of reasons for refusal in themselves. However, even if a S106 agreement had been in place to secure those matters, the benefits do not outweigh the identified flood risk which is prevalent at the site with no safe access and egress in the event of a flood and where sequentially there are preferable sites available which are not at risk of flooding to deliver this amount of housing. Furthermore, in the absence of a S106 agreement to ensure the long-term management and maintenance of the attenuation basin the development could result in a risk to property and life from surface water flooding. Hence the proposals are contrary to West Dorset, Weymouth & Portland Local Plan Policy ENV5 and paragraphs 170, 174, 181 and 182 of the National Planning Policy Framework.

16.0 Conclusion

16.1 Whilst the site is within the defined development boundary and there would potentially be a number of public benefits arising from the development, it would be necessary to secure some of those public benefits by a S106 agreement and no such agreement is currently in place. It is considered that in the absence of a S106 agreement the less than substantial harm to the significance of heritage assets which has been identified, would not be outweighed by public benefits. Furthermore, the absence of a S106 agreement would result in harm to biodiversity and protected species, surface water flood risk, lack of provision of affordable housing and lack of provision and maintenance of play facilities. Furthermore, it has not been demonstrated that the development could not be accommodated on an alternative reasonably available site at lower risk of flooding and as such the proposal fails the sequential test. The proposal would be located, in part, within flood risk zones 2 and 3 and there would be no safe access and egress route to and from the site in the event of a flood. Hence the development is contrary to the development plan and National Planning Policy Framework as identified in this report.

17.0 Recommendation

17.1 Refuse planning permission for the following reasons:

1. It has not been demonstrated that the development could not be accommodated on an alternative site at lower risk of flooding and the proposal fails the sequential test. Therefore, part of the proposal would be located in flood risk zones 2 and 3 and would potentially lead to risk to life and property through the lack of safe access and egress contrary to West Dorset, Weymouth & Portland Local Plan policy ENV5 and paragraph 174 of the National Planning Policy Framework.
2. In the absence of a s106 to secure biodiversity mitigation and the maintenance of the bat barn, the proposal would lead to harm to biodiversity and protected species contrary to West Dorset, Weymouth & Portland Local Plan policy ENV2 and paragraphs 187 and 193 of the National Planning Policy Framework.
3. In the absence of a s106 to secure maintenance and management of an attenuation basin, the proposal would lead to surface water flooding potentially bringing risk to life and property contrary to West Dorset, Weymouth & Portland Local Plan policy ENV5 and paragraphs 170, 181 and 182 of the National Planning Policy Framework.
4. In the absence of a s106 to secure the provision of affordable housing, the proposal would be contrary to West Dorset, Weymouth & Portland Local Plan policy HOUS1 and paragraph 66 of the National Planning Policy Framework.
5. In the absence of a s106 to secure a Local Area of Play and its maintenance, the proposal would be contrary to paragraphs 98 and 103 of the National Planning Policy Framework.
6. Whilst public benefits arising from the development have been identified, these are not secured by a S106 agreement and as such can be given very limited to no weight when weighing the identified less than substantial harm to the significance of designated heritage assets against the public benefits of the proposed development and when considering the harm to non-designated heritage assets. As such it is considered that the identified harm in the form of the replacement of two of the farm buildings and the resulting change in character of an identified important building group would result in less than substantial harm to the Conservation Area's significance which would not be outweighed by public benefits. Furthermore, with no S106 agreement to secure the long term maintenance of the large retained barn (bat barn) there would be no mechanism to secure that the building is maintained in a good state as a non-designated heritage asset within the development site and as such the development would be likely to result in less than substantial harm to this non-designated heritage asset. As such the development is contrary to Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan and paragraphs 212, 213, 215, 216 and 219 of the National Planning Policy Framework.

Informatives:

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

PL01 C Location plan
 PL03 I Proposed site plan
 PL03 F Proposed site plan
 PL03 E Proposed site plan - (Amended)
 PL09 Proposed floor plans Units 1-11
 PL09 B Proposed floor plans Units 1-11
 PL10 B Proposed floor plans Units 12-21
 PL10 Proposed floor plans Units 12-21
 PL12 Proposed elevations Units 1-5
 PL12 D Proposed elevations Units 1-6
 PL11 C Proposed floor plans units 22-32
 PL13 D Proposed elevations units 7-11
 PL14 D Proposed elevations Units 12-17
 PL14 Proposed elevations Units 12-18
 PL15 Proposed elevations & bin stores units 19-21
 PL15 D Proposed elevations & bin stores units 18-21
 PL16 D Proposed elevations units 22-27
 PL16 Proposed elevations units 22-27
 PL17 D Proposed elevations units 28-32
 PL_20_ Proposed site sections
 002 B Visibility Splays & Access Design - 813.0001.
 903 P2 Existing and Proposed Levels - 20169-903 P2 (Amended)
 900 P9 Surface Water Drainage Strategy - 20169-900 P09
 813.0001.002 B Junction arrangement

2. In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and –
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
 In this case:
 - The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

-The applicant and council have worked together to minimise the reasons for refusal.

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Agenda Item 7

Application Number:	P/VOC/2024/06786
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	5 Overton Close Timber Hill Lyme Regis DT7 3HQ
Proposal:	Erect a first floor extension to include balcony, front porch and associated works and landscaping (with variation of condition 2 of P/HOU/2023/00174 - to amend ridge height, include solar panels and additional roof light and amend landscaping scheme; and discharge condition 3 to agree external facing materials).
Applicant name:	Mr and Mrs Nokes
Case Officer:	Katrina Trevett
Ward Member(s):	Cllr Bawden

1. The application is brought to committee at the request of the chair.

2. **Summary of recommendation:**

Grant subject to conditions.

3. **Key planning issues**

Issue	Conclusion
Principle of development	Principle of extending the property supported by policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015).
Scale, design, impact on character and appearance	Increased scale, finished design, character and appearance all considered acceptable under policy ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on the living conditions of the occupants and neighbouring properties	Whilst the scheme does have an impact on neighbouring amenity, it does not result in harm that would warrant a recommendation of refusal of the application in accordance with policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).
Impact on landscape or heritage assets	The resultant roof extension is seen in the context of other built development and cannot be seen in isolation or as a significant built form within the National Landscape wider views. The scheme complies with policies ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015).
Land instability	The minor changes to the existing property would not greatly affect the loading on the overall coastal slope. As such, further geotechnical assessments are not warranted.
Flood risk and drainage	The site does not fall within any medium/high surface/ground/fluvial flood risk areas.

Issue	Conclusion
Biodiversity	A preliminary roost assessment by Arbtech was undertaken as part of the 2023 first floor extension application. As part of that approval, compliance with the preliminary roost assessment was conditioned (condition 4 of planning approval P/HOU/2021/04587).

4. Description of site

4.1 Overton Close was formed as a result of planning permissions in 1977 & 1978 to erect five bungalows within the grounds of 'Treetops'; the former residential care home on the site which is now known as Overton House. The close sits on the north eastern edge of Lyme Regis town and centres around the substantially scaled Overton House with chalet style bungalows spaced around (the application site being one of them).

4.2 The application site sits within the defined development boundary for Lyme Regis and the Dorset National Landscape as well as Zone 3 Land Instability. The South West Coastal Path lies south west of the site, at its closest 100m away.

5. Description of development

5.1 This scheme seeks to retain a first floor extension to 5 Overton Close which has not been constructed in accordance with the previous approval P/HOU/2023/00174 and as a result, has a higher finished roofline and changed landscaping in the rear garden. The 2023 planning permission permitted a 1.3m increase in height above the existing roofline of the bungalow but that has subsequently been built out as a 1.61m increase and therefore, this application seeks to vary the previous permission. The external materials used in the build are as those stated under the 2023 scheme.

6. Background and relevant planning history

P/HOU/2021/04587 - Decision: REF - Decision Date: 12/04/2022

Erect first floor extension to include dormer windows and balcony and erect double height porch and associated landscaping

P/PAP/2022/00478 - Decision: RES - Decision Date: 13/09/2022

First floor extension and associated landscaping. Pre-app to address issues raised in previous refused application: P/HOU/2021/04587

P/HOU/2023/00174 - Decision: GRA - Decision Date: 18/05/2023

Erect a first floor extension to include balcony, front porch and associated works and landscaping.

7. List of constraints

ENV 7; Potential cliff top recession 20yr (5% probability; Coastal Erosion and Land Instability - Distance: 0

ENV 7; Potential cliff top recession 100yr (5% probability; Coastal Erosion and Land Instability - Distance: 0

ENV 7; Potential cliff top recession 50yr (5% probability; Coastal Erosion and Land Instability - Distance: 0

SUS2; Defined Development Boundary; Lyme Regis - Distance: 0

ENV 7; Lyme Regis and Charmouth Slope Instability Zones; Zone 3 - Distance: 0

Right of Way: Footpath W2/28; - Distance: 13.87

SGN - Medium pressure gas pipeline 12.5m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 2.98

South West Water Foul Sewage - Distance: 0

Higher Potential ecological network - Distance: 0

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

8. Consultations

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

Consultees

1. Lyme and Charmouth Ward Member (Cllr Bawden) – Objections:

The building constructed, in my opinion, is

- completely out of keeping with the chalet bungalows in Overton Close
- totally dominates and completely ruins the corner of Timber Hill opposite one of the most revered views of Lyme Regis and the coast from The Spittles National Trust entrance, and
- overshadows and ruins the amenity of the neighbouring property immediately behind, as predicted by DC, LRTC and me in objecting to the original planning application.

Concerns over the lack of enforcement action at the appropriate time.

2. Lyme Regis Town Council

- The Town Council reiterates its previous comments about earlier applications and recommends refusal of this application because the requested variation would be of an overbearing nature and scale, impact negatively on the residential amenity of adjoining properties in general and number 4 in particular and on the street scene and is not in keeping with the character or scale of existing properties in the area. It is noted the applied for variation is retrospective and for development 'as built' and it must be for the planning authority to determine how best to deal with this situation.

Representations received

Summary of comments of objections:

21 letters of objection have been received, some of these reiterating previous comments given the application has been re-advertised several times. The concerns raised are as follows:

Lack of timely enforcement action/complaints regarding scale ignored.

Excessive scale – not proportionate, overly dominant.

Not in keeping with the Close being contrary to its ambience & harmony.

Spoils the Natural Beauty (AONB – The Spittles)

Rejected 1.8m but now accept 1.61m – not logical.

Impact on neighbouring amenity (overbearing) & outlook.

Unacceptable impact to the south west coastal path.

9. 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)

10. 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
- ENV2: Wildlife and habitats
- ENV7: Coastal erosion & land instability
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving high levels of environmental performance
- ENV16: Amenity
- SUS2: Distribution of development

Material considerations

Emerging local plans:

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

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

The Dorset Council Local Plan

The Dorset Council Local Plan Options consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft 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 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.

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)

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. Public Benefits

The proposal is retrospective but there would have been benefits to the local economy from the employment of a local construction company to carry out the construction works that have been undertaken.

14. Planning Assessment

Principle of development:

- 14.1 Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) supports alterations and extensions to dwellings within defined development boundaries. As such, principle support for this scheme is accepted.

Planning history:

- 14.2 Planning permission was first considered in 2021 for the erection of a first-floor extension to 5 Overton Close – application number P/HOU/2021/04587. The proposal consisted of a 1.8m first floor extension (raising the roof) above the existing roof height – the dwelling going from a finished height of 4.8m approximately to 6.6m high. That application was refused for the following reasons:

‘1. The proposal, by reason of context, size and design, would introduce an inappropriate and prominent addition which would fail to appear subservient to the original dwelling harmful to the character and appearance of the area. Therefore, the proposal would be contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 12 Paragraph 126-136 of the NPPF.’

‘2. The proposal, by reason of its height and close proximity to its boundaries would be overbearing for the occupants of the neighbouring property behind. The proposed dormer windows to the rear elevation would also likely overlook onto the neighbours garden. The subsequent occupants of the neighbouring dwelling would have reduced amenity and privacy as a result. As such this proposal would be contrary to policy ENV16 of the West

- 14.3 Permission was then sought in 2023 – application number P/HOU/2023/00174 – and was granted by the planning committee to erect a first floor extension to the dwelling measuring 1.3m above the existing roofline (6.1m in total). Works then progressed on site with concerns over the development not being built in accordance with the approved plans being raised in the summer of 2024. The enforcement team reviewed the situation on site and given that the changes involved a likely increase of 300mm, a discussion was held between planning and enforcement to consider how to proceed. As stated within the Development Management Local Enforcement Plan 2024, enforcement action is discretionary and not every breach justifies the taking of enforcement action. Furthermore, guidance from Central Government is that councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or to seek to regularise the breach before resorting to formal action such as an Enforcement Notice. As such, the applicant was contacted and invited to make a planning application to consider the changes that had occurred on site with any further finalisation of the construction being done at their 'own risk' should planning permission later be refused. Works have continued on site and this application is considering the full as built scheme, although the 2023 approved height does provide a fall-back position.
- 14.4 When considering the previously refused scheme in 2021 (1.8m above the existing roofline), it is quite evident why that scheme was inappropriate given the design/form/detailing/direct overlooking from dormer windows and scale of the roof changes being much bulkier with less finesse. The scheme now being considered is more traditional in the form of the extension and how the dormers and front gable sit within it, being more subservient and generally better scaled although the resulting roof height is only lower by 190mm (now 1.61m above the original roof) to that previous refusal. It is also noted that the removal of rear facing dormers and installation of above head height rooflights on the rear roof plane facing east/north-east removes the element of overlooking concern to the neighbour. However, neighbouring amenity impact is discussed further herein.

Impact on neighbouring amenity:

- 14.5 Given that planning permission was refused for a 1.8m high extension above the original roof of the dwelling, it is acknowledged why neighbours would consider that a drop to 1.61m (190mm lower) above the former existing roof would not go far enough to reduce impact to their amenity particularly when it was agreed to be 1.3m higher in the previously approved scheme. Having been to visit the neighbour at 4 Overton Close who is the closest to the application site and whose garden area is situated directly behind the rear wall of number 5, a full appraisal of impact to their amenity has been undertaken.
- 14.6 It is clear that the first floor extension of number 5 has an impact on the amenity of number 4. Whereas previously, number 4 enjoyed an exceptional open vista of Lyme Bay from their external raised terrace/balcony and upstairs lounge (main living) area, it is noted that the roof form of number 5 has reduced a proportion of that view and given the dark material finish to the roof, it is hard not to be aware of it when looking out from Number 4, although topography does assist given that number 5 is situated lower on the slope. The planning balance, however, has to weigh up if the impact is harmful; just because something can be seen, doesn't make it automatically harmful plus there is no right to a view in the context of the planning system. However, an acceptable level of amenity is expected in terms of a development not having an overbearing impact on a neighbouring property and not leading to an unacceptable loss of light. Upon careful review, it is clear that views from 4 Overton Close see over the roof but are not blocked by it given the separation distance (approximately 11.64m), change in levels (the roof of 5 Overton Close being 3.240m below the ridge line of the front gable projection on number 4), limited height of the roof (chalet

bungalows can often range in height from between 5.61m and 8.3m as standard) and its angle to the south west of number 4. Number 5 Overton Close does not sit parallel with number 4 but is stepped away at an angle, lower and at a distance so that when looking directly out of the south west facing windows of the neighbour's property towards Lyme Bay and the town centre, number 5 cannot be seen unless you angle your view round. This confirms why it is the first floor south east fenestration and raised terrace on the south east elevation of number 4 which is where the impact of the roof extension is experienced to a greater extent, but again, not significantly so as to refuse planning permission.

- 14.7 Officers have also stood in the garden of number 4 Overton Close to consider the roof extension impact on the neighbour's external amenity area. Officers consider that the boundary screening, topography and the limited height of the first floor extension all prevent any significantly harmful impact to the garden. The extension can be viewed from within the garden, and it has changed the south west boundary vista, feeling more enclosed, however, it does not reduce light to an unacceptable degree or make the garden unusable. Whilst this scheme also changes the amount of rooflights on the north east facing elevation, section plans confirm they are set above head height so as to not allow views over number 4's garden. It is considered reasonable to remove permitted development rights for further roof alterations given its increased height and the potential impact to neighbouring amenity.
- 14.8 When considering impact to amenity of other properties within Overton Close, whilst the changes are noticeable visually, the proposed extension is well distanced and scaled to prevent any significant impact. As such, whilst it is unfortunate that the development has not been constructed in accordance with the 2023 planning permission and the impact to the amenity of number 4 in particular as the closest property to the application site is greater as a result of a higher roof, it is considered that on balance given the topography levels, scale, distance away and angle that the harm is not significantly detrimental in terms of diminishing all reasonable outlook from number 4 or being overbearing, as to warrant a recommendation of refusal. As such, on balance, the scheme does comply with policies ENV12 & ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Impact on the character & appearance of the street scene, South West Coastal Path and Dorset National Landscape (AONB):

- 14.9 Several comments have been received on the basis of the increased height of number 5 being out of character with the established cul-de-sac of bungalows and the street scene in general. To consider this further, attention has to be given to the current layout and form of Overton Close which is low density allowing each property to be well spaced from the other, taking advantage of the slope. The slope and means of access from Timber Hill sees a grouping of properties to the top of the close and essentially the bottom, with Overton House, number 4 and number 5 being at the top. The immediate appearance of the significantly scaled Overton House immediately appears at odds with what surrounds it given the change in height, expanse and modernity compared to the other properties. There is also the height and appearance of number 4 Overton Close which sits at the top of the slope and essentially appears two storey, being designed to still gain views over the top of everything else below it. Number 5 then sits in lower to number 4, nestled into the slope, but clearly visually relatable to Overton House and number 4 rather than the other smaller bungalows to its south west/north west. Whilst comments received refer to uniformity, the original bungalow here was so low and separated by the access road that even in past photos, it's hard to compare it as clearly being part of a uniform group when all were slightly different. However, with the subsequent changes, its modernity now sits alongside Overton House and from wider views, properties lining Timber Hill which are also larger and varied in type and style.

- 14.10 It is acknowledged that the works have altered the previous inconspicuous bungalow to a property that is now clearly modified and more modern. Having viewed the application site since completion from wider viewpoints in the town (Pound Road/The Cobb/Woodmead Road/Sidmouth Road), Overton House remains clearly as the landmark for the close followed by the top ridge of number 4 given it backs on to and is seen in relation to a large tree belt; larger houses on Timber Hill are then clearly defined with the roofline of number 5 being glimpsed subtly between those properties. At no point, is number 5 significantly overbearing and over scaled in terms of wider views. It cannot be said that it appears at odds with every dwelling in that locality when the locality is so mixed in age, scale and finish. Furthermore, Lyme Regis is a town of change with many properties being replaced or developed by highly modern development which in some cases is completely different to that which went before, and any review of the town would see how newer more modern development is integrating within the formerly traditional coastal town. In this regard, the extension is not that innovative, it follows traditional lines with some accentuation of glazing and a clear upgrade of the original fabric of the bungalow.
- 14.11 Given the gaps in the hedgerow at the corner of the application site with Timber Hill, it is unsurprising that the increased height of the dwelling and changes to landscaping and fenestration are noticeable and have an increased visual presence on the street scene. When viewed from the South West Coastal Path (to the south) and the entrance to The Spittles (to the east/south-east – swathe of National Trust land between Lyme Regis & Charmouth), the extension is clearly visible through gaps in the trees and hedgerow gap but is of traditional lines and form and whilst noticeable as a change, is not significantly detrimental to the amenity of the path/The Spittles. Key views and character of the SW Coastal Path & The Spittles are the outstanding coastal scenery and flora & fauna whilst moving through those areas.
- 14.12 In terms of impact to the Dorset National Landscape (AONB) which washes over the entire area, the application site is essentially sandwiched within an urban cul de sac. Wider views will observe that it does not sit isolated or singular in open countryside nor does it sit adversely to a particular undulating or open agricultural landscape character. Given this is essentially a householder extension to an existing dwelling in a developed cul de sac with the backdrop of other substantial dwellings and that no physical changes are proposed to the fundamental landscape character, it is concluded that there is no impact in landscape terms and therefore, no requirement to seek to further the purposes of conserving or enhancing the Dorset National Landscape (AONB) and is in accordance with policies ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015). Furthermore, attention is drawn to the point that just because something is seen and has changed, does not automatically make it harmful; it is an altered perspective and, in this case, not as previously approved, but that is not reason in itself to justify a refusal based on the broad landscape character, given the suburban context of the site and its immediate neighbours.
- 14.13 In terms of the landscaping of the site, a lot of the works undertaken would fall within permitted development allowances although the works were accepted under a garden design plan as part of the 2023 permission. The biggest change to the approved scheme is the gabion baskets instead of further planting along boundaries. However, the gabion baskets have been chosen for their absorption of water velocity to help lessen erosion impacts within the site (and to surroundings) which is considered a practical solution given the area is within significant land instability and coastal recession zones. It is acknowledged that the use of the stone baskets does not soften the street scene impact but again, consent was not required for the landscaping works or removal of hedgerow in any case.

Impact on protected species:

- 14.14 The 2023 permission stipulated that prior to first use of the extension a bat box shall have been erected. Having confirmed with the applicant, the box has been installed as previously agreed; there is no requirement to provide further surveying or mitigation given

this scheme seeks to regularise the height increase to the new roof. As such, the scheme has complied with protected species policy ENV2 of the West Dorset, Weymouth & Portland Local Plan (2015).

Impact on land instability and coastal recession:

- 14.15 Having consulted with the coastal risk management team, the additional loading (from the increased height of the roof) and the changes to landscaping (introduction of gabion baskets) are considered acceptable without any further need to provide a ground stability survey beyond that which was provided in 2023. As such, the scheme complies with policy ENV7 of the West Dorset, Weymouth & Portland Local Plan (2015).

Other matters:

- 14.16 Biodiversity Net Gain (BNG) – This application is for householder consent and therefore, exempt from BNG.
- 14.17 Highways – this scheme has not resulted in any change to access/parking arrangements.

15. Summary of issues and the planning balance:

- 15.1 The concerns raised by neighbours and interested parties are acknowledged; this scheme is as a result of the applicant not constructing the works in accordance with the previous planning permission. It is reasonable to understand that increased height beyond that of the previous scheme would exacerbate the concerns of third parties.
- 15.2 However, whilst the scheme is different (higher) and not as expected, that does not automatically equate to harm. Having fully reviewed the resulting build on site, whilst there is impact to the neighbour at number 4 Overton Close, that impact is mitigated by distance and angle, and the resulting height vs. topography. The area is mixed in terms of scale and finish of dwellings including within Overton Close itself so therefore, it cannot be argued that it fails a distinct uniformity. As such, this scheme does not result in amenity harm and sits in harmony with the varied mix of properties in the area without being overly dominant in accordance with policies ENV12 & ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 15.2 Furthermore, whilst the new roof structure can be viewed in longer range views (amongst other more substantial dwellings) and can be seen from the south west coastal path, this again does not automatically equate to harm. It is considered that the traditional form of the roof, modest scale increase (still being within the scale limits of a chalet bungalow in general) and its location within the built up area of Overton Close and Timber Hill amongst several other residential properties (and not as a stand-alone feature within the open landscape), results in this scheme having an acceptable impact on the Dorset National Landscape (AONB) in accordance with policies ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015).

16. Recommendation

GRANT subject to conditions:

1. Plans list condition
 - 119 STEP 2_06 C Site Location & Block Plan
 - 119 STEP 2_05 B Proposed Site Plan
 - 119 STEP 2_01 H Proposed Basement, Ground & First Floor Plan
 - 119 STEP 2_03 H Proposed Site Sections
 - 119 STEP 2_02 J Proposed Elevations

2. The single bat box or integrated bat box as detailed in the Arbtech Preliminary Roost Assessment submitted 6 December 2021 which has been installed on site, shall be retained.

Reason: To enhance or protect biodiversity.

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

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

Informatives:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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Agenda Item 8

Application Number:	P/FUL/2025/00780
Site address:	46 St Davids Road Weymouth DT4 9LP
Proposal:	Demolition of disused garages and the erection of a three bed domestic dwelling with associated parking and grounds
Applicant name:	Mr. N Kibbey
Case Officer:	Emma Thornett
Ward Member(s):	Cllr Webb, Cllr Sutton and Cllr Wheeler

1. Reason application is going to committee:

This application is being reported to Committee at the request of the Chair.

2. Summary of recommendation:

GRANT, subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	The principle of residential development is considered acceptable.
Design and visual Amenity	The proposal would respect the character of the surrounding area.
Heritage	The proposals would not cause harm to the scheduled monument.
Residential amenity	The development would not result in significant adverse amenity impacts on nearby residents. The proposed dwelling offers an appropriate level of amenity for future occupiers.
Highways and parking	Acceptable subject to conditions.
Trees	Acceptable.
Ecology and biodiversity	Acceptable.
Community Infrastructure Levy	Development would be CIL liable.

4. Description of site

4.1 The application site is located to the rear of 46 St David's Road. The site consists of four single storey, prefab concrete panel garages alongside a more recent single garage with a very shallow pitched roof. The remainder of the site consists of hardstanding and a small area of grass which previously formed part of the rear garden of no. 46. The site benefits from an existing vehicular access off Rylands Lane which was previously used to access the garages.

4.2 The site is bounded by Ryland's Lane on one side and residential development of Rylands Lane and St Davids Road on the remaining three sides.

4.3 The application site is located within the defined development boundary for Weymouth. The scheduled monument, Sandsfoot Castle lies to the east of the site, although at some distance and

separated by residential development. The site also lies within 5km of the Chesil Beach and the Fleet European site.

5. Description of development

5.1 The proposed development involves the erection of a three bed, dwelling. The proposed dwellings would replace the existing garages on the site. The supporting statements set out that the garages have not been used for many years, with properties having parking within their front gardens.

5.2 The proposed dwelling would be one and half storeys and constructed of red brick walls under a plain tiled roof to match the adjoining no. 28 Ryland's Lane. Parking would be provided to the front of the proposed dwelling adjacent to the access off Ryland's Lane, the dwelling would have a small garden with the useable space located to the side of the dwelling.

6. Background and relevant planning history

89/00031/FUL - Decision: GRA - Decision Date: 16/10/1989

Erect a single bedroomed bungalow

WP/17/00215/FUL (Neighbouring Property)

44 St Davids Road, Weymouth – Decision: REF – Decision Date: 8/05/2017

Erect pitched roof to existing garage

P/FUL/2024/05301 - Decision: WIT - Decision Date: 27/11/2024

Demolition of garages & the erection of two three bed domestic dwellings with associated parking and grounds

P/FUL/2024/07066 - Decision: WIT - Decision Date: 29/01/2025

Demolition of disused garages & the erection of two three bed domestic dwellings with associated parking and grounds

P/PDE/2025/00169 - Decision: PRQ - Decision Date: 22/05/2025

Demolish 5 prefabricated single garages bolted together

P/PADM/2025/03191 – Decision: PAG (Prior Approval Granted) – Decision Date: 19/06/2025

Demolition of existing pre-fab concrete and fibre cement garages

7. List of constraints

Landscape Character Area; Urban Area; Weymouth Urban Area

SUS2; Defined Development Boundary; Weymouth

Wessex Water Treatment Works Catchment

Right of Way: Footpath S1/76; - Distance: 12.03

Higher Potential ecological network

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 1153.08

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1136.85

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

Scheduled Monument: Sandsfoot Castle (List Entry: 1020062.0); - Distance: 477.53

Portland heliport consultation zone (within 13km) - Distance: 3265.47

MOD; Prison:

Radon: Class: Class 1: Less than 1%

ONR portland_12km_zone

8. Consultations

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

Original Consultation - Consultees

- 1. DC - Highways** - Parking within the curtilage of the site is of an informal arrangement with capacity for a standard size car and one city car, although that would be cramped. There are opportunities for active travel (wheeling, walking and cycling) to local amenities, and the location is within reach of alternative sustainable transport provision. If the access is likely to impact the proximity of the streetlight (within 0.5-1metre), the applicant should contact the relevant department via the Dorset Highways Informative Note to ensure that any relevant consents or checks are conducted by the Street Lighting team, any associated costs for any works are wholly at the applicant's expense. Given the previous use of the site, the associated trip credits and the recent no objection from the Highway Authority for more units this is acceptable. Should the Planning Authority grant approval conditions are recommended.
- 2. DC - Trees** – I have undertaken a site visit. No objection.
- 3. Weymouth Town Council** – The Council objects to the application on the grounds of layout, density of building, parking, design, visual appearance and materials, and loss of daylight and sunlight, overlooking and loss of privacy. The Council would ask that the applicant works with neighbours to achieve a proper outcome, and welcomes the neighbours offer to work with the applicant.
- 4. DC - Building Control West Team** – The design should ensure compliance to Part B4 of the Building Regulations in relation to boundary distances. Please contact Building Control should further advice be required.
- 5. Scottish And Southern Energy -sub-stations** - While the proposals do not appear to conflict with the nearby substation, we recommend the applicant engages with this company to arrange for a free cable trace. Please mail ge@ssen.co.uk to arrange this. Once the cable trace is confirmed, any work near to the cables should be in accordance with HSE document HSG47.
- 6. Rodwell and Wyke Ward Member – Cllr Webb** – Whilst this is a reduction in the previous schemes, the design still presents some significant issues in regard to the effect on next door property. This is primarily the proximity of the structure to their boundary (1.2m) and the large roof volume presented. This large roof will have a massing effect on the outlook from their garden and a reduction to the amenity of their garden.
- 7. Rodwell and Wyke Ward 3 Member– Cllr Wheller** – I would like this item to be decided by committee not made as a delegated decision.
- 8. DC – Environmental Services – Protection** – The proposed dwelling is in very close proximity to an electricity substation. This has two implications:
 - The applicant should provide a noise report, prepared by a suitably qualified and competent acoustic consultant/professional, assessing noise from the adjacent electricity substation and identifying any mitigation required to protect the occupants of the dwelling from unacceptable loss of amenity due to noise.

- 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.
- 8.2 In response to the comments received, amended plans were received moving the proposed dwelling slightly further away from the rear boundary and relocating windows from the rear elevation at ground floor level to the side elevations. These plans were re-consulted on and the following further consultee responses received.
1. **DC - Highways** – The Highway Authority has nothing further to add to its previous observation dated 2nd April 2025.
 2. **DC - Trees** – No further comments received.
 3. **Weymouth Town Council** – The Council objects to the application on the grounds that it does not meet policies ENV 2, ENV 10, ENV 11, ENV 12 and ENV16 of the West Dorset, Weymouth and Portland Local Plan, and Section 12 of the National Planning Policy Framework.
 4. **DC - Building Control West Team** – No further comments received.
 5. **Scottish And Southern Energy -sub-stations** – No further comments received.
 6. **Rodwell and Wyke Ward Member – Cllr Webb** – No dimensions are noted but this would appear to be less than a metre, giving the total distance to the boundary of 2 metres. This has not resolved the issues in respect of its effect on the amenity of the neighbouring garden and the size, scale and mass of the building. In addition, it has exacerbated the parking issue and cramped the dwelling even more into the site.
 7. **Rodwell and Wyke Ward Member** – No further comments received.
 8. **DC - Environmental Services – Protection** – I've had another look at the plans and the applicant's comments. I've also researched the matter further given the recent comments. Whilst substations can make noise, it is extremely unlikely to exceed any recognised limit relating to planning or health. I think that this makes it unreasonable to require the time and expense of an acoustic report. Instead, I would suggest a precautionary condition along the lines of:

'The existing close – boarded wood fencing at the boundary of the development site and the adjacent electricity substation shall be retained, or replaced with a fence/wall of the same height and constructed to achieve at least the same acoustic insertion loss as the existing fence.

Reason: to protect the amenity of the occupants of the proposed dwelling.'
 9. **DC – Dorset Waste Team** – Dorset Council waste services have no issues with this application.

Representations received

In response to the original plans submitted as part of this application, objections were received from 4 parties for the reasons summarised below.

Summary of comments of objections:

Visual Amenity:

- Overdevelopment of the site.
- The development is close to mature trees in neighbouring garden, which also contribute to the wider street scene.

- Parking will dominate the site frontage to the detriment of the visual amenity of the street scene.
- Planning permission for a pitched roof on the neighbouring garage was refused (WP/17/00215/FUL) as it would *'by virtue of its proposed height, will result in a building of excessive bulk and mass that will appear incongruous in this location and will therefore be detrimental to the character of the area.* Given the size, height, location of the current proposal it is considered that similar circumstances will arise.
- The proposed development will remove the feeling of space when walking along Rylands Lane giving a claustrophobic effect of being surrounded by buildings.
- The proposal is very much at odds with the general balance of house and garden space in St Davids Road and Rylands Lane.

Residential Amenity:

- No indication that the accommodation satisfies the national minimum space standards.
- The submitted drawings do not adequately show the relationship of the proposed dwelling to the neighbouring properties.
- The proposed dwelling has a steeply raking hipped roof with an overall height of 6+ metres and stands within 1.2 metres from the neighbouring garden boundary, which would loom large and create a massing effect along a substantial section of the currently unobstructed boundary. This will enclose and create an undesirable effect on the neighbouring garden and a loss of outlook and daylight to the rear facing habitable room windows.
- Within the NE elevation of the development the ground floor windows would look directly onto a boundary fence with no outlook for the future occupiers.
- The close relationship of the proposal to the neighbouring boundary will exacerbate the potential for noise disturbance.
- The SE elevation of the development includes a set of French doors which provide the primary outlook for the sitting room and a window which serves bedroom 3, these would be within 4 metres of the boundary fence, providing a poor outlook.
- The proposed layout provides an amenity space of only 6x4.5m, which is well below the garden areas of the adjacent properties, inappropriate for a 3 bedroomed dwelling and well below the minimum depth recommended in the SPD.
- The proposed dwelling is too large for the site, and it is not possible to balance the necessary requirements for the development, car parking, amenity space, and the protection of neighbouring amenity and outlook.
- The plot is too small for a property of this size providing inadequate amenity space and there would be no space outside to allow for covered storage to be built.
- A poor level of amenity for future occupiers of the proposed development.
- Overbearing impact on neighbouring properties.
- The proposal results in a shortened garden for no.46 which would result in an overbearing impact and reduce the skyline to the detriment of the amenity of its occupiers.
- The proposed rear garden is only approx. 1.25 metres in depth which is wholly inadequate if the property needs to be evacuated in the case of a fire.
- Proposal still has an excessive roof height 3 times higher than the current garages.
- Upper windows will overlook neighbouring garden, removing privacy.

Highway Safety:

- The three parking spaces proposed are not illustrated in the drawings and the ability to accommodate them, and any required turning provision is questioned.
- Rylands Lane already has parking issues, and this would be made worse if proposed residents are unable to park their cars on this site.
- Parking either side of the site entrance could create a poor line of sight for cars entering and exiting the site.

Other:

- The Ecological checklist needs to be reviewed, and an appropriate protected species survey provided.
- No demolition methodology has been submitted with the application.
- The applicant has failed to provide the 1:500 scale block plan, subsequently the submitted plans fail to show the relationship of the proposed development to the existing surrounding permanent structures.

Summary of comments of support:

- No objection to the principle of redevelopment on this sustainable site.

In response to the comments received, amended plans were received moving the proposed dwelling slightly further away from the rear boundary and relocating windows from the rear elevation at ground floor level to the side elevations. These plans were re-consulted on, and objections were received from 6 parties and letters of support from 3 parties. Multiple comments from the same parties have been made during the process.

Summary of comments of objections:**Residential Amenity:**

- It would appear to be no more than 2 metres from the boundary, which does not obviate the impact of the proposal and its effect on the amenity of the neighbouring garden space.
- The front, upper windows are directly overlooking the garden of 48 St David's Road, infringing on their privacy.
- No vertical dimensions are given for the dwelling, looks around 6 metres and would have an overbearing impact on the 4 properties that it is proposed to squeeze between. It will loom over the garden of 44 St Davids Road.
- The proposed dwelling doesn't provide sufficient space at the rear of the property between the NE wall and perimeter fence.
- The bottom of the garden to no. 44 is the general area for amenity as it is for no. 46 and no. 48 St Davids Road.
- The distance of 15 metres is below the accepted threshold of 22 metres from the rear of adjacent properties and therefore would create an overbearing visual impact and detrimental effect on the amenity of the adjacent properties.
- The amended siting of the proposed dwelling, does not deliver any material improvements to the neighbouring property.
- Application still represents poor design and an overdevelopment of the site resulting in a poor relationship and material loss of amenity to neighbouring occupiers, as well as a poor level of amenity for future occupiers of the proposed development.
- The amendments do not protect the amenity and outlook of neighbouring properties.
- Build is close to the electricity bo

- Dwelling would be too cramped and lacking in amenity space, particularly as it would be expected to accommodate a family with children.
- The increased gap between the building and the boundary on the north-east has resulted in a further reduction in the area proposed for parking at the front of the property.

Highway Safety:

- There is insufficient space at the front of the property for off road parking for a 3-bedroom dwelling. Rylands Lane is already overcrowded with cars.
- Revised plan appears to show less parking.

Other:

- The old garages must be properly checked for asbestos and for nesting bats and birds.
- The applicant has the option of easily closing off and securing the site to prevent any anti-social behaviour but has allowed the site to become derelict.
- The application contains none of the following protected species survey, Biodiversity Net Gain information, noise assessment, tree report, assessment it meets space standards, demolition information including methodology or contamination statement.
- Council has accepted an amendment to the application in breach of the procedure set out in the Council's Development Management Guidance Note – Negotiation on planning applications and applications for listed building consent.

Summary of comments of support:

- Excellent way to use this old site, I believe it will stop any anti-social behaviour in the area and clean the site up.
- Good use of brown belt land and should be encouraged.
- We have a housing crisis in our area and using brownfield sites should be encouraged.
- Currently the site is unused and deteriorating and using currently unused sites like this to ease the housing problem rather than our beautiful countryside.

Some comments were also made by the applicant in response to the objections including:

- The proposed dwelling would be at the very bottom of the gardens, 15 metres away from the house.
- Properties in the area are close to neighbouring side boundaries.

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.

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
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV9: Pollution and contaminated land
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving high levels of environmental performance
- ENV16: Amenity
- SUS2: Distribution of development
- COM7: Creating a safe & efficient transport network
- COM9: Parking provision
- COM10: The Provision of utilities services infrastructure

Material considerations

Emerging local plans:

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

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

The Dorset Council Local Plan

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

Emerging neighbourhood plans

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

- Policy W14: Development Boundaries
- Policy W17: Housing Mix
- Policy W34: Sustainable Development
- Policy W44: Design
- Policy W48: Off-Street Parking
- Policy W49: Vehicle Charging Facilities

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 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed 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 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).

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.

Supplementary Planning Documents/Guidance For West Dorset area:

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Housing land supply

On the 26th September 2024, The Planning Inspectorate issued the Inspector's report confirming the Council's Annual Position Statement (APS). The APS confirms that the whole of the Dorset Council area can demonstrate a 5-year supply of housing of 5.02 years, and that this figure is fixed until 31 October 2025 in accordance with paragraph 233 of the NPPF. An updated APS that reflects the Inspector's findings is available on the Council's website.

Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

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. In particular the proposed dwelling would include sleeping accommodation at ground floor level.

12. Planning Assessment

Principle of development

12.1 The proposed development involves the erection of one dwelling. The site lies within the defined development boundary (DDB) for Weymouth where policy SUS 2 directs development to the main settlements. Given the location of the site within the DDB with good access to amenities the principle of residential development is acceptable subject to compliance with other policies in the local plan all of which are considered below.

12.2 In September 2024, planning application P/FUL/2024/05301 was submitted for the demolition of garages and the erection of two, three bed dwellings. This application was subsequently withdrawn after concerns raised. In December 2024, a planning application P/FUL/2024/07066 was submitted for again two, three bed dwellings with amendments. This application was also withdrawn after concerns raised and the current application was subsequently submitted for one dwelling on the site. Prior approval P/PADM/2025/03191 was granted on 19/06/2025 for the demolition of the garages on the site.

Benefits

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

Material Considerations

Employment created during the construction phase

Spending in the local economy by future occupiers

Non-Material Considerations

Community Infrastructure Levy (CIL) contributions – In accordance with West Dorset CIL Charging Schedule and CIL Regulations.

Environmental implications

12.4 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future occupiers of the dwelling.

12.5 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emissions would be produced as a result of the production and transportation of the building materials and during the construction process.

12.6 This has to be balanced against the benefits of providing additional housing in a sustainable location and should be offset against factors including new dwellings being reasonably energy efficient as required by Building Regulations. The new Building Regulations require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings. As a previously developed site within the defined development boundary of Weymouth, the proposed redevelopment is inherently sustainable in that it would provide one new home in a sustainable location in close proximity to the services and facilities of Weymouth Town Centre.

Design and Visual Amenity

12.7 The application site is located to the rear of 46 St David's Road with access to the site from Rylands Lane. The site consists of four single storey, prefab concrete panel garages alongside a more recent single garage with a very shallow pitched roof. The remainder of the site consists of hardstanding and a small area of grass which previously formed part of the rear garden of no. 46. Opposite the site on the other side of Rylands Lane are two storey, terraced dwellings.

Immediately adjacent to the site is a sub station with the garage and driveway of the end of terrace property no. 26 Rylands Lane beyond. To the rear of the site is the garden and garage of no. 44 St Davids Road and to the side, the rear gardens of nos. 46 and 48 St Davids Road.

12.8 The proposal is for the erection of a one and a half storey dwelling with a large roof to accommodate some living accommodation in the roof space. The dwelling would be constructed of red facing brick and plan tiles, space for parking would be provided in front of the dwelling adjacent to the road with a small garden area to the side of the dwelling. Third party concerns were raised that parking would dominate the site frontage to the detriment of the visual amenity of the street scene however that is a common feature in Rylands Lane with parking between the properties and the road.

12.9 The proposed dwelling would be predominantly viewed in the context of the immediate properties in Rylands Lane which consist of groups of two storey, terraced properties set back slightly from the road by parking areas. The proposal would not reflect this being one and a half storey and detached however the site is not considered large enough to accommodate multiple, two storey properties like previously sought under applications P/FUL/2024/05301 and P/FUL/2024/07066. The site is also slightly standalone giving its location in relation to the surrounding development and the proposed dwelling would replace the existing single storey development of garages on the site. The current pre-fab garaging on the site although unimposing is not positively contributing to the street scene and the proposed development is considered to improve the visuals and character of the site. The removal of part of the existing fencing and replacement with a low brick wall to the front of the proposed dwelling would also create a more open approach to the site when walking along the pavement on Rylands Lane. Given all of the above it is considered that the proposed design would maintain local identity and distinctiveness and would respect the character of the surrounding area in accordance with local plan policies ENV10 and ENV12.

Heritage

12.10 The scheduled monument, Sandsfoot Castle is located to the north-east of the application site although at some distance (approximately 480m). The proposed development is further separated from the scheduled monument by residential development and therefore is not

considered to result in a detrimental impact upon the setting of the schedule monument. Accordingly, the proposal complies with local plan policy ENV4.

Residential Amenity

12.11 The front of the site is bounded by Rylands Lane, which offers separation between the proposed dwelling and the properties located opposite, this relationship is considered to reflect others on the street. The north-west (side) elevation of the proposed dwelling would face the side elevation of the neighbouring property no. 26 Rylands Lane. The side elevation of the proposed dwelling would be separated from no. 26 by the electrical substation and the driveway of no.26. This separation and that the relationship is side to side means that the proposal is not considered to result in an overbearing impact on the neighbouring property. Two windows are proposed at ground floor level on the north-west elevation, one larger window which would serve the kitchen and one smaller window which would serve the downstairs toilet. At first floor level, a rooflight is proposed on this elevation to serve the en-suite. Given the position of the windows proposed at ground floor level with a fence separating the properties and the rooflight would serve a non-habitable room at a high level the proposal is not considered to result in detrimental overlooking of the neighbouring property no. 26 Rylands Lane.

12.12 To the rear of the application site is the garden and garage of the neighbouring property no. 44 St Davids Road. The north-east elevation (rear) of the proposed dwelling would face the neighbouring garden. At ground floor level a rear door and one small window are proposed which would face the boundary fencing and no fenestration is proposed at first floor level on this elevation therefore the proposal is not considered to result in overlooking of the property of no. 44. Third party concerns were raised regarding the overbearing impact of the proposal on the garden. The existing garages about this boundary but are only single storey in height with a flat roof and therefore do not sit much higher than the boundary fence. However, the proposal would mean the bulk of the roof would now be visible above the fence. In response to the concerns raised the proposed dwelling was moved slightly further away from the boundary. The proposal would change the outlook from the garden however it is not considered to result in an adverse detrimental impact on the amenity. The proposed dwelling would be one and a half storeys with a hipped roof and set back from the garden boundary and with some separation from the rear of the dwelling of no. 44. The proposal would also not result in a tunnelling effect for no. 44.

12.13 The proposed dwelling would be located to the rear of no. 46 St Davids Road. Part of the application site previously formed part of the garden of no. 46, hence shortening the garden. The south-east elevation of the proposed dwelling would face the rear of no. 46. At ground floor level on this elevation bi-fold doors are proposed serving the lounge and a window to a bedroom. These windows would face into the garden of the application site and would be separated from no. 46 by boundary fencing. A rooflight is proposed at first floor level however this would serve to provide light to the stairs and again would be at a high level and would not serve a habitable room therefore the proposal is not considered to result in overlooking of no. 46. The proposed development would result in an increase in the height of built development located at the bottom of the garden of no. 46. The existing garaging on the site is single storey whereas the proposal is one and a half with a large roofscape. However, there would be approximately 15m of separation between the properties from the garden of no. 46 and an additional approximately 4.5m of garden of the proposed dwelling. This separation coupled with it would be the side elevation of the one and a half storey dwelling with the roof slope reducing the bulk means that this relationship is not uncommon and would not result in an adverse detrimental impact on the neighbouring property of no. 46.

12.14 The proposed dwelling would also be located to the rear of no. 48 St Davids Road although with a different relationship to that of no. 46 with the proposal. Third party concerns were raised that the dormer on the front elevation of the proposal would result in overlooking of the garden of no. 48 however the dormer would face onto the very end of the garden and the end of the shed of no. 48. Any views from the dormer back towards the private amenity space adjacent to the rear of the property would be at a very oblique angle and therefore the proposal is not considered to result in a detrimental impact. The distance of the proposed dwelling away from the rear of no. 48 and the openness to the side of no. 48 (Rylands Lane side) means the proposal is not considered to result in a detrimental impact on outlook or result in an overbearing nature. Given all of the above the proposed development is not considered to result in a detrimental adverse impact on the amenity of neighbouring properties. However, it is considered that the proposal is at its maximum for the site and any further additions could result in adverse effects and therefore conditions restricting permitted development rights is recommended for any approval granted.

12.15 The amenity of future occupiers of the proposed development also needs to be considered. Local Plan policy ENV12 sets out that *new housing should meet and where possible exceed appropriate minimum space standards*. The proposal is considered to exceed the space standards for a 3-bed dwelling. On the previously withdrawn applications concerns were raised regarding the lack of outdoor amenity space for future occupiers. In response to these concerns the proposed development was reduced. The current scheme now includes garden space to the side of the property measuring approximately 4.5m from the boundary of no. 46 at the smallest point, it may be smaller than those of surrounding properties, but it is considered sufficient to be useable and beneficial to any future occupiers for example for a table and chairs. Future occupiers also would not have far to travel/walk to access Wyke Playing Field. In response to comments received as part of this current application the proposed rear wall of the dwelling was pulled further away from the rear boundary with the neighbouring property no. 44. Changes were also made to the proposed fenestration at ground floor with the window serving the kitchen moved from the rear elevation to the side where the space between the window and boundary fence is larger. One of the windows was omitted on the rear elevation serving the sitting room and instead patio doors on the side elevation facing the garden replaced with larger bio-fold doors. These changes are considered to improve the outlook of future occupiers.

12.16 Third parties also raised concerns regarding the impact of noise from the adjacent sub station on future occupiers of the proposed dwelling. Following a site visit and in response to the concerns raised Environmental Protection were consulted on the application in relation to the substation. Environmental Protection initially objected to the proposal without the provision of a noise report assessing noise from the electricity substation and identifying any mitigation required to protect the occupants of the dwelling from unacceptable loss of amenity due to noise. In response to this the applicant provided further information including photos of the substation and the boundary treatments of the proposed site. Environmental Protection provided further comments and stated that *whilst substations can make noise, it is extremely unlikely to exceed any recognised limit relating to planning or health*. Environmental Protection concluded that it would be unreasonable to require an acoustic report and instead advised the addition of a condition for the boundary fencing to the substation be retained or replaced with a fence/wall of the same height and constructed to achieve at least the same acoustic insertion loss as the existing fence. Such a condition is recommended on any approval granted and therefore given all of the above it is considered that the proposal would not have significant adverse impacts on the living conditions of occupiers of the proposed dwelling. Given the close proximity of the site to the

electrical substation Environmental Protection also advised the inclusion of an unexpected contamination condition which is recommended on any approval granted.

12.17 Given all of the above, the proposed development is considered to comply with local plan policy ENV16.

Highways and parking

12.18 The proposed development is for one dwelling with access to the site off Ryland's Lane and parking provided to the front of the proposed dwelling. Highways were consulted on the application and stated that parking within the curtilage of the site is of an informal arrangement with capacity for a standard size car and one city car, although that would be cramped. However, there are opportunities for active travel to local amenities, and the location is within reach of alternative sustainable transport provision. Given the above, the previous use of the site and the associated trip credits and the recent no objection for more units on the site Highways considered this proposal to be acceptable subject to a condition for turning/manoeuvring and parking construction as submitted and informatives. Accordingly, the proposal complies with local plan policies COM7 and COM9.

Trees

12.19 Third party concerns have been raised regarding the impact of the proposed dwelling on the trees in the neighbouring garden and their benefits to the visual amenity of the area. The Tree Officer was consulted on the application and after carrying out a site visit has no objection to the proposed development.

Ecology and Biodiversity

12.20 The application site consists of largely hardstanding, with two garage/outbuildings and a small, grassed area which previously formed part of the rear garden of no. 46 St Davids Road. A preliminary roost assessment (PRA) was not considered necessary given the garages are single skinned, flat roofed with limited opportunities for bats and the other outbuilding has a metal corrugated roof which allows for large temperature fluctuations which would not be suitable for bats.

12.21 In relation to Biodiversity Net Gain, the development is considered to fall below the threshold as the development would not impact a priority habitat and would impact less than 25 square metres of on-site habitat.

12.22 The application site is located within 5km of the Chesil Beach and the Fleet European site. Natural England have advised that development which results in an increase in population within this buffer may contribute to an unacceptable increase in recreational pressures on the features of the designated area. An appropriate assessment was undertaken and reviewed by Natural England which concluded that in light of mitigation provided from CIL money there would be no adverse effect on the integrity of the designated sites. This accords with local plan Policy ENV2.

Community Infrastructure Levy

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

Other Matters

12.24 Third party concerns have been raised regarding the application submitted including missing plans and/or documents. However, the Council is satisfied that the information required to determine the application has been submitted.

13. Summary of issues and the planning balance

13.1 The application site is located within the defined development boundary (DDB) for Weymouth where residential development is considered acceptable.

13.2 Third parties have raised concerns regarding the impact of the proposal on neighbouring amenity and the amenity of any future occupiers. However, the scheme is not considered to result in a detrimental impact on residential amenity subject to conditions.

13.3 Matters of visual amenity, impact on heritage assets, highway safety, trees and ecology are considered acceptable or would be appropriately controlled via planning condition.

13.4 It is considered that the proposed development accords with the policies of the development plan as a whole and there are no material considerations for indicating that permission should be refused.

14. Recommendation

Grant, subject to the following conditions:

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

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

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

Site Location Plan – drawing number PLA01

Proposed Block Plan – drawing number PLA09 A

Proposed Site Plan – drawing number PLA04 C

Proposed Plans – drawing number PLA05 A

South West and South East Elevations – drawing number PLA06 A

North West and North East Elevations – drawing number PLA07 A

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

3. Prior to development above damp proof course level, details of all external facing materials for the walls, roof and boundary wall shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

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

Reason: To protect the amenity of neighbouring properties and to ensure outside amenity space is retained for future occupiers.

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

Reason: To protect the amenity of neighbouring properties.

6. The existing close boarded wooden fencing at the boundary of the development site and the adjacent electrical substation shall be retained or replaced with a fence/wall of the same height and constructed to achieve at least the same acoustic insertion loss as the existing fence and maintained as such thereafter.

Reason: To protect the amenity of the occupants of the proposed dwelling.

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

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

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

Reason: To ensure risks from contamination are minimised.

Informatives:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. Informative: Street Lighting Team

If the access is likely to impact the proximity of the streetlight (within 0.5-1metre), the applicant should contact the relevant department via the Dorset Highways Informative Note to ensure that any relevant consents or checks are conducted by the Street Lighting team, any associated costs for any works are wholly at the applicant's expense.

3. Informative: Electric Vehicle Charging Points

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

4. Informative: Contact Dorset Highways

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

5. Informative: New Dwelling – Street Naming & Numbering

The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information. <https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>

6. Informative: Biodiversity Gain Plan – Exempt

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>

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

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

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

4. The permission which has been granted is for development which is exempt being:

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

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

ii) planning permission is granted which has effect before 2 April 2024; or

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

4.2 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).

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two

or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

8. Informative: Community Infrastructure Levy

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

9. Please be advised that health and safety issues related to demolition activities, including the handling and removal of asbestos, fall under the jurisdiction of the Health and Safety Executive (HSE). These matters are not the responsibility of the Council's Environmental Health department.

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Application Number:	P/VOC/2025/01396
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	The Pavilion Complex The Esplanade Weymouth DT4 8ED
Proposal:	Erect extensions & alterations to Pavilion building including first floor extension with lift shaft, alterations to existing sun deck, replacement windows, external decorations & replacement roof coverings (with variation of condition 2 of planning permission WP/17/00218/FUL to enclose proposed balcony/terrace area)
Applicant name:	Say (Weymouth Pavilion CIC)
Case Officer:	Emma Thornett
Ward Member(s):	Cllr Orrell

1. Reason application is going to committee: The application site is Dorset Council owned land.

2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	The principle of the development on the site has already been established under WP/17/00218/FUL.
Visual amenity and the impact on Heritage Assets	The development would maintain local identity and distinctiveness and would respect the character of the surrounding area. The development would not cause harm to designated heritage assets.
Residential amenity	The development would not result in adverse amenity impacts on nearby residents.
Flood risk	Acceptable, subject to a condition.
Highway Safety	Acceptable, the amendments are at first floor level.
Ecology & Biodiversity Net Gain	Acceptable, ecological interest is unlikely and BNG does not apply.

4. Description of site

- 4.1 The Pavilion is located on the Peninsula, which is located to the southeast of the Weymouth Bay beach and Esplanade area and east of the historic harbour. The Peninsula is a man-made structure of approximately 400m in length and is a highly visible landmark from the seafront Esplanade area. A large car parking area dominates much of the peninsula alongside the Pavilion.
- 4.2 The Pavilion sits just outside of the Weymouth Town Centre Conservation Area and within the setting of the listed buildings along the Esplanade and the Scheduled Ancient Monument, Nothe Fort.

5. Description of development

5.1 Permission was granted under the reference WP/17/00218/FUL to enclose the existing outdoor walkway on the north elevation with an extension to provide a gallery leading to an enclosed sun deck. The extension would be part hipped in lead colour with a curved glazed wall to a studio. The rest would be flat roofed. There is also an exposed balcony area and an enclosed sun deck. The scheme included the replacement of all existing windows which are single glazed painted metal, with black (or colour to be agreed) UPVC double glazed windows.

5.2 The current application seeks to vary the plans list condition to amend the proposed design to enclose the balcony/terrace area extending the approved roof line. The original application WP/17/00218/FUL showed the removal of the large Pavilion sign, however it has been rebuilt and raised, and this current application looks to retain the sign in that raised position.

6. Background and relevant planning history

99/00080/FUL3 - Decision: GRA - Decision Date: 31/03/1999

Two-storey extension, disabled access, internal refurbishment and revised pedestrian and vehicle access

10/00548/FUL3 - Decision: GRA - Decision Date: 22/09/2010

Replacement canopy to west elevation and new doors, ramp and steps to cafe (part retrospective)

WP/17/00218/FUL - Decision: GRA - Decision Date: 26/05/2017

Erect extensions & alterations to Pavilion building including first floor extension with lift shaft, alterations to existing sun deck, replacement windows, external decorations & replacement roof covering.

P/PAP/2023/00637 - Decision: RES - Decision Date: 27/03/2024

Redevelopment of Weymouth Peninsula

7. List of constraints

SUS2; Defined Development Boundary; Weymouth

WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre

ECON4; Town Centre Areas; Weymouth

Setting of the Weymouth Town Centre Conservation Area

Setting of the Scheduled Monument, Nothe Fort

Setting of the listed buildings, 1-6 Esplanade

Landscape Character; Urban Area; Weymouth Urban Area

WEY6; Ferry Peninsula; Ferry Peninsula - Distance: 0

Wessex Water Treatment Works Catchment - Distance: 0

Dorset Council Land Freehold: Weymouth Pavilion Theatre & former Ferry Terminal Buildings & Pleasure Pier, Weymouth - Reference FH004417 - Distance: 0

RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 3153.8

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 3148.03

Site of Special Scientific Interest (SSSI) impact risk zone

Scheduled Monument: Nothe Fort, tramway and searchlight battery at The Nothe (List Entry: 1020063); - Distance: 156.62

Flood Zone 2 (record ID 45948)

Flood Risk Zone 3a

SFRA 2 Boundary

Portland heliport consultation zone (within 13km) - Distance: 4439

ONR portland_12km_zone - Distance: 0

8. Consultations

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

Consultees

1. Weymouth Town Council – The Council positively supports the application as it supports economic development and employment within the town.

2. Melcombe Regis Ward Member– No comments received.

3. Dorset Council - Asset & Property Team – No comments received.

Representations received

Summary of comments of objections:

No comments received.

Summary of comments of support:

One comment was received from the Weymouth Civic Society in support of the application for the addition enclosure of the balcony/terrace to form a full-length enclosed terrace. Situated at high level on the north side of the theatre building, the open balcony is particularly exposed to cold air. Its full enclosure will ensure a more comfortable location to enjoy the magnificent views of the Esplanade, beach and bay. The Society also commend other improvements including the provision of a lift to enable access for all to the upper parts of the building.

9. Duties

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

Section 66 Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

10. Relevant policies

Development plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1: Presumption in favour of sustainable development

- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV5: Flood risk
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving high levels of environmental performance
- ENV16: Amenity
- SUS2: Distribution of development
- ECON5: Tourism Attractions and Facilities
- COM2: New or Improved Local Community Buildings and Structures
- COM3: The Retention of Local Community Buildings and Structures
- WEY1: Weymouth Town Centre Strategy
- WEY6: Ferry Peninsula

Material considerations

Emerging local plans:

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

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

The Dorset Council Local Plan

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

Emerging neighbourhood plans

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

- Policy W13: Panoramas, Vistas and Views
- Policy W44: Design
- Policy W45: Heritage Assets

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 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 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).

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.

Supplementary Planning Documents/Guidance For West Dorset area:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

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.

In the context of the above PSED, the proposal would include the provision of a lift to enable access for all to the upper parts of the building.

13. Planning Assessment

Principle of development

13.1 Planning permission was granted in May 2017 under application WP/17/00218/FUL for the erection of extensions and alterations to the Pavillion building including first floor extension with lift shaft, alterations to existing sun deck, replacement windows, external decorations and replacement roof covering. The planning agent for the application stated that the 2017 permission has been implemented through the following works:

- Existing roof covering has been replaced with new single ply membrane with colour to match as was existing.
- Existing windows have been replaced with UPVC double glazed units.
- Front entrance canopy/porch has been refurbished
- Sun deck to the rear of the building has received a replacement roof and fenestration alongside internal refurbishment to the Crow’s Nest.

13.2 The principle of the development on the site has already been established under WP/17/00218/FUL. This current application seeks a variation to the plans list condition in order to enclose the proposed balcony/terrace area. The original application WP/17/00218/FUL showed the removal of the large Pavilion sign, however it has been rebuilt and raised, and this current application looks to retain the sign in that raised position.

Benefits

13.3 The scheme already has permission under the application WP/17/00218/FUL so the benefits would be the same as the previous permission including alterations to the community facility to help sustain its ongoing use for the community. This application relates only to the changes to the balcony/terrace and the retention of the raised Pavillion sign and therefore there are not considered to be any financial benefits from just that element of the scheme.

Environmental implications

13.4 The proposal would lead to additional CO2 emissions from the construction of the proposed development, however the site already benefits from planning permission and therefore emissions would be created through construction under the extant permission.

Visual amenity and impact on Heritage Assets

13.5 The application site is located just outside of the Weymouth Town Centre Conservation Area and therefore has the potential to impact on its setting as well as the setting of the Scheduled Monument the Nothe Fort and the listed terraced properties 1-6 Esplanade. As part of the original permission WP/17/00218/FUL it was considered that the extension proposed would have full length windows to reflect the style of windows on the ground floor. The walls would be render and the colour could be dealt with by condition (this would be repeated on any permission granted). It was considered a modest extension which would not be higher than the existing flat roof rear element of the building and would not detract from the important front façade of the building. The current application looks to enclose a small section which was previously shown as a balcony/terrace and would reflect all the details of the previously approved but not yet implemented extension. The original application WP/17/00218/FUL showed the removal of the Pavilion sign, the current application shows the sign located in a raised position above the roof of the first-floor extension. On site the sign is currently in this raised position and therefore the application would retain this. The raised height does mean the sign is more visible as it would sit above the height of this part of the building. However, the sign is not considered to appear incongruous as it would sit on the Pavilion building which is large in size and would sit below the highest parts of the building. From wider views the eye is drawn to the highest parts of the building due to their mass rather than the sign. The sign is also not completely solid with the sky visible between the letters and is considered to reflect the use of the building in its seaside location. Given the limited scale of the current proposal and its reflection of the previously approved extension the scheme would not cause harm to the setting of designated heritage assets, complying with Local Plan policy ENV4 and the NPPF. It also means that the proposal would maintain local identity and distinctiveness and would respect the character of the surrounding area in accordance with local plan policies ENV10 and ENV12 and emerging neighbourhood plan policy W44.

Residential amenity

13.6 The proposed development is not located in close proximity to any neighbouring residential properties. Therefore, the scheme would not have a significant adverse impact on the living conditions of occupiers of neighbouring residential properties in accordance with Local Plan policy ENV16.

Flood Risk

13.7 The main Pavillion building is located within flood zone 2 but the majority of the surrounding access road and car parking are located within flood zone 3. The site benefits from the extant permission and the amendment being considered as part of this application relates to the enclosing of the first-floor balcony/terrace and therefore would not result in an increase in footprint at ground floor level, nor would it increase flooding elsewhere. As part of the previous permission WP/17/00218/FUL a condition was imposed that prior to the lift being brought into use, details of flood prevention measures to ensure the lift continues to operate in the event of a flood shall be agreed and this would also be updated and included on this permission.

Highway Safety

13.8 The amendments subject of this application are at first floor level and would not impact on access to the site or the existing parking arrangements and are therefore considered to comply with Local Plan policy COM7.

Ecology & Biodiversity Net Gain

13.9 The development subject of this application is the enclosing of the balcony/terrace therefore ecological interest is considered to be unlikely. The application site is located within the 5km recreational buffer for the Chesil Beach and the Fleet European site. However, the site benefits from extant permission and the small amendment to enclose the previously approved balcony/terrace is not considered to generate trips to Chesil and the Fleet and therefore no further action is required in this case as no adverse impacts would arise.

13.10 Biodiversity Net Gain does not apply as the original permission WP/17/00218/FUL predates 2 April 2024.

14. Summary of issues and the planning balance

14.1 The principle of the development on the site has already been established under planning permission WP/17/00218/FUL. This current application seeks a variation to the plans list to enclose the proposed balcony/terrace area and to retain the Pavillion sign in its raised position.

14.2 The development would not harm designated heritage assets or result in adverse amenity impacts. Matters of highway safety and ecology are considered acceptable and flood risk would be appropriately controlled via planning condition in line with the original permission.

15. Recommendation

Grant, subject to the following conditions:

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

Location and Site/Block Plan – drawing number 1711-01

Proposed Ground Floor Plan – drawing number VOC04

Proposed First Floor Plan – drawing number VOC01 A

Proposed Elevations 1 & 2 – drawing number VOC02 A

Proposed Elevations 3 & 4 – drawing number VOC03

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

2. All external doors and windows in the extension hereby approved shall be of a design, detail and colour pallet to be first agreed in writing with the local planning authority. A section plan and elevation plan of a scale of at least 1:50 shall be provided and agreed by the Local Planning Authority in writing prior to their installation. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that this aspect of the design is in keeping with the character and appearance of this significant building.

3. Prior to any rendering of the extension hereby approved details including a colour pallet of the render shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure that the external appearance of the overall building is sympathetic to its locality and character.

4. Prior to the lift hereby approved being brought into use details of flood prevention measures to ensure the lift continues to operate in the event of a flood shall be submitted to and approved in writing by the local planning authority. The agreed flood prevention measures shall be implemented prior to the first use of the lift and maintained in accordance with the approved details.

Reason: In order to mitigate flood risk.

Informatives:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. Informative: Biodiversity Gain Plan – Exempt

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 permission which has been granted is for development which is exempt being:

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

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

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

- 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>

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 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).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

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

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