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Application Number:	P/FUL/2021/02664
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	10 Kirtleton Avenue Weymouth Dorset DT4 7PT
Proposal:	Change of use from Class C2 residential institution to Class C3 residential dwelling houses and C4(a) houses in multiple occupation.
Applicant name:	Dorset Council
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Barrow and Cllr Gray

1.0 In accordance with the council's scheme of delegation the application must be determined by committee because the Council is the applicant.

2.0 Summary of recommendation: GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paras 16.1 and 16.2 at end:

- Absence of 5 year land supply
- Para 11(d) of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposal would deliver benefits through the provision of accommodation for care leavers.
- The location is considered to be sustainable and the proposal will not result in any changes to the appearance of the building.
- There is not considered to be any harm to neighbouring residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	While the proposal would result in the loss of an existing care home use the proposal would deliver significant benefits through the provision of accommodation for care leavers together with a new care leaver hub.
Scale, design, impact on character and appearance	The proposals will not result in any external changes to the appearance of the building

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Impact on amenity	The proposals would not result in any additional impacts from overlooking, overbearing or loss of light. While the character of the use would change the site is located in a residential area
Highways and parking	The site would retain six off road parking spaces and would also provide for a new secure cycle parking. There is no objection from the highways authority and the proposals would not result in unacceptable impacts on the highways network.
Habitats	The occupancy of the development as proposed would be lower than anticipated for the previous use so it is considered that there is no likely significant effect on habitats sites.

5.0 Description of Site

- 5.1 The site is located on the north eastern side of Kirtleton Avenue, in the Melcombe Regis area of Weymouth. The site is rectangular and is occupied by a 2.5 storey building which fronts onto the road, behind frontage car parking. There is a vehicular access at the north western boundary of the site providing access to a rear parking courtyard. Ground levels fall from the street towards the rear of the site. There is minimal soft landscaping on the site at present, comprising some small planting areas at the front of the site and an enclosed rear garden area. The building occupying the site was constructed as a care facility to provide respite care for disabled children.
- 5.2 The site is within the urban area of Weymouth and the surrounding area is predominantly residential in character comprising a mix of early to mid-20th century dwellings and more modern replacements dating to the late 20th and early 21st century. Buildings in the vicinity are generally traditional in their appearance with pitched roofs and brick construction. Buildings are generally 2-3 storeys in scale, many including accommodation in the roof space.

6.0 Description of Development

- 6.1 The proposal is for the change of use of the building from the former respite care use, to provide 8 new dwellings which are intended to be made available for care leavers. The proposal is for the change of use only and does not include any external alterations to the building.
- 6.2 The dwellings to be created will comprise a mix of one and two bedroom units and it is intended that the proposals will provide accommodation for up to 14 people. The proposal is specifically intended to provide accommodation for care leavers, to support the transition into independent living as part of the council's care leaver strategy. The ground floor of the building will therefore provide a range of communal facilities for residents including a communal kitchen and lounge and a training kitchen.
- 6.3 Two flexible spaces are also provided at the ground floor level which would allow for a variety of support activities for the residents.

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- 6.4 The site has 6 existing parking spaces which would be retained. An externally accessible secure cycle store would be provided at the lower ground floor level of the building, accessible from the rear.

7.0 Relevant Planning History

Application number	Proposal	Decision	Decision Date
09/00025/FUL	Demolish existing building and erect 3/4 storey 13 bedroom care home with communal and support staff space	Granted	05/03/2009
08/00137/REM	Demolition of existing building and erect block of 8 flats with parking	Granted	28/04/2008
08/00098/OUT	Renewal of permission to demolish the existing building and erect block of 8 flats with parking	Granted	08/04/2008
08/00008/FUL	Demolish existing building and erect 8 flats	Refused	07/02/2008
05/00011/OUT	Demolition of existing building and erect block of 8 flats with parking	Granted	25/02/2005

8.0 List of Constraints

Type: Neighbourhood Area; Name: Weymouth; Status Designated 18/05/2020;

NE - SSSI impact risk zone;

NE - SSSI (400m buffer): Radipole Lake;

NE - SSSI: White Horse Hill ;

NE - SSSI: South Dorset Coast ;

NE - SSSI: Chesil & The Fleet ;

NE - SSSI: Portland Harbour Shore ;

NE - SSSI: Radipole Lake ;

NE - SSSI: Crookhill Brick Pit ;

NE - SSSI: Lodmoor ;

NE - SSSI: Lorton ;

NE - SSSI: Chalbury Hill and Quarry ;

NE - SSSI: Upwey Quarries and Bincombe Down ;

9.0 Consultations

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

Consultees

1. **DC - Housing Improvement Team** – Comments not received.

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2. **DC – Highways-** No objection subject to condition requiring provision of turning and parking space.

3. **P - Weymouth Town Council –** No Objection

4. **Radipole Ward Councillor –** Comments not received.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

No third party comments have been received in respect of this application.

10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

10.1 So far as this application is concerned the following policies are considered to be relevant:

- INT1 – Presumption in favour of sustainable development
- ENV10 – The landscape and townscape setting
- ENV12 – The design and positioning of buildings
- ENV13 – Achieving high levels of environmental performance.
- ENV15 – Efficient and appropriate use of land
- ENV16 – Amenity
- SUS2 – Distribution of development
- HOUS4 – Development of flats, hostels and houses in multiple occupation
- COM3 – The retention of local community buildings and structures
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development

Other material considerations

National Planning Policy Framework

10.2 So far as this application is concerned the following sections and paragraphs are considered to be relevant:

- 2 – Achieving sustainable development

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- 5 – Delivering a sufficient supply of homes
- 8 – promoting healthy and safe communities
- 11 – Making effective use of land
- Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, 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.

Dorset Council's Care Leave Strategy 2021-2023

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.

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

12.0 Public Sector Equalities Duty

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

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

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

12.3 The proposal will re-use a building which was constructed as a care home and which is fully accessible, with lifts serving all floors. The proposal will not impact upon persons with protected characteristics. In spite of the existing lawful use being as a care use for the disabled, the building is not currently operating so there would be no loss of those services.

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13.0 Financial benefits

What	Amount / value
Material Considerations	
Non Material Considerations	

14.0 Climate Implications

The proposal will deliver additional dwellings through the re-use of an existing building allowing for the minimisation of waste and the efficient use of resources.

15.0 Planning Assessment

Principle of development

- 15.1 The site is located within an existing and established residential area within the urban area of Weymouth where residential development is considered acceptable in principle, subject to compliance with other policies of the Local Plan. In this instance, policy COM3 of the plan is of particular relevance due to the existing use of the site.
- 15.2 The existing use of the site is as a care home, which specifically provided respite care for disabled children. Policy COM3 seeks to protect such community facilities unless it can be demonstrated that there is no need for the facility or that such a facility is no longer likely to be viable, and that an appropriate alternative community use to meet local needs is not needed or likely to be viable.
- 15.3 In this case no information has been provided in respect of the reason for the care use ceasing or in respect of the viability of the care use. However due to the nature of the proposal – to provide housing specifically for care leavers, which will be accompanied by a degree of support on site that the proposal would continue to form an appropriate community use of the site.
- 15.4 Furthermore the proposal must also be considered in the context of the council's housing land supply position. At present the council is unable to demonstrate a 5 year housing land supply. In such circumstances relevant policies are considered to be out of date and the presumption in favour of sustainable development applies. In accordance with paragraph 11 (d) of the National Planning Policy Framework, this means that planning permission should be granted unless:
- The application of specific policies in the framework that protect assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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- 15.5 In this instance the site is not subject to any designations which would justify refusing planning permission under point (i), above. In respect of the planning balance, while there would be a degree of conflict with policy COM3 it is considered that the benefits of providing 8 units of accommodation for care leavers would not be outweighed by any harm resulting from the loss of the care use, given that it is not currently active.

Impact on character and appearance

- 15.6 The proposal does not include any external physical alterations to the building. As such the proposal would not result in any harm to the character and appearance of the area.

Impacts upon amenity

- 15.7 As the proposal will not involve any external alterations to the building it would not have potential to give rise to harmful impacts through overlooking or loss of light. The rear elevation of the building is approximately 17m from the properties to the rear, on Park Lane. Although this is marginally less than would ordinarily be sought, as the relationship is an existing one, it is not considered that there would be any materially harmful impacts as a result of the proposed change of use.
- 15.8 The change of use will result in a change in nature from a care to a residential use. While that has potential for increased levels of activity, the site is in a residential area and such levels of activity would be comparable to surrounding properties. Further, due to the nature of this building, being council-managed supported accommodation there is potential for closer management of tenants.
- 15.8 The proposals will retain external amenity space for use by residents and each of the units would comfortably meet and exceed the nationally described space standards and would therefore provide an appropriate level of amenity for future residents.

Highways and parking

- 15.9 The site will utilise existing vehicular and pedestrian access and has a total of six on site parking spaces which are to be retained. In addition, space in the lower ground floor is to be dedicated to the provision of a secure cycle parking area. The site is also located in a highly sustainable location which is accessible by public transport and on foot. The highways authority has raised no objection subject to the imposition of conditions requiring the retention of turning and parking space and the provision of the cycle parking prior to the occupation of the dwellings.

Habitats

- 15.10 The proposal is located within 5km of the Chesil and the Fleet European Habitats Sites where recreational pressures from additional population has potential to give rise to significant impacts upon the integrity of the sites. In this instance it is considered that significant effects can be ruled out as the anticipated occupancy arising from the proposed use would be lower than that arising from the current use.

16.0 Conclusion

- 16.1 The proposal will secure the provision of 8 dwellings specifically for care leavers and will aid in the delivery of the Council's Care Leaver Strategy. Although the proposal

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would result in the loss of a previously established care use, that use is not active and it is considered that the benefits of providing these specialist dwellings would outweigh any loss.

- 16.2 The proposals would not result in any change to the overall character of the area and would not result in harmful impacts upon amenity while providing a good standard of amenity for residents. The proposals would not result in any highways harm, subject to the imposition of appropriate conditions.

17.0 Recommendation

Recommendation: That the committee be minded to approve 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:

Block & Site Location Plan - A010 P2

Floor Layout Plans as Proposed A104 P4

Proposed Ground Floor Plan A105 P4

Proposed First Floor Plan A106 P4

Proposed Second Floor Plan A107P4

Existing and proposed lower ground floor - A108 P2

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

3. 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.

4. Prior to use or occupation of development hereby approved, the cycle parking facilities shown on drawing number A104 shall be constructed and made

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available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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