

Application Number:	WP/20/00705/FUL
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	SITE P OSPREY QUAY, HAMM BEACH ROAD, PORTLAND
Proposal:	Erection of a drive-through coffee shop and 9no. business units (Use Class E and/or B8) with associated access, parking and landscaping works
Applicant name:	Tidebank UK Ltd
Case Officer:	Emma Telford
Ward Member(s):	Cllr R Hughes, Cllr P Kimber & Cllr S Cocking

This application is referred to committee in line with the Scheme of Delegation consultation process at the request of the Service Manager.

1.0 Summary of recommendation:

Recommendation A:

Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to grant, subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the financial contribution for compensation for the loss of habitat of £8,668.77 and conditions.

Recommendation B:

Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to refuse permission for the reason set out below if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for loss of habitat. Hence the scheme is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework.

2.0 Reason for the recommendation:

- The application site is located within the defined development boundary (DDB) and the proposal is considered to comply with policy PORT 1.
- The proposal is acceptable in its design and general visual impact.
- It is not considered to result in any significant harm to neighbouring residential amenity.

- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The application site is located within the DDB and is considered to comply with Local Plan policy PORT 1.
Visual Amenity, Heritage Coast and the Setting of the World Heritage Site	The proposed development would not have an adverse impact on the visual amenities of the site or locality. Nor would it harm the character, special qualities or natural beauty of the Heritage Coast.
Residential Amenity	The proposal would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Highway Safety	Acceptable, subject to conditions. Highways raised no objection.
Contamination	Acceptable, subject to an unexpected contamination condition.
Biodiversity	Acceptable subject to conditions and financial contribution.
Flooding & Drainage	Acceptable, subject to conditions. Flood Risk Management Team and the Environment Agency raised no objection.

4.0 Description of Site

4.1 The application site is located on the northern side of Hamm Beach Road at the northernmost point of Portland. The site lies between Hamm Beach Road and the foreshore of Portland Harbour immediately to the east of the Hamm roundabout at the junction between Portland Beach Road and Hamm Beach Road. To the east of the application site is the Weymouth and Portland National Sailing Academy site with the immediately adjacent land being used for car parking. To the south of the site on the opposite side of Hamm Beach Road is Lidl supermarket. The site comprises of a curved plot of land which is currently vacant.

4.2 The application site falls within the Local Plan allocation PORT 1. It is also located within the defined development boundary for Portland. The site is in close proximity to the Chesil & The Fleet SSSI and SAC. A small part of the end of the site, close to the Hamm roundabout falls within the Heritage Coast.

5.0 Description of Development

5.1 The proposal is for the western third of the site to be a drive-thru coffee shop. The proposed single storey building will be positioned towards the western end of the site closest to Hamm roundabout. The drive-thru lane will circle around the building and a car park to the east of the building.

5.2 The eastern two-thirds of the site is proposed to be a business park. It would comprise two, two storey buildings which are divided into 18 small units. The proposed blocks would be located to the rear of the site with car parking to the front. The units located on the first floor would be accessed via an external staircase and external corridor/terrace.

6.0 Relevant Planning History

01/00118/OUT – Mixed use of land for employment, leisure, retail (Class A1 and A3) and residential uses, also relocation of existing search and rescue facility – Granted – 29/01/2002.

03/00852/OUTM – Proposed development for Class A3 and/or A4 uses – Granted – 13/12/2005.

7.0 List of Constraints

Zone 2 (EA Flood)

Inside Defined Development Boundary

Local Plan Allocation PORT 1

Heritage Coast

Catchment of the Chesil & The Fleet SSSI and SAC

8.0 Consultations

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

Consultees

1. Technical Services – *With regards to this application I note that you have received comments from the Environment Agency regarding the flood risk and I suggest you refer to these in this instance.*

2. Flood Risk Management Team - *We request further clarification and substantiation of the proposed drainage strategy, ownership & capacity of receiving system / surface water sewer referred to within the supporting FRA, and consideration of storage / conveyance during exceedance events, namely those above the 1:30yr event that is discussed. Whilst it may be acceptable for the site to be free draining in such close proximity to tidal waters, the scheme is obliged to consider all events up to a 1:100yr (plus climate change) scenario. Essentially, will the proposed development be at any risk during events greater than 1:30yr if proposed infrastructure is likely to surcharge and what are the details of the (existing) surface water sewer & outfall to which the site is intended to connect?*

Accordingly, we request that a (Holding) Objection be applied to this proposal, pending the supply and approval of further information.

3. Spatial Policy and Implementation – Landscape – *I am unable to support this application on design grounds. The proposed site layout fails to respond to the unique waterfrontage setting, the Heritage Coast designation, and the special qualities of the site. The development fails to provide adequate hard/soft landscaping and relates poorly to the adjacent Sailing Academy environment and the coastal landscape.*

The Site for the above Development occupies a visually sensitive 'gateway' into the 'business park' with the proposed Buildings forming the western extent of the existing developed area. The Site commands a waterside- frontage (to the north) which enables dramatic views across the Harbour. The promoted English Coast Path Route (National Trail) runs along the southern boundary of the Site (this section was opened for the 2012 Olympics). The Section runs from Portland to Lulworth Cove. The Proposals are not supported by an LVIA or Appraisal – but owing to its location the Site is visually sensitive from a number of public vantage points.

The Commercial Units:

- The two Units are simple in design terms and use a limited palette of materials. It would be desirable to see a local stone used at lower levels (as can be seen on the Sailing Academy building and Boat that Rocks café) in order to create a visual consistency through the water frontage. The Units relate well to the water frontage – but there is no provision for any 'amenity' space or 'landscaping'. Standardised 'red block paving' is simply wrapped around all sides of the Buildings – and the space becomes 'pinched' at the western corner. It would be desirable to see a change of paving materials (i.e. something less municipal) between the Buildings and the water edge? This approach has worked well for the Café development to the south of the Marina – where simple slabs are used to define the amenity area (possibly limestone).*
- The car parking area to the south of the Buildings is extensive (a total of 50 spaces) and a dominant expanse of 'grey' through charcoal pavers or tarmac. There is no attempt to provide any soft landscaping (other existing water front developments comprise a mix of hard and soft detailing (through the use of Portland stone and maritime low-level plantings). The layout, as existing, is therefore unacceptable. Given the provision of high quality soft landscaping between Hamm Beach Road and the Sailing Academy car park – I would expect to see this character carried through to the Applicant Site boundaries in order to reinforce the 'sense of place'.*
- The Site is delineated to the east and west by 1.8m high timber close-boarded fencing – this is unacceptable and wholly inappropriate to the setting. Adjacent boundary treatments are largely consistent in style and comprise steel railings (painted/powder coated blue).*
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The Drive Thru Café:

- I would question the suitability of a 'drive-thru' for this 'gateway' location. The Site Layout as proposed completely disregards the Heritage Coast designation or the immediate setting of a World Heritage Site. The Site will largely be dominated by a large expanse of tarmac and a featureless area of car parking (25 spaces). No celebration is made of the water frontage (delineated by 1.8m high close-boarded fencing or 0.7m high steel vehicular barrier).*

- *The Development has an awkward relationship with the proposed Commercial Units Site – again providing ‘separation’ through timber close-boarded fencing. - Amenity areas are confined to the immediate strip around the Building – or a parcel of ‘left-over’ space in the north-eastern corner. The layout completely fails to acknowledge the Harbour setting or views to the west.*
- *There is no provision for soft landscaping or local stone detailing.*
- *There is the potential at this western extent of the Site for an innovative ‘statement’ building that responds to the Heritage Coast designation/the views/ and the water frontage. The proposed Drive-Thru Building would fail to ‘conserve or enhance’ – and no attempt is made to use local stone or ‘maritime’ architecture. The addition of a ‘substantial double height wayfinding upper roof – with branding’ would be visually unacceptable.*

*Taking the above into account – I would advise that the Development, as proposed, **fails to respond** to the local distinctiveness of this unique waterfront area and would fail to meet the aims and objectives of Local Plan policies ENV1, ENV10 and ENV12. The Proposals also conflict with the guidelines provided within the Dorset Coast Landscape and Seascape Character Assessment and the Development and Design Framework Plan. I am, therefore, **unable to support** this Application in its current form.*

4. Natural England – *As submitted, the application could have potential significant effects on the adjacent and nearby designated sites:*

- *Portland Harbour Shore Site of Special Scientific Interest (SSSI);*
- *Chesil and the Fleet European Marine Site (EMS) comprising of Chesil and the Fleet SAC, Chesil Beach and the Fleet SPA, and Chesil Beach and the Fleet Ramsar site;*
- *Chesil and the Fleet SSSI.*

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- *Confirmation that no works are required to the existing rock revetment, and that it is fit for purpose as it stands.*
- *The drive thru/drink in unit would cause concern from the litter generated and the potential for trips made to Hamm beach and indeed Chesil Beach by customers, with resultant impacts on the designated sites. Paragraph 7.4 of ecological appraisal states: ‘Potential effects on the EMS as a result of recreational pressure and disturbance can be avoided and mitigated via the design and operation of the site. The provision of litter bins, and active management of litter within and adjacent to the site, will avoid potential impacts from littering’. We would like more information on the intention of the operator to avoid and mitigate these impacts and in particular how the scheme would help address littering on Hamm Beach itself and within the Chesil Beach carpark.*

- *As the applicant is aware, Hamm Beach vegetation is already subject to recreational pressure through trampling. We would like to better understand how the development will limit such impacts through landscaping and the control of parking for both the drive through and business units, to deter visitors from easily accessing Hamm beach. Please note Natural England would expect all landscaping and planting to be appropriate to the ecological sensitivity of the locality. Whilst the ecological appraisal suggests there will be a betterment to Hamm Beach through the removal of ad-hoc parking opportunities that currently exist alongside the proposal site, the proposal itself is putting forward 70+ car parking spaces and it will be important to ensure this additional capacity is needed and suitably controlled so that it is not available for general public use.*
- *The scheme as proposed will inevitably increase public use of an ecologically sensitive area that is already demonstrated to be adversely affected by recreational activities. In our view the scheme should ensure any additional recreational impacts are mitigated by making an appropriate contribution to the emerging interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet. Given the nature of the development this could be in the form of an annual contribution to the delivery of the recreational strategy. Natural England would be happy to discuss how this might be achieved.*

Drainage strategy

We will require a drainage strategy for the site to ensure protection of the water quality as a result of surface water discharge into Portland Harbour, as outlined in the flood risk assessment. This could be conditioned as part of any approval.

CEMP

Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should address the following impacts:

- *Storage of construction materials/chemicals and equipment;*
- *Dust suppression*
- *Chemical and/or fuel run-off from construction into nearby waterbodies*
- *Waste disposal*
- *Noise/visual/vibrational impacts*
- *Visual screening*

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Biodiversity Mitigation and Enhancement Plan Required

The application falls within the scope of the Dorset Biodiversity Protocol, recommended by your authority which requires the submission of a Biodiversity Plan

(BP) for all developments of this nature. Natural England therefore recommends that permission is not granted until a BP has been produced and approved by the Dorset Council's Natural Environment Team (NET). Provided the BP has been approved by the DC NET and its implementation in full is made a condition of any permission, then no further consultation with Natural England is required.

5. Highways – *The Highway Authority considers that the proposals do not present a material harm to the transport network or to highway safety and consequently has no objection subject to the following condition:*

Turning and parking construction as submitted

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

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

6. Crime Prevention Design Advisor – *I see from the plans that the cycle store for the commercial units is situated at the side of Unit 9. From looking at the elevations, there do not appear to be any windows in this elevation so the cycle store is not overlooked. Is this store able to be relocated so there is some form of natural surveillance overlooking this store? I would also like to see some form of access control gates/barrier on the car park entrances and exits of the commercial units and coffee shop which can be closed at night. Empty car parks such as these with no barriers or gates are known to be used for unlawful purposes at night which cause ongoing anti-social behaviour issues for the police.*

7. Environmental Health - *In addition to any conditions recommended to be applied by the contaminated land consultants as above, it is recommended that the following condition is applied to any Planning Permission granted – Reporting of Unexpected Contamination Condition:*

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2018.

8. WPA Consultants Ltd - *We concur with the recommendations of the Environmental Health Team advising that a discovery of unknown contamination strategy be in place and secured under a planning condition. We also advise that the proponent makes themselves aware of the prior investigations, risk assessment and remediation scheme so that any capping or other barriers to contamination remaining on site are not compromised. If they are present and are compromised the liability for further remediation will be theirs.*

9. Portland Town Council - *Portland Town Council notes that Natural England have requested more information, and that the Landscape Officer does not support the scheme as it stands. Due to the ecologically sensitive location of the site, Portland Town Council has concerns about the impact of this development on the natural environment, with particular concern to littering. Portland Town Council is minded to support the application but with a proviso that a more detailed environmental impact assessment be received, and that approval should take into account current and any further information provided by Natural England regarding the natural landscape. Portland Town Council additionally draws attention to Local Plan policy E0 which requires that building should not have a detrimental impact on European sites. Portland Town Council asks for further consultation once all outstanding further information has been received.*

10. In response to the comments from the Flood Risk Management Team a FRA supplementary note document and correspondence from Wessex Water was submitted. The Flood Risk Management Team were then re-consulted on the application and made the following comments:

11. Flood Risk Management Team - *In response to our comments the applicant has duly supplied a Plot P – FRA Supplementary Note (SN) document, compiled by Jubb Consulting Engineers Ltd, and dated 14/04/2021. This SN document, particularly the clarification provided with s.4 and the attached correspondence from Wessex Water (WW), adequately addresses our preliminary concerns. On this basis we are able to withdraw our previous recommendation of a (holding) objection, subject to the attachment of planning conditions in respect of detailed design and maintenance requirements, to any permission granted.*

12. Environment Agency - *We have no objection to this less vulnerable development subject to the submitted FRA (Jubb Consulting Engineers Ltd. Version 1 dated 25/09/20, First Issue) and specifically the finished site and floor levels and layout shown in FRA Appendix H: 'Topographic Site Plan with Proposed Site Schematic Overlay' drawing number PPOQ-FORUM-ZZXX-DR-A-XX-0101 rev. P3), and in light of the second storey safe haven provision within the commercial units. We ask that a suitable condition(s) be attached to any approval granted to ensure that the FRA and these particular proposal designs, as a minimum, are adhered to.*

We would however recommend the applicant consider further elevation of the finished floor levels of the proposals to ensure at least 300mm freeboard above the

surrounding finished ground levels shown, in order to provide flow paths around the buildings and reduce internal flood risk. We would also strongly advise the addition of a first floor safe haven to the Starbucks building to reduce flood risk to occupants.

We note the very limited consideration with regards Flood Warning and Evacuation that has been provided within Section 8.4 of the FRA. We advise the LPA to consider this application in consultation with their Emergency Planning team and with regards their Flood Warning and Evacuation expectations for this locality.

13. Natural England – *No objection, subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application could:*

- *have potential significant effects on the adjacent and nearby designated sites: Portland Harbour Shore Site of Special Scientific Interest (SSSI); Chesil and the Fleet European Marine Site (EMS) comprising of Chesil and the Fleet SAC, Chesil Beach and the Fleet SPA, and Chesil Beach and the Fleet Ramsar site; Chesil and the Fleet SSSI.*
- *We have previously raised concerns around the litter generated by the proposed development and note that the applicant has now provided a copy of their litter management policy. This policy states that a minimum of 100m in all directions around the store should be assessed for litter, but the document then goes on to state that for the litter patrol standard, the store should patrol for litter up to 100m in some cases. Within the 'Further Information' document provided by Engain, it again states that the litter patrols would be tailored to the site, based upon the store management's assessment of need, and would include litter picking on the immediately adjacent areas of Hamm Beach, up to 100m from the site. In order to provide clarity over this matter we would ask for a map to be provided of the areas that the development will be responsible for litter picking from.*
- *We have previously raised concerns about the provision of a 70+ car parking space provision adjacent to Hamm beach and the need to ensure that additional capacity is suitably controlled so that it is not available for general public use. The document provided by Engain states that the parking will be time-limited and available to users of the site and therefore will not encourage or allow people to park simply to visit Hamm Beach.*
- *The scheme as proposed will inevitably increase public use of an ecologically sensitive area that is already demonstrated to be adversely affected by recreational activities. We have already raised our view that the scheme should ensure any additional recreational impacts are mitigated by making an appropriate contribution to the emerging interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet. We are pleased to see that the Engain document referred to previously states that 'In addition to the changes to the site layout, any residual or in-combination effects of the proposed development can be mitigated through contribution to the emerging interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet'. We would therefore ask that your Authority determine and seek payment of an appropriate contribution.*

14. Amended plans were submitted reducing the size of the individual business units but increasing the number and the application was re-consulted on and the following further comments were received.

15. Portland Town Council - *Portland Town Council originally supported this application in principle. However, there was a concern about the encroachment on Hamm Beach. Portland Town Council would like to draw attention to the concerns raised by Weymouth Civic Society. Portland Town Council neither supports or objects to this application. Portland Town Council refers Dorset Council to the Neighbourhood Plan policies EN1 "Landscape, Seascape and sites of Geological Interest" and ENO "Protection of European Sites." Portland Town Council also asks Dorset Council to consider the additional traffic that will be generated should the proposal be granted. It requests Dorset Council to review collectively the accumulative impact of this development on both transport and infrastructure.*

16. Technical Services – *I suggest you continue to consult the Environment Agency and DC Flood Risk Management team regards the flood risk and surface water management proposals for the site for which they have previously provided comments.*

17. WPA Consultants Ltd - *We concur with the recommendations of the Environmental Health Team advising that a discovery of unknown contamination strategy be in place and secured under a planning condition. We also advise that the proponent makes themselves aware of the prior investigations, risk assessment and remediation scheme so that any capping or other barriers to contamination remaining on site are not compromised.*

18. Natural England - *The proposed amendments to the original application are unlikely to have significantly different impacts on any statutorily protected sites than the original proposal.*

19. Environment Agency – *We have no additional comments in relation to the amended site plans and previous comments remain relevant.*

20. Environmental Health – *No further comments.*

21. Wessex Water – *My comments on the Drainage Strategy have been included in the Supplementary Note submitted by Jubb.*

The site is crossed by a large diameter 750mm strategic surface water outfall sewer and a 150mm foul sewer. Building and structures in proximity of public sewers are restricted as Wessex water requires unrestricted access to repair and maintain this apparatus.

Representations received

In response to the application 19 third party comments were received, 1 in support and 18 objecting to the proposed development. The reasons for objecting to the application are summarised below:

- Design of coffee shop totally inappropriate for this gateway location to Portland.
- Out of keeping with the Island's character and its native architectural style.
- Not appropriate for an undeveloped site of natural beauty.
- Contrary to the aims of Portland's neighbourhood plan.
- Encourage unnecessary car use.
- Sailing and windsurfing classes could be adversely affected by wind turbulence caused by the planned new buildings so close to the harbour waters.
- Plot P is closest to the western facing slipway which is heavily used by the Weymouth & Portland Sailing Academy.
- The proposed buildings may cause significant turbulence to the flow of wind across the sailing area and therefore negatively impact the area's suitability to introduce persons of all ages to various water sports.
- At present, no one knows what the effects might be and there is no consideration of this issue within the technical reports. A Wind Impact Assessment to establish the effect should be submitted.
- It could undermine a main part of the purpose of the sailing academy in providing opportunities for the community and for less experienced and younger sailors.
- Additional air pollution on already busy road is likely to be caused by traffic queuing for a drive thru.
- Additional litter will be generated from a drive thru coffee shop.
- Proposed application would create a large wind-shadow for the sailing area in the prevailing wind direction, inhibiting operations in the area.
- Any delays at the drive thru could result in traffic backing up on the road.
- Drive thru will add to pollution with cars stopping and starting – increasing exhaust fumes.
- Concerns regarding obesity due to high sugar levels.
- Blight on the landscape.
- The development will negatively impact upon local business and non-chain cafes.
- The development will negatively impact upon the adjacent water scape.
- Will create large amounts of unrecyclable waste.
- Waste will get blown around and pollute the wider environment.
- An independent, local/small coffee shop would be of much greater benefit to the area.
- Area already under stress from existing visits from the public which will only increase with this development.
- Overflowing bins will attract the seagulls who will also spread rubbish about.
- No need for additional commercial units.
- Already cafes on either side of the causeway.
- A more appropriate use of the land would be for parking.
- Would not reduce vehicle emissions and traffic.
- Important location which in effect forms a gateway to Portland.

- First part of the site should remain open and undeveloped to avoid an urbanised and cluttered appearance.
- Site is close to an area of ecological significance.
- Site sits partially within the Heritage Coast designation.
- Litter blowing into the sea.
- Spoil the legacy of the sailing academy which attracts people from all over the country.
- Overdevelopment of a prominent site at the water's edge.
- Harbour views would be lost altogether or significantly impaired.
- Concerns regarding flood risk.

The reasons in support of the application are summarised below:

- Significant boost to the area's economy by providing jobs.
- Concerns regarding litter can be resolved by having more bins.
- Will support the character of the area.

In response to the comments received regarding the impact of the proposed scheme on wind in the area a Wind Condition Study, dated March 2021 was submitted. In response to this information two further comments were received on behalf of the Weymouth & Portland Sailing Academy and Chesil Sailing Trust and The Official Test Centre set out below:

- Having reviewed the report, I am satisfied with the assessment and now withdraw earlier concerns and am happy to support the planning application.
- Having reviewed the report, both the WPNSA and the Chesil Sailing Trust are satisfied with the assessment and so now withdraw the earlier concerns expressed in the initial representations and are happy to support the planning application

9.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan

INT 1 – Presumption in Favour of Sustainable Development
 ENV 1 – Landscape, Seascape and Sites of Geological Interest
 ENV 2 – Wildlife and Habitats
 ENV 5 – Flood Risk
 ENV 9 – Pollution and Contaminated Land
 ENV 10 – The Landscape and Townscape Setting
 ENV 11 – The Pattern of Streets and Spaces
 ENV 13 – Achieving High Levels of Environmental Performance
 ENV 16 – Amenity
 SUS 1 – The Level of Economic and Housing Growth
 SUS 2 – Distribution of Development
 ECON 1 – Provision of Employment

ECON 4 – Retail and Town Centre Development
COM 7 – Creating a Safe and Efficient Transport Network
COM 9 – Parking Standards in New Development
COM 10 – The Provision of Utilities Service Infrastructure
PORT 1 – Osprey Quay

Portland Neighbourhood Plan

Port/EN0 Protection of European Sites
Port/EN6 Defined Development Boundaries
Port/EN7 Design and Character
Port/BE3 New Employment Premises
Port/BE6 The Northern Arc
Port/TR3 Reducing Parking Problems

Other material considerations

National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding, and coastal change
15. Conserving and enhancing the natural environment

Urban Design (SPG3)

Weymouth and Portland Landscape Character Assessment 2013

10.0 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.

11.0 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 application involves the provision of disabled parking spaces in accessible locations.

12.0 Financial benefits

- Construction jobs created.
- Jobs created through the proposed uses.

13.0 Climate Implications

13.1 The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. However, the proposal would involve the provision of business units within the DDB of Portland. It would also include the provision of electric car charging and photovoltaic panels on the roof of the commercial units.

14.0 Planning Assessment

Principle of Development

14.1 The proposed development is for the erection of a drive thru coffee shop and business units. The application site is located within the defined development boundary (DDB) as set out in both the Local Plan and within the Fortuneswell/Castletown DDB (Port/EN6) in the Portland Neighbourhood Plan. Local Plan policy SUS 2 sets out that within the DDB residential, employment and other development to meet the needs of the local area will normally be permitted.

14.2 The National Planning Policy Framework (NPPF) at paragraph 87 sets out that *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.* The application site also falls within the Local Plan policy PORT 1, Osprey Quay which sets out that land at Osprey Quay is allocated for *primarily employment, leisure and ancillary retail uses and residential as part of a mixed-use scheme.* The proposed coffee shop with a drive thru would fall under use class E and the proposed commercial units seek a use class of E and B8 and therefore the proposals are considered to comply with the allocation with the commercial uses falling under employment and the coffee shop with a drive thru being considered as an ancillary retail use. As the coffee shop with drive thru would comply with the local plan allocation therefore the requirement for a sequential test would not apply. It is also considered that the coffee shop would be fairly complimentary to the mix of uses on the wider Osprey Quay site and whilst there is a drive thru it is also a coffee shop with the opportunity for consumption on the premises which could support

those using the site for employment or leisure purposes whilst still being relatively small in scale. The definition of employment in the local plan also needs to be considered. It sets out that employment *also applies to non B class development which provides direct, on-going local employment opportunities such as tourism and retail*. Therefore, the proposals are also considered to meet the local plan definition of employment. Conditions would be placed on any approval granted to limit the units to the appropriate use classes and those considered as part of this application.

14.3 The application site also falls within the Portland Neighbourhood Plan allocation BE6, The Northern Arc. The policy supports the realisation of the economic and employment potential for the site and wider area but that any development brought forward regarding the Northern Arc must ensure that it can be implemented without any adverse effect upon the integrity of the European sites. The impact of the proposal on European sites and biodiversity will be considered in more detail in a following paragraph of this report however an Appropriate Assessment has been undertaken concluding that the proposal will have no likely significant effect on the European sites.

Visual Amenity, Heritage Coast and the Setting of the World Heritage Site

14.4 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The site comprises a parcel of water-frontage land with a small part of the end of the site falling with the Heritage Coast. The application site is also within the setting of the World Heritage Site. The site is considered to form a visual gateway location at the junction of Portland Beach Road and Hamm Beach Road. The site is currently vacant and is devoid of much vegetation being covered in substrate material. The site abuts the car parking for the National Sailing Academy Building along its eastern boundary. The Hamm Beach Road is located to the south with the recently constructed Lidl building and car parking beyond. The proposed commercial units would be separated into two blocks located within the eastern aspect of the site and occupy a water frontage location. The blocks would be two storeys high with car parking located between the units and Hamm Beach Road. The commercial units would also include photovoltaic panels on the roof of the blocks. The coffee shop and drive thru, which the supporting information for the application sets out would be occupied by Starbucks, would be located at the western extent of the site with the drive thru around the building and car parking to the east.

14.5 The Senior Landscape Architect was consulted on the application and considered that owing to its location the site is visually sensitive from a number of public vantage points including Portland Beach Road and the marine environment. The site does however fall within the Local Plan allocation PORT 1 and therefore has been considered appropriate for development to take place on the site. The Senior Landscape Architect raised concerns regarding the design of the buildings and the wider site including the need for soft landscaping and that the proposed 1.8m high timber close boarded fencing is inappropriate to the setting. Concerns were also raised with the agent regarding the top element/upper roof signage totem on the proposed coffee shop and the possibility of its removal and whether there was any scope to introduce any Portland Stone into the elevations of the scheme given the location of the site. In response to the concerns/comments raised the scheme was amended to include Portland Stone at ground floor level of the proposed commercial

units. A condition would be placed on any approval granted for details of materials to be submitted and agreed. In response to the comments regarding the top element/upper roof signage the agent set out that the prospective occupiers were unwilling to forgo this feature and this type of feature was commonly found in a commercial context and would sit comfortably with the commercial character particularly with the Lidl opposite which has high level signage. Any signage shown on the submitted plans are indicative and would be subject to a separate advertisement consent. However, the roof top feature is subject of this application and on balance is not considered to warrant refusal of the application. Further amendments were made to the proposed fencing and areas of soft landscaping were added, in particular at the access to the proposed commercial units to reflect that of the Sailing Academy entrance.

14.6 The proposed development would be viewed in relation to the existing development of Osprey Quay including the Lidl store. It is considered that the proposed development would sit comfortably within the wider context of the Osprey Quay development. The scale of the buildings would also be lesser than existing buildings in the vicinity. The proposed commercial units would provide a frontage to both Osprey Quay and the harbour side with interest created through different materials on ground and first floor and the proposed fenestration.

14.7 Given the amendments made to the scheme and its location in relation to the existing built environment of Osprey Quay it is considered that the proposed development would not have an adverse impact on the visual amenities of the site or locality. Nor would it harm the character, special qualities or natural beauty of the Heritage Coast or the setting of the World Heritage Site.

Residential Amenity

14.8 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The site is bounded to the north by the foreshore of Portland Harbour. To the east of the application site is the Weymouth and Portland National Sailing Academy site with the immediately adjacent land being used for car parking. To the south of the site on the opposite side of Hamm Beach Road is Lidl supermarket. It is considered that the proposed development would be located sufficient distance away from residential properties and therefore would not have a significant adverse impact on the living conditions of occupiers of residential properties.

Third party comments

14.9 Third party concerns were raised regarding the impact of the proposed development on the prevailing winds and the impacts this could have on a number of water sports. In response to these comments a Wind Condition Study was undertaken and submitted which concluded *the introduction of any development will create shelter downwind, as well introducing increased turbulence. The proposed development is not a significant structure with respect to wind, and these effects are shown to be minor and localised.* After the submission of the Wind Condition Study further responses were received from the Weymouth & Portland National Sailing Academy, Chesil Sailing Trust and the Official Test Centre all of which were satisfied

with the assessment, withdrawing their earlier concerns and supporting the application.

14.10 Third party concerns were also raised regarding the selling of high sugar foods from Starbucks, which the supporting text of the application sets out would be the occupier of the coffee shop, and the impact on health and obesity. There is no policy in the Local Plan about such outlets and the proposed location is not in close proximity to a school. The NPPF para 92 sets out that decisions should aim to achieve healthy, inclusive and safe places which ... enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of ... access to healthier food. The supporting text has indicated that Starbucks are the intended occupier of the unit however this application would be approving the use and not the occupier and the unit therefore could be used for any type of coffee shop. Given the above it is not considered that the addition of a coffee shop in this location would result in a significant adverse impact to warrant refusal of the application.

Highway Safety

14.11 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The commercial units would be accessed via a single access to the car parking which would be located to the front of the units. The proposed coffee shop would have separate access and egress points and would have a drive thru around the building and separate car parking. Highways were consulted on the application and considered that the proposals do not present a material harm to the transport network or to highway safety and consequently have no objection subject to conditions including turning and parking construction to be as submitted. The condition which would be placed on any approval granted.

14.12 The proposed development also includes the provision of electric car charging with two charging bays proposed in the car park of the coffee shop and two wall mounted chargers proposed with one on each of the commercial blocks. Para 112, e) of the NPPF sets out that applications for development should *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations*. The NPPF does not specify a number of charging spaces required nor does local policy. It is considered that due to the lack of a specified number for the provision of such charging points in policy, the proposed provision is acceptable. A condition would be placed on any approval that prior to first use the charging spaces are provided. The level of parking provided and the provision of the charging spaces means that the proposal is considered to comply with Portland Neighbourhood Plan policy TR 3.

Land contamination

14.13 Both Environmental Health and WPA were consulted on the application and considered that due to the historic land use of the area an unexpected contamination condition should be placed on any approval granted. WPA also advised that the applicant should make themselves aware of the prior investigations, risk assessment and remediation scheme for the site so this would be advised as part of an informative.

Biodiversity

14.14 The site is currently vacant with a compacted stone surface. The application site is located in close proximity to the Chesil & The Fleet SAC and SSSI. Natural England were consulted on the application and considered that the application could have potential significant effects on the adjacent and nearby designated sites. Natural England required further information in order to determine the significance of these impacts including details of any works to the rock revetment, litter, landscaping and recreational activities. Natural England also requested conditions for a drainage strategy to ensure protection of the water quality as a result of surface water discharge into Portland Harbour and a Construction Environmental Management Plan (CEMP) which would be placed on any approval granted. The response also set out that a Biodiversity Plan was required for the site.

14.15 In response to the comments received a report titled 'Further Information in Regard to Designated Sites and the Litter Management Policy for Drive Thru stores' was submitted. The further information set out that there are no proposals for any works to the rock revetment as it is fit for purpose as it stands, litter patrols would be undertaken and that the parking will be time-limited and available to users of the site. An Appropriate Assessment (AA) was undertaken setting out that adverse effects could be caused by the potential for recreational impacts as a result of the coffee shop and drive thru as it may generate litter and result in an increase in recreational trips by customers with resultant impacts on the designated sites through disturbance. In addition, the provision of a 70+ car parking spaces, also has the potential to increase recreational visits to the designated sites resulting in impacts through trampling of drift line vegetation. The AA set out that the mitigation which would be provided as part of the proposed development including the litter management policy is sufficient to prevent significant impacts from litter and the time-limited parking would prevent people parking to visit the beach, and therefore would minimise use of the site for recreation. Therefore, the AA concluded that there would be no adverse effect on the integrity of the designated sites and Natural England concurred with the conclusions of the assessment. Conditions would be added to any approval granted for schemes for the provision of litter bins and parking signage and for these to be implemented prior to the first use of the coffee shop and drive thru.

14.16 A biodiversity plan (BP) was submitted as part of the application and agreed by the Natural Environment Team. The BP requires the submission of a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) and conditions relating to both would be placed on any approval granted. A condition would also be placed on any approval for the development to be carried out in accordance with the BP and for the submission of a lighting scheme. The BP also sets out that a biodiversity loss will occur due to the proposed development and as such in line with the Dorset Biodiversity Appraisal Protocol a financial contribution of £8,668.77 would be required to compensate for the loss of habitat. The financial contribution would be secured via a legal agreement.

Flooding & Drainage

14.17 The proposed development involves the erection of commercial units and a coffee shop with drive thru. The site falls partially within the extent of flood zone 2 & 3. The Flood Risk Management Team were consulted on the application and requested further clarification and substantiation of the proposed drainage strategy set out in the Flood Risk Assessment dated, September 2020. In response to the comments a Supplementary Note, dated April 2021 was submitted which provided the clarification required. The Flood Risk Management Team withdrew their previous holding objection subject to conditions for detailed surface water management scheme and maintenance and management scheme which would be placed on any approval granted.

14.18 The Environment Agency (EA) were consulted on the application and raised no objection to the less vulnerable development and subject to the submitted Flood Risk Assessment and specifically the finished site and floor levels. The EA recommended a condition to ensure the development is carried out in accordance with these details which would be placed on any approval granted. The EA also advised that the applicant consider further elevation of the finished floor levels of the proposals to ensure at least 300mm freeboard above the surrounding finished ground levels and the addition of a first-floor safe haven to the coffee shop. This advice was put to the applicant and they confirmed they are aware and discussed it with their flood risk consultant but are not intending to amend the scheme in response to the EA's advice. The EA also advised that limited consideration had been given to flood warning and evacuation and therefore a condition would also be placed on any approval granted.

15.0 Conclusion

15.1 The proposed development is for the erection of a drive thru coffee shop and business units and associated works. The application site is located within the defined development boundary and is considered to comply with Local Plan policy PORT 1 and is therefore considered acceptable in principle. The proposal is also considered acceptable subject to conditions and a S106 agreement in relation to visual amenity, residential amenity, highway safety, contamination flooding & drainage and biodiversity.

16.0 Recommendation

A) Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to grant, subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the financial contribution for compensation for the loss of habitat of £8,668.77 and conditions:

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

Proposed Site Plan – drawing number P101 P6

Proposed Elevations and Section A-A of Commercial Units 1-5 – drawing number P310 P4

Proposed Floor Plan and Roof Plan of Commercial Units 1-5 – drawing number P210 P2

Proposed Elevations and Section A-A of Commercial Units 6-9 – drawing number P311 P4

Proposed Floor Plan and Roof Plan of Commercial Units 6-9 – drawing number P211 P3

Proposed Elevations and Sections of Starbucks Drive Thru – drawing number P300 P2

Proposed Floor Plan and Roof Plan of Starbucks Drive Thru – drawing number P200 P1

Refuse Enclosure, Bicycle Shelter, PV Inverter/switch room and Fencing Details – drawing number P500 P4

Longitudinal Section A-A through Proposed Development Site – drawing number P401 P2

Longitudinal Section A-A through Proposed Development Site – drawing number P402 P3

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the commercial units 1-5 and 6-9 subject of this permission shall only be for purposes falling with use Class B8, E(a), E(b), E(c), E(d) and E(g).

Reason: To ensure that the use remains compatible with surrounding land uses in the area and the application has been considered on this basis.

4) The commercial units 1-5 and 6-9 hereby approved shall not be amalgamated into larger units, without the prior written consent of the Local Planning Authority.

Reason: The application has been considered on the basis of the individual units.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the unit titled 'Proposed Starbucks Drive Thru' on the proposed site plan, drawing number P101 P6 subject of this permission shall only be for purposes falling with use Class E(a), E(b), E(c) and E(g).

Reason: To ensure that the use remains compatible with surrounding land uses in the area, flood risk and the application has been considered on this basis.

6) There shall be no development above the damp proof course level of each unit until details (including colour photographs) of all external facing materials for the walls and roof of that unit shall have been submitted to, and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details.

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

7) No external lighting shall be erected on the buildings hereby approved or within the application site identified by the red line on the approved drawings without a lighting scheme having first been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and biodiversity mitigation.

8) Before any part of the development hereby approved is first occupied or utilised the turning and parking areas relating to that part of the development as shown on the approved plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

9) Before any part of the development hereby approved is first occupied or utilised, the electric vehicle charging points and parking bays shown on the submitted plans shall have been constructed. Thereafter, they must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure that adequate provision is made to enable occupiers of the development to be able to charge their plug-in and ultra-low emission vehicles.

10) 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 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.

11) No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved management plan shall be adhered to throughout the construction period. The management plan shall provide for:

- Storage of construction materials/chemicals and equipment.
- Dust suppression.
- Chemical and/or fuel run-off from construction into nearby waterbodies.
- Waste disposal.
- Noise/visual/vibrational impacts.
- Details of construction lighting.
- Outline avoidance/mitigation methods which will manage potential pollution threats on the SNCI and EMS.
- Vegetation clearance.
- Outline precautionary methods to the removal of suitable reptile and amphibian habitat.

Reason: To avoid or mitigate constructional impacts on species and habitats.

12) The development shall be carried out and maintained in accordance with the measures of the Biodiversity Plan, signed by Matthew Davies and dated 08/12/2021 and agreed by the Natural Environment Team on 13/12/2021, unless a subsequent variation is agreed in writing with the Council.

Reason: In the interests of biodiversity mitigation and enhancement.

13) None of the units hereby approved shall not be brought into first use until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a timetable for implementation and details of the management of habitats on the site in the longer term (5+ years) including details of appropriate native planting for coastal environments that shall be sympathetic to the SNCI and make provision to encourage bird nesting and foraging opportunities. The LEMP shall also include appropriate enhancements to encourage reptile foraging around the periphery of the development hereby approved. Thereafter the development shall proceed in accordance with the approved details.

Reason: In the interests of biodiversity mitigation and enhancement.

14) The unit labelled 'Proposed Starbucks Drive Thru' on the proposed site plan, drawing number P101 P6 shall not be brought into first use until a scheme for the provision of litter bins has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first use of the unit and permanently retained as such thereafter.

Reason: In the interest of visual amenity and biodiversity.

15) None of the units hereby approved shall be brought into first use until parking signage detailing that the parking shall only be used by the users of the units have been erected in numbers, positions and with wording which shall have first been agreed in writing with the Local Planning Authority. Thereafter the notices shall be kept legible and clear of obstruction.

Reason: In the interest of visual amenity and biodiversity.

16) The construction of the development shall be carried out in accordance with the measures of the Flood Risk Assessment, dated September 2020 and shall be maintained as such thereafter.

Reason: In order to safeguard the development from unnecessary flood risk.

17) None of the units hereby approved shall be brought into first use until flooding warning and emergency evacuation procedure notices have been erected in numbers, positions and with wording which shall have first been agreed in writing with the Local Planning Authority. Thereafter the notices shall be kept legible and clear of obstruction.

Reason: To ensure that users of the site are aware that the area is at risk of flooding, and the emergency evacuation procedure and route(s) to be used during flood events.

18) No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of both how drainage is to be managed during construction and sufficient storage achieved, has been submitted to, and approved in writing by the local planning authority. The scheme shall include provisions to ensure protection of water quality as a result of surface water drainage into Portland Harbour. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

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

19) No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Informatives

1. Informative Note: NPPF

2. Informative Note: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. 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.

3. Informative Note: Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

4. Informative Note: Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

5. Informative Note: Wessex Water

If you are building within 6 metres of a strategic sewer or 3 metres of a public sewer you will need Wessex Water approval from our sewer build over team sewer.buildover@wessexwater.co.uk. They will require full details of the permanent nature of these structures along the eastern boundary which are proposed over the line of the public sewers. Their foundation depths and slabs details, how permanent the structures are and how readily they can be dismantled, this will be required to assess if Wessex Water will agree to any form of build over of the public sewers here.

6. Biodiversity Plan Compliance

7. Any signage shown on the plans is indicative and would need to be subject of a separate advertisement consent application.

Recommendation B:

B) Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to refuse permission for the reason set out below if the agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for loss of habitat. Hence the scheme

is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework.