

<b>Application Number:</b>	P/OUT/2021/03226
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	481 Chickerell Road Chickerell Dorset DT3 4DQ
<b>Proposal:</b>	Outline application for the erection of 6 no. 3 bedroom units (all matters reserved except access).
<b>Applicant name:</b>	Highdean Limited
<b>Case Officer:</b>	Katrina Trevett
<b>Ward Member(s):</b>	Cllr Dunseith, Cllr Worth

**1.0** This application is referred to committee by the Service Manager for Development Management and Enforcement following a Scheme of Delegation consultation and concerns raised by ward members.

**2.0 Summary of recommendation:**

Grant subject to conditions and the completed S106 agreement to secure Biodiversity mitigation/enhancement/management (dated 27<sup>th</sup> February 2023).

**3.0 Reason for the recommendation:**

- The biodiversity enhancement as a result of this scheme is significant and in the planning balance, outweighs the harm of the site being outside the defined development boundary (approximately 125m south of the DDB).
- The applicant has entered into a S106 agreement (now completed) to bring forward the ecological mitigation and cease the vehicular access to the wider site (preventing use by vehicles other than those needed for ecological mitigation and management).
- There is not considered to be any significant harm to neighbouring residential amenity.
- The Chesil & the Fleet SPA/SAC recreational impact will be mitigated by virtue of CIL (Community Infrastructure Levy).
- The impact to the Heritage Coast is considered acceptable with the development seen in context with other built development facing onto Chickerell Road.

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	Whilst the site is outside of the defined development boundary the biodiversity enhancements are supported by policy ENV2 (Wildlife and habitats) of the West Dorset,

	<p>Weymouth &amp; Portland Local Plan (2015), policy CNP12 of the Chickerell Neighbourhood Plan (2019-2036) and Section 15 of the NPPF (2021) which seeks to protect/enhance the Natural Environment – Biodiversity enhancement outweighs the location of development that is contrary to policy SUS2 of the West Dorset, Weymouth &amp; Portland Local Plan (2015) and advice within the Chickerell NP (2019-2036).</p>
Scale, design, impact on character and appearance	<p>Whilst an indicative site plan, floor plans &amp; elevations have been submitted showing the intended layout, all matters in terms of scale, design and appearance are reserved. The proposed layout is considered appropriate and in accordance with policies ENV11 &amp; ENV12 of the West Dorset, Weymouth &amp; Portland Local Plan (2015) and CNP11 of the Chickerell NP (2019-2036) which all seek to support appropriately designed development and layouts.</p>
Impact on amenity	<p>Given its location between the Crook Hill Depot and number 481 Chickerell Road (In the applicants control as well as land surrounding), the impact on neighbouring amenity is acceptable under policy ENV16 of the West Dorset, Weymouth &amp; Portland Local Plan (2015).</p> <p>The intended amenity areas for each dwelling as shown on the indicative site plan and show a level of private amenity space for each dwelling. Environmental Health request enhanced sound insulation on all windows should the cement batching site come back into use in future.</p>
Impact on Ecology	<p>Given the implications for the Great Crested Newt population, the Natural Environment Team fully support the enhancement to the habitats only enabled by this development proceeding, in accordance with policy ENV2 of the West Dorset, Weymouth &amp; Portland Local Plan (2015), CNP11 of the Chickerell NP (2019-2036) and Section 15 of the NPPF (2021).</p>

Impact on landscape within the Heritage Coast	This development will mirror other recent new build that faces onto Chickerell Road as well as the general pattern of linear form development along Chickerell Road – essentially filling a gap. Whilst it is part of a Greenfield site, there is other built development extending far further west (into the Heritage Coast) with greater visual impact within that protected landscape. The site will be well contained by natural planting and the Biodiversity mitigation secured will ensure long term eco management and protection of the site from development pressures in the future. The scheme complies with policies ENV1 & ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 15 of the NPPF (2021).
Access and Parking	Access is the only matter for consideration by this outline application with all other matters reserved. The Highways Authority has raised no concerns subject to conditions. Therefore, the scheme complies with policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).
Chesil & Fleet SPA/SAC/RAMSAR	No objections raised by Natural England. The Appropriate Assessment details the necessary mitigation, to be collected via CIL, towards recreational impacts.

## 5.0 Description of Site

- 5.1 This 0.3 ha rectangular site is set behind a hedgerow adjacent to and on ground rising up from the western side of Chickerell Road. It adjoins the Crookhill Brick Pit Site of Special Scientific Interest (SSSI) and lies outside of the Defined Development Boundary for Chickerell, within the Ridge and Vale Landscape Character Area and the Heritage Coast. The site is allocated as being within a Wildlife Corridor under policy CNP4 of the Chickerell Neighbourhood Plan (2019-2036).
- 5.2 Access to the site is currently obtained from the garden area of no 481 Chickerell Road via a vehicular access immediately to the south of the site, this also provides access to a number of outbuildings located to the rear of the original host dwelling and has served as the principle means of access for campervans and caravans using the site as a licenced camping and caravan site for up to 28 days in any calendar year under Schedule 3, Part 5 paragraph A of GPDO 2015.

## 6.0 Description of Development

- 6.1 Outline planning permission is sought for 6 dwellings with all matters except access reserved. The indicative plans show three pairs of semi-detached dwellings of traditional layout and general form with parking to the rear accessed from the existing driveway at 481 Chickerell Road for plots 1 and 2 and from a new shared access driveway central to the site for plots 3-6.
- 6.2 The indicative site plan shows the dwellings to be set apart in three semi-detached pairs all with front and rear gardens as well as two allocated parking spaces per house at the rear with electrical charging points. Indicative floor plans/elevation plans have been submitted to convey the intended scale & finish which is to be two storey (approx. 7.5m high) using facing brick and render under concrete tile roofs with UPVC windows/doors. Units 1,3 & 6 will be approximately 47m<sup>2</sup> in footprint and units 2, 4 and 5 being 42m<sup>2</sup>.
- 6.3 There will be two refuse collection points on site and the rear boundary will be marked by a low boundary wall with existing hedgerow to the north preserved and new planting put into the field boundaries (all part of the agreed biodiversity plan).

## 7.0 Relevant Planning History

P/FUL/2021/03225 - Decision: REF - Decision Date: 15/07/2022

### Demolition of outbuildings and erection of no.1 4-bedroom chalet bungalow 7.1

Whilst planning permission has not been previously sought on this application site, another plot at 481 Chickerell Road was the subject of an application for planning permission in 2021, application reference P/FUL/2021/03225. This was refused on the basis of the proposed single dwelling scheme being outside the defined development boundary and therefore in an unsustainable location for new development with no other material considerations that outweighed the harm.

- 7.2 Initial plans for this current application proposed 7 dwellings instead of 6. However, further to the review and submission of a habitats assessment, the plans now allow for a 10m buffer between the north side of the site and the boundary of the SAC with the hopes that *'If this is managed with a suitable complementary habitat on rough grassland and scattered scrub the possible fragmentation that could occur between the suitable habitat at the SAC and the habitat on the opposite side of the Chickerell Road will be removed – Habitats Regulation Assessment May 2022.'* Therefore, amended plans were submitted and six dwellings in total are being considered under this application.
- 7.3 The 1.4ha land to the rear of this application site, now designated for ecological enhancement and within the applicant's ownership, has been used historically for caravan/camping for 28 days per calendar year.

## 8.0 List of Constraints

Land of Local Landscape Importance; Land north of Fleet Lane - Distance: 0

Heritage Coast; West Dorset - Distance: 0

Landscape Character; Ridge and Vale; South Dorset Ridge and Vale - Distance: 0

Outside defined development boundary SSSI (400m buffer): Crookhill Brick Pit; - Distance: 49.03

SSSI: Chesil & The Fleet; - Distance: 487.71

SSSI: Radipole Lake; - Distance: 2209.05

Heritage Coast; - Distance: 0

Minerals and Waste - Waste Consultation Area - Name: Crookhill Depot; - Distance: 0

## 9.0 Consultations

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

### Consultees

1. **DC Highways** – No objections.
2. **Chickerell Town Council** – No comments received.
3. **Chickerell Ward Member** – Cllr Dunseith 'This site is on the coastal side of the B3157 which the adopted neighbourhood plan for Chickerell has designated as an area not for development due to its proximity to the Jurassic coast. I feel that this application should be considered by the area planning committee.'
4. **Natural Environment Team** – No objection subject to biodiversity protection/mitigation/enhancement/management as secured by the S106 agreement.
5. **Natural England** – Concur with the appropriate assessment conclusions and that all mitigation measures (to the Chesil & Fleet SAC/SPA/RAMSAR) are to be secured.
6. **Environmental Services – Protection** – No objection subject to all new windows being fitted with enhanced sound insulation in the event that the cement batching site becomes operable again in the future.

### Representations received

No neighbour letters have been received.

Weymouth Civic Society has objected on the basis that the site lies outside the DDB, within heritage coast and land designated as being of Local Landscape Importance. It forms a gap between developed areas, providing a route between sites of nature conservation interest and importance. Will further erode open space.

## **10.0 Duties**

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

## **11.0 Relevant Policies**

### **Development Plan**

#### **Adopted West Dorset and Weymouth & Portland Local Plan (2015):**

The following policies are considered to be relevant to this proposal:

- INT1- Presumption in favour of sustainable development
- ENV1 – Landscape, seascapes and sites of geological interest
- ENV2 – Wildlife and habitats
- ENV10 – The landscape and townscape setting
- ENV11 – The pattern of streets and spaces
- ENV12 – The design and positioning of buildings
- ENV15 – Efficient and appropriate use of land
- ENV16 – Amenity
- SUS1 – The level of economic and housing growth
- SUS2 – Distribution of development
- SUS5 – Neighbourhood plans
- HOUS3 – Open market housing mix
- COM1 – Making sure development makes suitable provision for community infrastructure.
- COM7 – Creating as safe and efficient transport network
- COM9 – Parking standards in new development
- COM10 – The provision of utilities service infrastructure

### **Neighbourhood Plans**

Chickerell Neighbourhood Plan 2019-2036 (made 22/06/2021)

Policy CNP 4. Chickerell Wildlife Corridor

Policy CNP 9. The Fleet and Heritage Coast

Policy CNP 11. General Design Principles

Policy CNP 12. Enhancing Biodiversity

### **Material Considerations**

#### **NPPF (2021)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: 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...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:  
The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.  
It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.  
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## **National Planning Practice Guidance**

### **Other material considerations:**

#### **Supplementary Planning Document/Guidance**

Design and sustainable development planning guidelines 2009

West Dorset Landscape character assessment 2009

DCC Parking Standards

West Dorset, Weymouth and Portland Community Infrastructure Levies 2016

Interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar – Dorset Council April 2020

Supplementary Advice on Conserving and Restoring Site Features. Crookhill Brick Pit Area of Conservation (SAC) Site Code UK0030349. 2019 (SACO) – Natural England (2019)

## **12.0 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.

### **13.0 Public Sector Equalities Duty**

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

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

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.

13.2 The design proposals provide for a safe and suitable access to the application site and well located parking. Construction of the proposed dwellings would be subject to Building Control legislation which sets standards for the design and construction of buildings addressing various matters including accessibility and which help ensure that new buildings are safe, healthy and high-performing.

13.3 Having regard to the information provided in the current application, as well as policy requirements, consultation responses received, the regulatory requirements of the building regulations and the recommended conditions; it is satisfied that the proposed development:

- (i) would help to advance equality of opportunity;
- (ii) would assist in fostering good relations; and
- (iii) would have no material adverse impact on individuals or identifiable groups with protected characteristics.

### **14.0 Financial benefits**

Material considerations:

Employment created during the construction phase  
Increased spending in local shops and facilities

Non material considerations:

CIL contributions  
New homes bonus



## 15.0 Environmental 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 new dwellings in a relatively sustainable location. It is pertinent to note that electric vehicle charging facilities will be provided to the new dwellings.

## 16.0 Planning Assessment

### 16.1 Principle of development:

The site is currently undeveloped land that is outside of both the defined DDB for Chickerell and the built up area set out in the Chickerell Neighbourhood Plan. As such it is subject to a presumption against new residential development under West Dorset, Weymouth & Portland Local Plan policy SUS2 part iii) of which has particular regard to the need for the protection of the countryside and environmental constraints and restricts new development to defined uses that do not include new build open market housing. As the Council can evidence a five year housing land supply (currently 5.34 years), housing supply policies and the location of development as defined by the West Dorset, Weymouth & Portland Local Plan (2015) is afforded full weight. However, this still has to weigh in the planning balance of all material considerations.

16.2 Whilst the relatively sustainable nature of the site does not outweigh the provisions of policy SUS2 (Distribution of development) of the West Dorset, Weymouth & Portland Local Plan (2015) the site is only 120m south of the defined development boundary with paved pedestrian and street lit pavements into the main Chickerell Town as well as to the Granby Industrial Estate. The site is also 200m from the nearest bus stop also accessed by pavements and 215m from the nearest road crossing (also accessed by pavement).

### 16.3 Impact on protected species:

This application site lies 114m east/85m south east of the Crookhill Brick Pit Special Area of Conservation which is a 4.71ha European protected site which is described in the supplementary advice (SACO) produced by Natural England in 2019 as:

*The site is part of a former brick pit, the underlying Oxford clay has allowed the retention of water into ponds which in turn drain northwards under the B3157 into a further area of landscaped ponds which support a population of newts as part of a garden centre. The particular combination and juxtaposition of aquatic and terrestrial habitats at this site provides ideal breeding, foraging and hibernation conditions for great crested newt *Triturus cristatus*. The newts depend on water for breeding and particularly favour moderately deep, well vegetated ponds without fish. The three water bodies on the site, which are largely rain-fed and of high water quality, provides extremely good conditions for newts..... Other supporting biodiversity on*

*the site which indicate its value include populations of smooth newt *Triturus vulgaris*, palmate newt *T. helveticus*, grass snake *Natrix natrix*, slow worm *Anguis fragilis*, common lizard *Lacerta vivipara* and adder *Vipera berus*. Southern hawker *Aeshna cyanea* and scarce hawker dragonflies *Aeshna mixta* are also found on the site.*

*The threats to the site arise from the encroachment of scrub both into open habitats but also into the ponds. The site is small and changes to the surrounding land use, if intensified or resulting in increased uses of agricultural fertilisers/herbicides or pesticides, could easily have a detrimental effect on newt foraging both within and when foraging around the site.*

*During the first two or three years of life before breeding starts, and then outside the spring breeding season, great crested newts are dependent on terrestrial habitats to provide foraging areas and places to hibernate. The terrestrial habitat consists of rough grassland, scrub and the remains of the former brickworks that provide valuable refuge for amphibians. The habitats that occur around the ponds on this site are as important as the presence of suitable ponds.*

- 16.4 The Chickerell Neighbourhood Plan identifies the importance of the SAC at paragraph 2.7: *Crookhill Brick Pits supports a large population of Great Crested Newts (including one pond which has been **recorded to have one of the highest counts of the species in both Dorset and Europe**) which is why the site is a SAC for the species. However, these species are known to range much further afield and are not therefore limited to this site.*
- 16.5 The basis for supporting this scheme lies with the significant enhancement to the European protected species at the adjacent SAC by the removal of camping/caravan use within the 1.3ha grass field immediately west of this application site (within the applicants control and which borders the SAC) and by the significant conservation enhancement and management of the 1.3ha grass field all of which has been secured by S106 agreement as well as the closure of the existing vehicular access to this field by vehicular traffic. This is on the basis that the grass field is identified as a possible Great Crested Newt (European protected species) route from the Breeding Ponds at Crookhill Brick Pit SAC through to Bennetts Water Gardens ponds (also why this land is designated as a Wildlife Corridor under the Chickerell NP). However, it is only through the securing of this scheme that the applicant can secure funding to safeguard/successfully enhance (Net gain) and manage the adjacent 1.3ha field.
- 16.6 The applicant has commissioned a Habitat restoration and management plan (November 2020), a Biodiversity Plan, a Habitats Risk Assessment: Appropriate Assessment, as well as an Ecological Impact Assessment to fully consider the impact of this proposed development on the Crookhill Brick Pit SAC. All of which identify the **national** importance of the SAC habitat site for Great Crested Newts as a European protected species and how the ongoing conservation management will further remove the risk of isolation of the SAC from other suitable habitats in the metapopulation.

16.7 The intended management/enhancement of the 1.3ha field secured by this development will support/contribute to SACO (Supplementary Advice on Conservation Objectives) by addressing targets set out for the following attributes:

- *Population, supporting metapopulations – the conservation management area will contain hedgerows, scrub, rough grassland and other suitable habitat features that will extend connectivity at and beyond the SAC boundary.*
- *Supporting Habitat, Distribution of supporting habitat – target to restore supporting habitat of rough grassland and open water that has declined in extent on the SAC.*
- *Supporting Habitat, presence of ponds -target to restore the number of surface area of ponds can be helped by creating a new pond within the conservation area adjacent to the SAC (the 1.3ha field).*
- *Supporting Habitat, supporting terrestrial habitat - the adjacent conservation area (1.3ha field) will restore fragmentation of good quality terrestrial habitat within 500m of the breeding ponds to provide important sheltering, dispersing and foraging conditions. This will be delivered by the creation of rough tussocky grassland and scrub.*
- *Supporting processes, conservation measures – active, on-going conservation management will happen at the conservation management area. This will be guided by an agreed management plan with Natural England and Dorset Council delivering targets on the SACO targets highlighted in this assessment. This will include restoring/creation of ponds and terrestrial habitat; monitoring of GCN populations; Monitoring of potential non-native invasive species; prevention of intentional and non-intentional human damage through education and liaison. The conservation area will continue in-perpetuity covered by a section 106 agreement and the deed of covenant.*

16.8 It is acknowledged that this scheme fails locational criteria for new development with housing land supply policies afforded full weight and that it is located on the heritage coast side of the B3157 Coast Road which is designated for protection by the Chickerell NP as well as being within the 'Wildlife Corridor'. However, enhancing biodiversity and supporting a local, national and European important site and species is considered in this instance to weigh heavier in the planning balance than the site's location 120m outside of the DDB. It is considered that this scheme will further support the Wildlife corridor aims beyond its current designation by protecting the 1.3ha area of land from future development, preventing its continued use as a holiday site and protection from any agricultural processes/treatments. As previously mentioned, this has been secured through a S106 agreement with paragraphs 17 and 18 of the agreement prohibiting vehicles onto the retained 1.3ha land (save for those required to carry out the biodiversity enhancements/management) as well as the closing off of the southern access (previously used to access the camping ground) to all vehicles (save for those required to carry out the biodiversity enhancements/management). Furthermore, biodiversity obligations are included within the S106 agreement which also secure the long term protection of the 1.3ha land as well the proposed biodiversity net gain enhancements and management. Overall, this will further enhance and manage the Great Crested Newt metapopulations of the adjacent SAC and help to prevent degradation of this protected site/European protected species. This is supported by policy ENV2 (Wildlife and Habitats) of the West Dorset, Weymouth & Portland Local Plan (2015),

policy CNP12 Enhancing Biodiversity of the Chickerell NP (2019 – 2036) and Section 15 of the NPPF (2021).

16.9 The site falls within the 5km Chesil and Fleet SPA/SAC/RAMSAR buffer zone for recreational pressures. An Appropriate Assessment has been undertaken on this basis and concludes that subject to necessary mitigation being secured through CIL, the proposal will not result in adverse effects on the integrity of the Chesil & Fleet and Natural England concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

**16.10 Impact on landscape and visual amenity within the Heritage Coast:**

As an application for outline planning permission where detailed matters of design, scale, layout and landscaping are reserved; in terms of landscape and visual impacts policy considerations are limited. However, policy ENV1 of the West Dorset, Weymouth & Portland Local Plan (2015) is relevant in seeking amongst other things to prevent development that would harm the character, special qualities or natural beauty of the Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness. It also seeks to ensure that development is located and designed so as to not detract from local landscape character.

16.11 The application includes a full set of indicative plans and whilst there is a mix of tenure and finish in this area of Chickerell, the proposed indicative elevations and plans are considered to reflect recent new build in the general area (e.g., the Chesil Ridge and Curtis Fields developments) and would provide open market homes. The topography sees land sloping up higher from east to west so this site is at the lowest point of the much larger field of which it is part of. The relative land levels of the indicative site plan being slightly lower than those of the original dwelling 481 Chickerell Road.

16.12 The general design principles set out in policy CNP 11 of the Chickerell Neighbourhood Plan includes similar requirements and that all applications demonstrate a high quality of design and should have regard to the local priorities that include the retention and inclusion of hedgerows to promote a generally 'green feel' to streets and spaces within the built-up areas.

16.13 With regards to these requirements, the site is within the Heritage Coast and would fill a small undeveloped gap between the existing housing along Chickerell Road that does currently make a limited contribution to local character. However, a relatively low density of development is proposed with good scope for landscaping to soften the impact of the new housing which would be seen in the context of this existing built form. Any harm to local character would thus be small and on balance this is considered to be outweighed by the benefits of the proposal to biodiversity.

16.14 When considering the wider visual impact to the landscape setting, heritage coast and land of local landscape importance (LLLLI), this application site is far less visually significant within landscape views which are dominated by the Crookhill depot and Hanson's concrete batching plant. When viewing from the west it appears relatively

concealed by the existing built development that protrudes (further) out from the west side of Chickerell Road. When viewed from the east, the significantly dense hedgerow prevents any clear distance views across the land so whilst it is designated as Heritage Coast, the front pocket of the land (this site) is effectively concealed and doesn't clearly contribute to the Heritage Coast as much as the western end of the field that provides more visually prominent undeveloped greenfield setting.

16.15 As such, whilst the comments from the Weymouth Civic Society are acknowledged; it is considered that whilst the Heritage Coast and Land of Local Landscape Importance deserves protection, the site area is very limited, fronts onto Chickerell Road as is the predominant built pattern of development in the area and is visually enclosed by built development both north and south reducing its significance in the overall landscape. Furthermore, as previously stated, it is considered that the benefits to biodiversity safeguarding/enhancement/management is such that the visual quality of the larger field and wider setting to the Heritage Coast and LLLI will also be further enhanced by virtue of this development.

16.16 Policy CNP 9 (The Fleet and Heritage Coast Development) of the Chickerell NP requires development within the Heritage Coast to be carefully assessed in recognition of the need to protect the landscape character and enjoyment of the heritage coast. It does not rule out development with these areas but asks that all development proposals should protect, and where appropriate enhance, the biodiversity of the countryside, the Heritage Coast and The Fleet. Whilst this scheme is not considered to have significant adverse impacts, any harm is mitigated and compensated by the conservation management of the 1.3ha field. As such, it is considered that overall this scheme complies with policies ENV1, ENV10 and ENV11 of the West Dorset, Weymouth & Portland Local Plan (2015), Policy CNP 9 of the Chickerell NP (2019-2036) and Section 15 of the NPPF (2021).

**16.17 Access:**

Access is a matter for consideration on this outline application. The property at 481 Chickerell Road has an existing access to the rear, and this is proposed to provide a southern entrance to the site, and which would be widened and upgraded for this proposal. A secondary access is proposed in the centre of the site that would require the creation of a gap in the established hedge. Highways officers raise no objection on highway safety as this is only a 30mph area. Subject to standard conditions the proposal is therefore considered to be acceptable and to accord with West Dorset, Weymouth & Portland Local Plan (2015) policies COM7 and COM9 in terms of highway safety and parking.

**16.18 Drainage:**

Given the height and relationship of the site relative to Chickerell Road there is a need for retaining walls on either side of the access driveway, and a drainage condition is required to ensure that this does not result in excessive surface water draining onto the public highway.

**16.19 Amenity:**

No objections have been received from neighbouring properties. The indicative plans show there is sufficient space within the site to ensure that adequate levels of separation, privacy and amenity will be achieved for existing and proposed new dwellings in accordance with West Dorset, Weymouth & Portland Local Plan (2015) policies ENV11 and ENV16.

- 16.20 In accordance with advice provided by Environmental Health a condition is recommended to require that all windows in the new dwellings have enhanced sound insulation properties. This is to ensure that any potentially noisy activities arising from possible future uses of the currently operational Hanson's concrete plant do not result in unacceptable noise levels within the new dwellings.

## **17.0 Conclusion**

- 17.1 Whilst the scheme does not comply with the development plan as a whole given its conflict with policy SUS2 (Distribution of Development) of the West Dorset Weymouth & Portland Local Plan (2015) and provisions of the Chickerell Neighbourhood Plan which seek to secure this land as a wildlife corridor within the Heritage Coast; it is considered that the Biodiversity net gain and secured protection, enhancement and management by way of the completed S106 agreement is so significant that it weighs heavier in the planning balance and outweighs non compliance with policy SUS2 (even though the site is within a relatively sustainable area). The scheme is in accordance with policy ENV2 (Wildlife and Habitats) of the West Dorset Weymouth & Portland Local Plan (2015) and provisions of the Chickerell Neighbourhood Plan which seeks to protect and enhance Biodiversity (Policy CNP12) as well as Section 15 of the NPPF (2021).
- 17.2 It is also considered that impact to the Heritage Coast and wider landscape is significantly limited given the low level topography of the site, its location amongst other built development and its limited wider views within the landscape. The relinquishing of the caravan/camping ability on the 1.3ha field as secured through the S106 agreement will be an enhance to the protected landscape so whilst the site is within the Heritage Coast and land of local landscape importance, it does not significantly harm it and will bring forward enhancement in compliance with policies ENV1 and ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015), policy CNP 9 of the Chickerell Neighbourhood Plan and Section 15 of the NPPF (2021).

## **18.0 Recommendation**

Grant planning permission subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2.Applications for approval of 'reserved matters' must be made 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 92 of the Town and Country Planning Act 1990.

3.No part of the development hereby approved shall commence until details of all reserved matters (landscaping, layout, scale, appearance) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

4.The development hereby permitted shall be carried out in accordance with approved plan: 1484/01, 1484/06 Rev A.

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

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 26 September 2022 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan or LEMP have been completed in full, unless any modifications to the approved Biodiversity Plan or LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and

ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan/the LEMP has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

6.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, permitted by Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. Before the commencement of development the precise levels of the finished floor slabs of the buildings hereby approved, with reference to a plan of a scale not less than 1:200 showing the fixed datum point, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the agreed plan.

Reason: To ensure that the buildings relate properly to neighbouring buildings and road levels in the locality and to safeguard the character and visual amenity of the area.

9. Before the development is occupied or utilised the turning/manoeuvring and parking shown on the submitted plan 1484/06 Rev A. 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.

10. Before the development is occupied or utilised, the first 5.00 metres of the northern access crossing and drive must be constructed to a gradient not exceeding 1 in 12.

Reason: To ensure that the public highway can be entered safely.

11. Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway and into the site, must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

12. Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction shall be 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 and to protect water quality.

13. No development shall commence until details of the enhanced sound insulation (for example double glazing with secondary glazing or triple glazing) to all windows in the development and details of the acoustic insulation performance of these windows compared to typical window elements shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the windows shall be installed in accordance with the approved details and shall be retained as approved and if any windows are replaced these shall as a minimum have the same sound insulation properties as the approved units.

Reason: In order to protect the living conditions of future residents of the new dwellings having regard to neighbouring land uses.

Informatives:

1. Vehicle Crossings
2. Privately managed estate roads
3. S106
4. Public Right of Way
5. New dwellings (Street naming & numbering)
6. CIL
7. NPPF