

Appendix – Decision List

APPLICATION NUMBER: WP/20/00705/FUL

APPLICATION SITE: Site P, Osprey Quay, Hamm Beach Road, Portland

PROPOSAL: Erection of a drive-through coffee shop and 9 business units (Use Class E and/or B8) with associated access, parking and landscaping works.

DECISION:

(A) That authority be delegated 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 subject to the comments of the Environment Agency in relation to the requirement to prevent the use of the commercial buildings as E (e) provision of medical or health services and E (f) creche, day nursery or day centre and the following 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).

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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 within 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) No single unit larger than 200 sqm (GIA) shall be used for the purposes of retail of food falling within use class E(a) on the site.

Reason: The application has been considered on the basis of the individual units and not the provision of a food retail scheme.

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 within 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.

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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.

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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

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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

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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.

(B) That authority be delegated 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.

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APPLICATION NUMBER: P/VOC/2021/05510

APPLICATION SITE: Marchesi House, Poplar Close, Weymouth, DT4 9UN

PROPOSAL: Demolition of existing flats & erection of 18 houses & 13 flats in two blocks (variation to condition 7 of planning approval WP/18/00914/FUL - construction management plan).

DECISION: Deferred for a committee site visit and for additional information to be requested from the applicant in respect highway safety matters.

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APPLICATION NUMBER: P/FUL/2021/01762

APPLICATION SITE: Land West of Watton Lane, Bridport

PROPOSAL: Erection of 3 dwellings.

DECISION: Refuse:

1. Having regard to the formal layout of the development in a grid-like pattern, this would result in the development having an urban character contrary to its rural location within the AONB and outside of the defined development boundary of Bridport. Furthermore the proposed development would result in additional artificial light in the AONB contrary to the prevailing landscape character. Hence the proposed development would be contrary to policies ENV1 and ENV12 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraph 130, 174 and 176 of the National Planning Policy Framework 2021.

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APPLICATION NUMBER P/PIP/2021/03739

APPLICATION SITE: Land south east of Southwell Business Park, Sweethill Road, Portland

PROPOSAL: Erection of 2 dwellings.

DECISION: Grant subject to the following conditions:

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

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

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

Location Plan - LPC 2522 EX 301

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

3. Technical detail consent shall be applied for and approved within the three year time limit of this permission in principle consent.

Reason: As directed by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

4. The minimum number of residential dwellings permitted by this permission in principle is 1 and maximum number of residential dwellings permitted by this permission in principle is 2.

Reason: As required by The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

Informative Notes:

1. Informative: National Planning Policy Framework Statement
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.
The council works with applicants/agents in a positive and proactive manner by:
- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

-The application was acceptable as submitted and no further assistance was required.

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APPLICATION NUMBER: P/PIP/2021/03738

APPLICATION SITE: Land north of 69 - 72 Reap Lane, Portland

PROPOSAL: Erection of up to 2 dwellings.

DECISION: Grant subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan - LPC 2252 EX 101

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

3. Technical detail consent shall be applied for and approved within the three year time limit of this permission in principle consent.

Reason: As directed by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

4. The minimum number of residential dwellings permitted by this permission in principle is one and maximum number of residential dwellings permitted by this permission in principle is two.

Reason: As required by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

- The application was acceptable as submitted and no further assistance was required.

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APPLICATION NUMBER: P/LBC/2021/03958

APPLICATION SITE: Gun Cliff SPS, Bridge Street, Lyme Regis

PROPOSAL: Install an external 4G antenna to the outside wall.

DECISION: That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to grant listed building consent subject to conditions, and subject to there being no adverse comment received from the leaseholder on the lapse of the 21 days notice served on them by the applicant.

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

Location Plan 1 – 400m

Location Plan 2 – 100m

Site Plan – Antenna Location

Entrance Doorway Plan

Photo Elevations of Entrance Dimensions 2

4G Antenna Height photo

4G Antenna Cable Route photo

Reason: To preserve the architectural and historical qualities of the building.

3. The antenna and antenna cable shall be painted in RAL 7030 – Stone Grey and maintained as such thereafter.

Reason: To safeguard the historic setting and significance of the designated heritage assets and AONB.

4. Any fixings for the routing of the antenna cable and the antenna shall be fitted into the existing mortar joints.

Reason: To preserve or enhance the character and appearance of the heritage asset.