

1.0 Application Number: WP/21/00196/FUL
Site address: Land adjacent to former gatehouse west way, Southwell Business Park
Proposal: Erection of 8 dwellings following approval of Permission in Principle application No. WP/19/00162/PIP
Applicant name: Coastline Homes
Case Officer: Jo Riley
Ward Member(s): Cllr Cocking, Cllr Hughes, Cllr Kimber.

Taking account of representations made during the course of the consideration of the application, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

2.0 Summary of Recommendation: That the Committee be minded to GRANT technical details consent subject to conditions and that the Head of Planning determines the application accordingly.

- 3.0 Reason for the recommendation:**
- The principle of development of the site is established.
 - The design and positioning of buildings, layout, parking and access are acceptable.
 - The proposal is accompanied by a biodiversity mitigation plan.
 - There are no material considerations which would warrant refusal of this technical Details application.

4.0 Planning issues

Issue	Conclusion
Principle of development	The principle is established with the granting of Permission in Principle.
Scale, design, impact on character and appearance	The design and appearance are acceptable and would sit comfortably within the character of the area.
Impact on amenity	There is no harm to neighbouring amenity.
Impact on landscape or heritage assets	No impact on the wider heritage coast or landscape.
Economic benefits	Additional housing.

Access and Parking	Uses existing access to school and business park. Sufficient parking provision. Improves small section of footpath.
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5.0 **Description of Site**

The site forms part of the car parking area serving Southwell Business Park on the Isle of Portland. It is located in the eastern corner of the site to the rear of the on-site Children's Day Nursery which is housed in a flat-roofed, single storey, former gatehouse building located immediately to the south-west, close to the main entrance to the Academy site. The site is bounded to the south-east by dwellings at 44, 46 and 50 Sweethill Road, and to the north-east it is bounded by the dwelling at 19 Underhedge Gardens and a playing field. The western site boundary is unmarked and opens out onto the larger part of the car parking area serving the Business Park complex.

6.0 **Description of Development**

The proposal is for a total of 8 properties, a mix of 2 two bedroom detached bungalows and 6 three bedroom semi-detached houses, with associated parking and access. The proposed materials are white render, stone walls and grey slate roofs.

7.0 **Relevant Planning History**

WP/19/00162/PIP Erection of up to 8 dwellings – Granted 9.9.19.

WP/13/00101/FUL Change of use from employment and leisure to education use – allowed on appeal 11.4.2014.

8.0 **List of Constraints**

Land outside of DDB

Landscape character area Limestone plateau

9.0 **Consultations**

Portland Town Council – This application when heard previously WP/19/00162/PIP led to strong objections by Portland Town Council. It would appear that comments made at that point were not taken into account. Portland Town Council requests that this application is heard by committee. It should be noted that the site falls within the Minerals Consultation area, and previous consultation failed to include Mineral Consultation as the Section 16 Regulations require. Additionally, the development area is registered as an employment site within the Portland Neighbourhood Plan.

Highways Officer – The revised plans address the issue of visitor parking but not the pedestrian needs for a safe access to the sites (2m footway) which still has

not been addressed. I can see that a section of footway has been provided within the application site but not to the site as previously mentioned. The proposed situation introduces pedestrians with prams or wheelchairs and certainly the postmen and newspaper deliveries (often teenagers) into a narrow single lane access to the school car park and with their back to approaching traffic at least half the time. A footway exists at the start of this vehicular route through the site and it only requires this to be continued (which is just outside the red line). Following discussions regarding the red and blue lines with the agent and landowner, this can be dealt with as a Grampian condition for this small section of footpath to be extended.

Mineral and Waste team – no comments received.

Natural Environment Team – There is a BMP and this is agreed by the NET team both dated 11th May 2021.

Natural England – No objection subject to appropriate mitigation being secured.

Representations received

3 x Objections on the grounds of highway safety and traffic. Nearby business at Southwell Business Park comments wanting to make sure that there is always access to the Business Park and businesses.

10.0

Relevant Policies

West Dorset, Weymouth and Portland Local Plan 2015

INT1 Presumption in favour of sustainable development

ENV1 Landscape, seascape and sites of other geological interest

ENV2 Wildlife and habitats

ENV4 Heritage Assets

ENV10 The landscape and townscape setting

ENV12 The design and positioning of buildings

ENV16 Amenity

SUS2 Distribution of development

COM7 Creating a safe and efficient transport network

COM9 Parking provision

ECON2 Protecting key employment sites (adjacent)

Portland Neighbourhood Plan 2017 – 2031 (made 22.6.21)

Port/EN7 Design and character

Port/HS1 Housing mix

Port/BE1 Protecting existing employment sites

Other material considerations

Weymouth and Portland Urban Design SPG 2002

Landscape character assessment (Weymouth and Portland)

NPPF 2021

Paragraph 11, presumption in favour of sustainable development.

Section 4 Decision taking

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong competitive economy

Section 11 Making effective use of land

Section 12 Achieving well designed places

Section 14 meeting the challenges of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment.

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.

The proposed plots 1 and 2 are bungalows with all accommodation on the ground floor which is suitable for someone unable to walk upstairs. The applicant advise that every plot is suitable for wheelchair access. These all have their own parking and easy access from the pavement. The extension of the footpath so that it meets Sweethill Road and avoids anyone walking in the small section of the road and up onto the pavement means that this is accessible for wheelchairs or buggies.

13.0

Financial benefits

What	Amount / value
Non material considerations	
CIL Contributions	The proposal would be CIL Liable and payable on commencement. Monies from the CIL pot would go to Natural England for mitigation measures.

14.0 Climate Implications

14.1 Energy would be used as a result of the production of the building materials and during the construction process, however that is inevitable when building new homes and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

14.2 The development is also considered to be in a sustainable location on a bus route, close to schools and employment. The site would be within cycling distance to Easton Square.

14.3 Policy ENV13 advises that new buildings are expected to achieve high standards of environmental performance. The proposed houses would benefit from windows on east and west elevations (plots 3 to 8) and north and south on plots 1 and 2 to maximise solar gain and minimise the need for artificial light and heating. The houses are designed to make the most efficient use of the site through layout and use of thermally efficient materials. The proposed design, construction method and materials used will ensure the buildings are energy efficient to the highest standards possible. The use of permeable hard surfaces would be used as far as possible. Landscaping can be used to prevent overheating particularly on plots 1 and 2 which have south facing windows.

15.0

Planning Assessment

Principle of Technical Details Consent:

Permission in Principle (PIP) has already been granted for this site under WP/19/00162/PIL. The PIP agreed the **location, land use and amount** of proposed development. Whereas, the Technical Details Consent considers the external appearance, constraints and other material planning considerations not included within the PIP including planning policy considerations.

This application is in line with the approved PIP in as much as the red line has not altered and the number of dwellings sought does not exceed 8 as approved in the PIP.

Portland Town Council refer to the Portland Neighbourhood Plan as the site is shown as an existing employment site and NP Policy BE1 Protecting Existing Employment Sites applies. However, in the Local Plan the Employment site as allocated for Policy ECON2 Southwell Business Park does not include this site. Notwithstanding this, the principle of development is already established by the PIP (permission in principle) and therefore the technical details consent could not be refused on the basis of Policy BE1 in the neighbourhood plan.

Matters that can be considered at technical details:

Highways:

The highways officer raised concern regarding the need for an extension to the footpath between the existing footpath outside the nursery building/vehicular access from the public highway to this site enclosed within the red line. The developer, has agreed to undertake the works and maintain this extension in the same manner as the rest of the site as unadopted highway, and the Council legal department has agreed that there is no need to extend the red line to include the proposed footpath provided that the footpath works are located either on existing highway or land that the applicant owns or has a reasonable prospect of securing, which is the case here. As such a Grampian condition can be attached to the agreement of Technical Details. The Council legal department has also confirmed (as the case on the PIP) that if there is any conflict with this proposal and any existing section 106 agreement that binds the land, the Section 106 agreement will prevail.

Parking:

Comments have been received from third parties regarding parking problems in the area. As noted at the PIP stage, parking demand comes in peaks and troughs at school times. There are no objections from the Highways Officer regarding parking provision. The parking provision of 2 tandem spaces per dwelling and the introduction of 4 visitor parking spaces is acceptable. The traffic movement from 8 households is not considered to be significant in this location given other uses such as a school, residential properties and a substantial number of businesses in the vicinity of the location.

It is considered that the development would not prejudice the established car parking arrangements for the existing Southwell Business Park land uses, including the Atlantic Academy. At the PIP stage it was noted that this area of car park was underused. Therefore, the change of use from a car park to residential was considered to be acceptable in principle, hence the granting of the PIP.

Biodiversity:

The applicant has submitted a Biodiversity Mitigation Plan (BMP) which has been approved by the Dorset Natural Environment Team. The BMP provides for environmental mitigation measures both during construction of the development (including construction management which is secured by condition) and long term. The mitigation measures set out in the BMP and which are referred to in the condition are for hedgehog houses, bat boxes, swift bricks, bee bricks, fruit trees and native species planting. There is no scope for new grassland planting in this small site so this is not required as a mitigation measure in the BMP.

The BMP refers to a net loss of semi-improved grassland on site (to the rear and sides of the pre-school) to facilitate the works. An area of approximately 538m² (0.0538ha) will be lost; this equates to the financial compensation of £1,198.72. Under the Dorset Biodiversity Compensation Framework (DBCF), financial compensation is not usually sought for amounts totalling less than £2,000.00. Therefore, financial compensation is not required for this application.

The application site is approximately 3.2km to the south of the Chesil and Fleet European wildlife site (including Ramsar sites) and within the 5km recreation zone of influence. As the proposed development is considered likely to have a significant effect on these nearby protected habitats, an Appropriate Assessment has been undertaken in accordance with Part 6 of the Conservation of Habitats and Species Regulations 2017. The Appropriate Assessment was undertaken by Dorset Council as a competent authority for the purposes of the 2017 Regulations and examined the implications of the proposed development on the nearby protected habitats. Under paragraph 182 of the NPPF the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a protected habitats site unless an appropriate assessment has concluded that the development will not adversely affect the integrity of the habitats site.

The Appropriate Assessment considered that additional recreational pressures from dog walkers and water sports could affect overwintering birdlife and also highlighted potential harm to air quality on Chesil and the Fleet Lagoon from additional traffic movements and an increase in local population. The appendix to the Appropriate Assessment set out a series of measures which Natural England suggest would mitigate the impact of the proposed development on the nearby protected habitats. These include monitoring of birds, leaflets, volunteer co-ordination, provision of alternative greenspace, fencing, review of water sports access points and litter bins. The costs of implementing these measures is estimated by Natural England to be £3,997.84 This would be paid via CIL contributions. The Appropriate Assessment concluded that in light of the mitigation provided (the measures that Natural England proposed to undertake) there will be no adverse effect on the integrity of the protected habitats and as such the presumption in favour of sustainable development applies.

Design:

The PIP made no reference to the scale of development other than to say that 8 dwellings could be suitable as long as there is enough built form to space ratio. The proposal is for three pairs of semi-detached and two detached bungalows. The semis are two storey with windows close to the eaves and gabled roofs. All have private rear gardens and there is some shared space with landscaping at the front of the houses. This is considered to be an acceptable balance of built form, adequate amenity space and the development would bring some landscaping enhancements to the area. Properties in Underhedge Gardens which could be seen to the north of this site are chalet bungalows with linear dormers and a mix of stone and tiled roofs. Properties in Barlands Close, to the north west of this site are primarily two storey, some with two storey and rooms in the roof. These are a mix of red brick, cream brick and render, slate and clay roofs. There is a range of styles and houses which the scheme could pick up on, with those in Sweethill Close being the closest.

The materials for the proposed development are white render and stone walls and grey slate roof. The nearest residential properties on the corner of Sweethill Road are bungalows of stone and slate roofs. The proposed mix of render and stone, with slate roof would reflect the character of these properties. A condition is proposed to agree the final details of materials prior to development above damp proof course level (condition 2).

The mix of bungalows, and two storey (demi detached) houses and the suggested materials is considered to be acceptable in this location.

A condition is attached to remove permitted development rights so that additional roof alterations, or larger home extensions can be controlled which may have detrimental impact on the amenity of surrounding properties and would alter the overall character of the design.

Amenity:

The nearest property is no. 50 Sweethill Road which is a bungalow which has some fencing and hedging around part of its curtilage and windows on the north side which allow views directly across the car park. The proposed bungalows are separated by adequate garden space to the side fence of No. 50 and as they are bungalows, would not allow direct overlooking of windows. A 1.8m close boarded fence is proposed along the boundary. It is noted that the outlook from the windows at no. 50 would alter but no direct loss of privacy would occur This is the same situation for No. 19 Underhedge Gardens which sits on the north east corner of the site and would be separated from the proposed plots 3 and 4 gardens and be separated by a 1.8m high fence which is considered acceptable in this urban location.

Other matters

Minerals and Waste:

The site is within the minerals and waste safeguarding area. The Minerals and Waste team were consulted but provided no comments. It is noted that the site is already built up and forming part of the school/business park. The principle of development of this site has already been established.

CIL: The Community Infrastructure Levy can be applied to development consented through the Permission in Principle route if technical details consent has been granted. Charges will become due from the date that a chargeable development is commenced.

Section 106:

Reference has been made at PIP stage and again at this stage to a Section 106 agreement. This is an agreement for the school which forms part of the WP/13/00101/FUL planning permission. The S106 agreement deals with a travel plan and car park management plan. It is evident on site that the entrance to the school is clearly beyond this part of the car park forming the application site. The PIP noted that this part of the car park was underused and that the granting of the PIP for housing should not be refused because of the Section 106 agreement. The requirements of the S.106 Agreement are clear in relation to the provisions of a Travel Plan and Car Park Management Plan. The Section 106 Agreement is in place and this site falls within the red line of the Section 106 agreement, and unless modified, its clauses are binding. The applicant/landowner would need to at a later date apply to vary or remove relevant specific clauses within that agreement or alter the red line of the agreement to exclude this part of the car park should they intend to proceed with the proposed development. An informative is attached to remind the applicants of this fact. The S106 agreement was not a reason to withhold the granting of the Permission in Principle (PIP), nor is it a reason to refuse the Technical Details Consent as the principle of development is already established.

17.0 Conclusion

The matters as put forward in the Technical Details, following the approval of the Permission in Principle are acceptable.

18.0 RECOMMENDATION

That the Committee be minded to GRANT technical details consent subject to conditions and that the Head of Planning determines the application accordingly.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
1734 PL01 REV A location Plan and block plan

1734 Plots 3-8 elevations REV C

1734 Plots 3-8 floor plans REV C

1734 PL02 site layout REV C

1734 Plots 1 and 2 REV C

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

2. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

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 enlargement(s) or roof alterations of the dwellinghouse hereby approved, permitted by Class A, B, or 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.

4. Prior to occupation of any of the dwellings hereby approved, the footpath on the south west side of the access road/junction with West Way, shown coloured xxxx on the 1:500 block plan shall be extended to meet the highway of Sweethill Road and shall be constructed to a specification which shall have first been agreed in writing by the Local Planning Authority.

Reason in the interests of highway and pedestrian safety.

5. 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.

6. Before the commencement of development unless otherwise agreed by the Local Planning Authority, full details of hard and soft landscaping (including boundary treatments, finished floor levels, hard surfacing materials and maintenance arrangements for the soft landscaping) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme of

implementation that shall have first been agreed in writing by the Local Planning Authority.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

7. The soft landscaping shall be maintained in accordance with the details agreed under condition no. 6 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, unless the Local Planning Authority gives written consent to any variation.

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

8. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 27.4.21 shall be completed in full.

Reason: To minimise impacts on biodiversity.

9. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety and to ensure the normal functioning of the business park, hotel and school.

10. Prior to commencement of development hereby approved a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures as detailed in the BMP namely control of movement of machinery, storage of machinery, working hours, lighting and light spill, re-fuelling areas, spill pads and dust suppression. The development shall thereafter be carried out strictly in accordance with the approved Construction Environmental Management Plan

Reason: In the interests of prevention of negative effects upon the SNCI and wildlife.

Informatives:

- a) Street Naming and Numbering. The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example,

to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering.

b) Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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

d) Note that the site is covered in part by a section 106 agreement dated 5th March 2014 and attached to planning permission WP/13/00101. This agreement which deals with the school travel plan is still binding unless modified in future.