

<b>Application Number:</b>	P/VOC/2021/05510
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Marchesi House, Poplar Close, Weymouth, DT4 9UN
<b>Proposal:</b>	Demolition of existing flats & erection of 18no. houses & 13no. flats in two blocks (variation to condition 7 of planning approval WP/18/00914/FUL - construction management plan)
<b>Applicant name:</b>	Bournemouth Churches Housing Association Limited
<b>Case Officer:</b>	Matthew Pochin-Hawkes
<b>Ward Member(s):</b>	Cllr Barrow and Cllr Gray

**1.0** This application is brought to the Planning Committee for determination as a result of representations received from Weymouth Town Council and from Dorset Councillors contrary to the Officer recommendation in accordance with the Council's Constitution and Scheme of Delegation.

**2.0 Summary of recommendation:**

**Recommendation A:** Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to GRANT planning permission subject to:

- completion of a Deed of Variation to secure the planning obligations agreed under the Section 106 Agreement (dated 26 May 2020) related to planning permission WP/18/00914/FUL; and
- the planning conditions detailed in Section 17 below.

**Recommendation B:** Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to REFUSE planning permission for the reason set out below if the Deed of Variation is not completed within 6 months of the committee resolution or such extended timeframe as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Deed of Variation the scheme fails to ensure provision of the affordable housing on site. Hence the scheme is contrary to Policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).

**3.0 Reason for the recommendation:**

- The revised construction access raises no significant highway safety concerns or harm to neighbour's amenity.
- Contribution toward 5 year housing land supply.
- Para 11d of the National Planning Policy Framework (NPPF) provides that permission should be granted for development proposals unless specific

policies in the NPPF provide a clear reason for refusal or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

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

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is established by planning permission WP/18/00914/FUL, granted in June 2020.
Highways	The Highways Authority confirms no objection subject to planning conditions securing the implementation of the submitted Construction Phase Plan and Traffic Management Plan.
Amenity	Appropriate measures to mitigate amenity impacts caused by the revised construction access are proposed.
Chesil and the Fleet	The revised proposal will not adversely affect Chesil and the Fleet. Appropriate mitigation will be provided via the Community Infrastructure Levy.

#### 5.0 Description of Site

The site comprises a two-storey block of flats (Marchesi House) arranged in a # (hashtag) shape with a western road frontage to Radipole Lane; northern frontage onto Sycamore Road; and, to the east Rowan Close. The existing vehicle access to the site is from Rowan Close, which leads to Poplar Close – the parking area to the east of Marchesi House. Changes in levels across the site, particularly from north to south, are significant.

To the south of the site is a service road providing rear access to John Gregory public house and Active Mobility along with local shops, a post office, and a hot food takeaway at Southill's local service centre. The service road leads to an area of public open space linking Rowan Close to the north with the shops, and dwellings to the south in Grays and Faversham. A footpath along the eastern boundary of the site links Rowan Close with a network of footpaths to the south.

The surroundings are predominantly residential with a mix of single, 1.5 and 2-storey detached and semi-detached dwellings in a mix of construction styles and building materials. Southill Primary School is located approximately 200m north of the site along Sycamore Road.

The site is hoarded in preparation for demolition and construction works approved under planning permission WP/18/00914/FUL.

#### 6.0 Description of Development

This S73 application for Minor Material Amendments seeks to vary the wording of planning condition 7 (Construction Traffic Management Plan) of WP/18/00914/FUL to remove the requirement for construction access to be provided solely from Radipole Lane.

The Applicant proposes to use the existing access to the site (from Rowan Close) for construction access and has submitted the below documents in support of the application:

- Construction Environmental Management Plan (CEMP)
- Construction Phase Plan (CPP)
- Traffic Management Plan (TMP) (also appended to the CEMP)

These documents include the details required by planning condition 7 and outline mitigation measures associated with the proposed revised construction access. The documents are proposed to be incorporated in an amended planning condition (see Section 17 of this report).

## 7.0 Relevant Planning History

Planning permission for demolition of Marchesi House and erection of 18 no. houses and 13 no. flats in two blocks was granted in June 2020. The permission was subject to a number of planning conditions and a S106 Agreement.

Details reserved by planning condition 7 (which this application now seeks to vary) were discharged in July 2021. The previously approved Construction Environmental Management Plan (dated March 2021) noted that construction access would be from Radipole Lane.

Application No.	Application Description	Decision
WP/18/00914/FUL	Demolition of existing flats & erection of 18no. houses & 13no. flats in two blocks	Granted 12 June 2020
WP/18/00914/FUL	Discharge of Planning Condition 7	Discharged 26 July 2021

## 8.0 List of Constraints

Within Defined Development Boundary (DDB)

Not within a Conservation Area

Within 5km of Chesil Beach & the Fleet SAC, SPA and RAMSAR

## 9.0 Consultations

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

### Consultees

#### **Dorset Council Highways**

The response from Dorset Council Highways notes the Highways Authority had no highway safety concerns related to the original planning application (WP/18/00914/FUL) and did not identify the need for construction traffic to be provided solely from Radipole Lane. The response confirms this is still the Highways Authority's position and there is no objection subject to planning conditions securing the implementation of the submitted Construction Phase Plan and Traffic Management Plan.

## **Dorset Council Environmental Services – Protection**

No comments to make on this application.

### **Natural England**

Natural England's first consultation response notes that Natural England is not able to fully assess the potential impacts of the proposal. It states that if Dorset Council consider there to be significant risks to statutory nature conservation sites or protected landscapes, then the specific areas on which the council requires advice should be confirmed. The response also included Natural England's generic advice and confirmed that it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

Following review of Dorset Council's Appropriate Assessment, Natural England's second response confirms that Natural England concurs with the assessment conclusions (the proposal will not result in adverse effects on the integrity of any of the sites in question) providing all mitigation measures are appropriately secured.

### **Weymouth Town Council (WTC)**

Object on the grounds of highway safety. State that the existing planning conditions should not be varied and should remain in place.

### **Dorset Council Cllrs Pete Barrow & David Gray**

The Radipole Ward Councillors made the following initial comments:

*"We recommend that local residents should be invited to comment.*

*As the original decision to impose the condition was made by the Planning Committee we recommend that any change should also be made by Committee.*

*We are total[ly] opposed to allowing a very large number of heavy goods vehicles to access the site via Sycamore Rd/Rowan Cl/Poplar Cl over some 18 to 24 months which we think presents a very high risk to children on their way to and from school as well as to other members of the community. We strongly recommend that all construction traffic should access the site via Radipole Lane."*

### **Dorset Council Cllrs Pete Barrow & David Gray and WTC Cllr David Harris**

Subsequently, a joint letter of objection from the above Radipole Ward Councillors and WTC Councillor David Harris requests that the application be referred to the Planning Committee for determination. In summary, the letter raises the below points of objection and requests that all construction traffic accesses the site via Radipole Lane:

1. Consultation – local residents should be invited to submit comments;

2. Safety concerns associated with access to/from the site during construction and construction traffic on Sycamore Road and Rowan Close;
3. Loss of amenity due to the noise; and
4. Disruption caused by contractors parking on local roads.

### **Representations received**

At the time of writing 53 third party representations have been received. All are objections.

The Headteacher of Southill Primary School writes:

*“As headteacher of the school at the top of Sycamore Road, I am very concerned about this proposal. I feel that the increased road use around this area from lorries and other construction traffic will present significant risks to the parents and children of my school as they make their way to and from school, by car and on foot.*

*As a school, we promote an active travel plan whereby parents are recommended to park at Southill shops and walk to school from there, easing congestion around the school and encouraging a more healthy lifestyle. The route for this walk is directly past the proposed new entrance for works traffic. It is a well defined footpath in frequent use by families on their way to and from school. The additional construction traffic around these pedestrian routes and in the small residential roads such as Sycamore Road and Rowan Close, would cause safety and pollution hazards for the parents and children who use this area.*

*We support the housing development in principle, but not to the detriment of our families' health and safety.”*

Other representations include comments by local residents and parents of pupils at Southill Primary School. The objections focus on pedestrian safety and disruption. They are summarised as follows:

1. Proximity of vehicle access to a pedestrian route well-used by pupils and parents;
2. Danger of construction vehicles to residents, school/pre-school children (Southill Primary School and Humptys House) and the elderly;
3. Increased road traffic;
4. Roads are unsuitable for heavy vehicle traffic;
5. Obstruction to local roads and emergency service vehicles;
6. Inconvenience, including due to delays caused by road blockages.
7. Damage to vehicles parked on Sycamore Road and Rowan Close;
8. Disruption to parking and access to residential properties including due to contractors parking on local roads;

9. Vehicle pollution, noise, odour, dust and debris caused by construction vehicles; and
10. Adverse impacts on mental health caused by construction works.

A number of the objections also:

1. Request that the application be considered by Planning Committee; and
2. Clarify that the road providing access to the site is Rowan Close, not Poplar Close.

## **10.0 Relevant Policies**

West Dorset, Weymouth and Portland Local Plan (2015)

INT 1 – Presumption in Favour of Sustainable Development

ENV 2 – Wildlife and Habitats

ENV 16 – Amenity

COM 7 – Creating a Safe and Efficient Transport Network

### **Other material considerations**

National Planning Policy Framework (2021)

2. Achieving Sustainable Development

4. Decision-Making

9. Promoting Sustainable Transport

15. Conserving and Enhancing the Natural Environment

Decision-making

Para 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.

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **12.0 Public Sector Equalities Duty**

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics.

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

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

In this case, and in line with the earlier planning permission (WP/18/00914/FUL), level access to the dwellings is shown as being provided, and car parking involves the provision of visitor spaces of sufficient width to accommodate disabled persons vehicles. As such it caters for disabled and ambulant disabled occupants and visitors.

### **13.0 Financial benefits**

#### Material considerations

- On site provision of affordable housing as established by the earlier planning permission (WP/18/00914/FUL) and secured by the associated Section 106 Agreement.
- Contributions to employment opportunities in the form of temporary construction work.
- Whilst no additional jobs are likely to be created as a result of the development, the dwellings will likely be occupied by persons working in the locality, and who are likely to frequent nearby shops and facilities in the local centre, with pupils attending local schools.

#### Non material considerations

- CIL contributions.
- Council tax receipts from occupants of the new dwellings.
- New Homes Bonus.

### **14.0 Climate Implications**

Construction of the scheme will involve the use of plant, machinery and vehicles, together with any non-electric vehicles post-construction. These will generate emissions including greenhouse gases. However, this has to be balanced against the benefits of providing housing in a sustainable location through regeneration of a brownfield site.

### **15.0 Planning Assessment**

This S73 application seeks to vary the wording of planning condition 7 (Construction Traffic Management Plan) to remove the requirement for construction access to be provided from Radipole Lane and enable construction access to be provided from the existing site access on Rowan Close. The condition was imposed following concerns raised by a local ward member and members of the public during the course of the determination of the original application. The reason for the condition was *“in the interests of the living conditions of nearby occupiers and highway safety.”*

Highway safety and amenity are therefore the key planning considerations of this application.

Before assessing these matters, it is relevant to note the Applicant has advised that alternative construction access from Radipole Lane and the service road to the south of the site were explored before submission of this S73 application.

From a practical perspective, the layout of the approved development includes dwellings along the entirety of the Radipole Lane frontage. The Applicant has confirmed that this prevents Radipole Lane being used as the sole construction access for the entirety of the build period.

The Applicant did submit details to discharge condition 7 showing access from Radipole Lane by way of the service road to the south. However, the Applicant has subsequently confirmed that the access is not in their ownership and there are no rights of access available over the land. The Applicant has advised that it cannot practically or lawfully gain construction access to the site from Radipole Lane, as required by the current wording of condition 7.

The Planning Officer is satisfied that the Applicant has reasonably explored and sought to provide construction access from Radipole Lane. The following assessment therefore focuses on whether use of the existing site access for construction vehicles is acceptable.

### **Principle of Development**

The site is a sustainable location within a predominantly residential area and within the Defined Development Boundary. The principle of development has already been established by detailed planning permission WP/18/00914/FUL.

### **Highways**

All comments in respect of traffic generation, highway and pedestrian safety, parking disruption, and construction traffic movements, raised by neighbours, Ward Members, Weymouth Town Council and Southill Primary School are noted. Of particular note are the safety concerns regarding construction traffic movements on Sycamore Road and Rowan Close and in proximity to the adjacent footpath which provides a walking route for pupils of Southill Primary School.

In response to the concerns raised, the Applicant has reviewed and amended supporting documents to provide additional measures to manage construction risks. The measures include:

1. Traffic Marshalls to be located at site entrance and junction of Radipole Lane/Sycamore Road.
2. No deliveries during term time between 08:15-09:15am and 14:45-15:45pm to avoid school start and finish times.
3. All construction traffic along Sycamore Road and Rowan Close to be guided by a Traffic Marshall. Traffic Marshall to meet in-bound vehicles on Radipole Lane and guide vehicles to the site entrance.
4. No reversing without Banksman/Traffic Marshall supervision.
5. Vehicle speed of 5mph in public/occupied areas.



6. Sub-contractors to park in nearby public car park and walk to site.

The measures are informed by a Risk Assessment of Traffic Management. This specifically considers the safety of members of the public and pupils walking to/from Southill Primary School.

The response from Dorset Council Highways notes the Highways Authority has no highway safety concerns related to the construction of the proposed development and confirms no objection subject to planning conditions securing the implementation of the submitted Construction Phase Plan and Traffic Management Plan. These documents are proposed to be conditioned through the amended condition 7.

In respect of construction traffic management, highways and pedestrian safety the amended construction access is considered to be acceptable given it would not have a severe detrimental effect on road safety and appropriate measures are proposed to mitigate risks. Adopted Local Plan Policy COM7 is considered to be complied with.

### **Amenity**

The comments raising residential amenity concerns with the proposed revised construction access are noted.

Any construction activities within a residential area have potential to impact upon residential amenity. Impacts are typically controlled through construction management and restricted construction hours. In this regard, the previously approved Construction Environmental Management Plan (dated March 2021) included a series of measure to reduce impacts on residential amenity.

Given the proposed change of construction access, the applicant has submitted an amended Construction Environmental Management Plan (dated 20 January 2022) and provided a Construction Phase Plan (dated 19 January 2022). A Traffic Management Plan is also appended to the Management Plan. A number of measures included within the previously approved Construction Environmental Management Plan are carried forward. The measures relevant to the revised construction access and its impacts on residential amenity include:

1. Hours of work restricted to: Monday – Friday 08:00-18:00, Saturday 0800-1300 with no work on Sundays.
2. Controlling vehicle speed, use of sweepers, wheel washing and keeping all site entrances clean.
3. No idling vehicles.
4. Commitment to maintaining communications with local residents, including through regular updates on construction activities and monthly ‘sounding board’ meetings.
5. Complaints procedure for members of the public to raise concerns with the site manager.

Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on existing residential amenity, including pollution or a level of activity that would detract from the quiet enjoyment of

residential properties. The application is considered to comply with this policy subject to a revised planning condition securing implementation of the measures outlined in the submitted documents.

### **Chesil and the Fleet**

The site lies within 5km of Chesil Beach and the Fleet Special Area of Conservation (SAC) and Special Protection Area (SPA), European designated sites and therefore has the potential for adverse effects through increased recreational pressure caused by new residents.

Whilst the proposed variation of condition 7 only affects the construction access to the site, it is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment to secure any necessary mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

An Appropriate Assessment undertaken by Dorset Council concludes that there will be no adverse effect on the integrity of the Chesil and the Fleet SPA or SAC subject to mitigation measures addressing the additional recreational pressure generated by residents of the new dwelling being provided. Funding to deliver these measures will be provided by CIL. Accordingly, the development offers suitable mitigation and is acceptable and in line with Policy ENV 2 – Wildlife and Habitats – of the Adopted Local Plan.

## **16.0 Conclusion**

The use of the existing site access from Rowan Close for construction vehicles is considered to be acceptable. There are no unacceptable impacts on residential amenity and no highway safety concerns have been raised by the Highways Authority. There are no material considerations which warrant refusal of this application.

The proposed development is acceptable and accords with the 2015 adopted Local Plan. The proposal is in accordance with the provisions of policies INT1, ENV 2, ENV 16 and COM 7 of the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the relevant advice contained in Sections 2, 4, 9 and 15 of the NPPF (2021).

## **17.0 Recommendation**

**Recommendation A:** Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to GRANT planning permission subject to:

- completion of a Deed of Variation to secure the planning obligations agreed under the Section 106 Agreement (dated 26 May 2020) related to planning permission WP/18/00914/FUL; and
- the following planning conditions:
  1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date planning permission WP/18/00914/FUL was granted (dated 12 June 2020).

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:

Location Plan & Block Plan - Drawing Number 1730-01A (Amended) received on 21/5/2019

Site Plan - Drawing Number 1730 02D (Amended) received on 21/5/2019

Houses 1 - 3 - Proposed Floor Plans - Drawing Number 1730 03 received on 9/11/2018

Houses 1 - 3 - Proposed Roof Plan - Drawing Number 1730 04 received on 9/11/2018

Houses 1 - 3 - Proposed Front & Side Elevations - Drawing Number 1730 05B (Amended) received on 21/5/2019

Houses 1 - 3 - Proposed Side & Rear Elevations - Drawing Number 1730 06B (Amended) received on 21/5/2019

Houses 4 - 7 - Proposed Floor Plans - Drawing Number 1730 07 received on 9/11/2018

Houses 4 - 7 - Proposed Roof Plan - Drawing Number 1730 08 received on 9/11/2018

Houses 4 - 7 - Proposed Front & Side Elevations - Drawing Number 1730 09B (Amended) received on 21/5/2019

Houses 4 - 7 - Proposed Rear & Side Elevations - Drawing Number 1730 10B (Amended) received on 21/5/2019

Houses 8 - 10 - Proposed Floor Plans - Drawing Number 1730 11 received on 9/11/2018

Houses 8 - 10 - Proposed Roof Plan - Drawing Number 1730 12 received on 9/11/2018

Houses 8 - 10 - Proposed Front & Side Elevations - Drawing Number 1730 13A (Amended) received on 21/5/2019

Houses 8 - 10 - Proposed Rear & Side Elevations - Drawing Number 1730 14B (Amended) received on 21/5/2019

Houses 11 - 14 - Proposed Floor Plans - Drawing Number 1730 15 received on 9/11/2018

Houses 11 - 14 - Proposed Roof Plan - Drawing Number 1730 16 received on 9/11/2018

Houses 11 - 14 - Proposed Front & Side Elevations - Drawing Number 1730 17B (Amended) received on 21/5/2019

Houses 11 - 14 - Proposed Rear & Side Elevations - Drawing Number 1730 18B (Amended) received on 21/5/2019

Houses 15 - 18 - Proposed Floor Plans - Drawing Number 1730 19 received on 9/11/2018

Houses 15 - 18 - Proposed Roof Plan - Drawing Number 1730 20 received on 9/11/2018

Houses 15 - 18 - Proposed Front & Side Elevations - Drawing Number 1730 21A (Amended) received on 21/5/2019

Houses 15 - 18 - Proposed Rear & Side Elevations - Drawing Number 1730 22A (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Ground & First Floor Plan - Drawing Number 1730 23A (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Second Floor Plan & Roof Plan - Drawing Number 1730 24B (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Front & Side Elevations - Drawing Number 1730 25C (Amended) received on 21/5/2019

Flats (Building 1) - Proposed Rear & Side Elevations - Drawing Number 1730 26C (Amended) received on 21/5/2019

Flats (Building 2) - Proposed Lower Ground & Ground Floor Plans - Drawing Number 1730 27B (Amended) received on 21/5/2019

Flats (Building 2) - Proposed First Floor Plan & Roof Plan - Drawing Number 1730 28D (Amended) received on 21/5/2019

Flats (Building 2) - Proposed Front & Side Elevations - Drawing Number 1730 29D (Amended) received on 21/5/2019

Flats (Building 2) - Proposed Rear & Side Elevations - Drawing Number 1730 30C (Amended) received on 21/5/2019

Bin Store - Proposed Floor plans and Elevations - Drawing Number 1730 32A (Amended) received on 21/5/2019

Proposed Street Scene - Drawing Number 1730 33E (Amended) received on 21/5/2019

Proposed Street Scene - Drawing Number 1730 34C (Amended) received on 21/5/2019

Site Plan (Section Lines) - Drawing Number 1730 50 received on 21/5/2019

Site Sections A-A & B-B - Drawing Number 1730 51 received on 21/5/2019

View 1 received on 21/5/2019

View 2 received on 21/5/2019

View 3 received on 21/5/2019

View 4 received on 21/5/2019

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

3. The development hereby permitted shall be undertaken using the building materials listed on the application forms related to planning permission

WP/18/00914/FUL, and approved Drawings referred to in condition 2 of this planning permission.

Reason: To safeguard the character and appearance of the development having regard to its surroundings.

4. The development shall be carried out in accordance with the approved Biodiversity Mitigation Plan prepared by Adam Jessop of Ecosupport Ltd for Ken Parke Planning Ltd dated 24 October 2018, and this shall not be altered without the prior written approval of the Local Planning Authority.

REASON: In order to safeguard and enhance the ecological value of the site.

5. The development hereby approved shall not proceed above finished floor level until hard and soft landscaping and tree planting schemes shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved soft landscaping and tree planting schemes shall be implemented during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority. The approved schemes shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from their first being planted. The approved hard landscaping shall be completed prior to occupation of the dwellings.

REASON: In the interest of visual amenity.

6. No development above finished floor level of the new build dwellings shall take place until details of the boundary treatments to that property have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed in their entirety prior to the first occupation of the dwelling concerned and shall thereafter be retained.

REASON: In the interests of the character and appearance of the area.

7. The development shall be carried out in accordance with the Construction Environmental Management Plan (dated 20 January 2022), Construction Phase Plan (dated 19 January 2022) and Traffic Management Plan (ref. A21-340-GEN-01). The approved Plans shall not be altered without the prior written approval of the Local Planning Authority.

REASON: In the interests of the living conditions of nearby occupiers and highway safety.

8. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shall be completed as shown on Drawing Number 1730 02D. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified

REASON: To ensure the proper and appropriate development of the site.

9. No development shall take place until a detailed and finalised surface water management scheme for the site, based on hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. 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, to improve and to protect water quality.

10. 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

##### 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.

Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [TBC].

Informative: Privately managed estate roads

As the new road layout does not meet with the County Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

Informative: Fire safety

To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with.

Informative notes to LPA/Applicant; as previously highlighted, detailed proposals including finalised calculations will need to be supplied and approved in respect of subsequent submissions and discharge of the requested surface water planning conditions listed above, prior to commencement. Whilst we acknowledge the discussion contained within the above supporting documents with regard to an acceptable discharge rate, relevant design criteria and perceived betterment over the existing drainage arrangements (i.e. 4.2l/s, 100yr plus 40% CC & a 30% betterment) we emphasise that these figures are regraded as preliminary only at this stage and will require further substantiation within the necessary detailed design. Any subsequent alteration or amendment of the preliminary layout should not compromise the agreed conceptual drainage strategy.

Please note that DC/FRM accept no responsibility or liability for any (preliminary) calculations submitted in support of these proposals. We provided an overview of the scheme ad compliance with best practise and current guidance only.

**Recommendation B:** Delegate authority to the Head of Planning or Service Manager for Development Management and Enforcement to REFUSE planning permission for the reason set out below if the Deed of Variation is not completed within 6 months of the committee resolution or such extended timeframe as agreed by the Head of Planning or Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed Deed of Variation the scheme fails to ensure provision of the affordable housing on site. Hence the scheme is contrary to Policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).