

Application Number:	P/OUT/2022/00852
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land At Newtons Road Weymouth DT4 8UR
Proposal:	Outline Application for mixed use development comprising up to 141 dwellings (Use Class C3) and 60 bed care home (Use Class C2), with up to 340 sqm associated leisure floorspace comprising gym, swimming pool / spa (Sui Generis); up to 1,186 sqm office /light industrial floorspace (Use Class E(g)); up to 328 sqm restaurant floorspace (Class E(b)); with associated car parking, public open space, public realm, cliff stabilisation & sea defence works, with vehicular and pedestrian access from Newtons Road & associated infrastructure - some matters reserved (appearance & landscaping)
Applicant name:	Juno MMXX
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Heatley, Cllr Sutton and Cllr Wheeler

1.0 Reason application is going to committee: Given the number and scope of comments from consultees and members of the public, the Head of Planning has requested this application be considered by Planning Committee.

2.0 Summary of recommendation:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement to secure the following:

1. £45,000 Affordable Housing Off Site Contribution;
2. Waterfront pedestrian and cycle route;
3. Public WCs and changing facilities, including provision, public access and management; and
4. Travel Plans and Travel Plan Coordinator for 5 years including induction packs.

And the conditions detailed at Section 17 of this Report.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out at Section 17 of this Report if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement.

3.0 Reason for the recommendation:

- Redevelopment of a highly sustainable allocated brownfield site within Weymouth for an appropriate mix of residential and commercial uses.

- Delivery of public benefits, including: public access along the waterfront with new views of surrounding landscape and seascape; job creation; and public changing facilities supporting recreational activities.
- The lack of on-site affordable housing has been rigorously assessed and found to be acceptable due to the viability of the development, which is affected by significant site-specific abnormal costs.
- Harm to heritage assets and Dorset and East Devon UNESCO World Heritage Site are avoided.
- Adverse landscape and visual impacts are outweighed by the benefits of the proposal.
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is allocated for employment or mixed use development in the Local Plan. Mixed use development is acceptable in principle subject to community benefits, including employment.
Employment	The proposals would result in a broad range of employment opportunities across different sectors, including flexible office/light industrial space, hospitality and care. There would be no significant loss of jobs when compared to previous use of the site prior to demolition.
Housing	141 dwellings would make a significant contribution towards housing delivery through apartments and houses focused on 2-bedroom dwellings.
Affordable housing	Has been rigorously and independently assessed. Provision of on site affordable housing demonstrated not to be viable. Financial contribution of £48,000 to be secured via Section 106 legal agreement in lieu of affordable housing on site.
Care home	Provision complies with Policy HOUS5 and would be consistent with former Care Village development.
Design	Scale and layout has been informed by the character of the site. Illustrative Masterplan demonstrates site can be developed satisfactorily for future residents, users and visitors.
Landscape and visual impact	Detrimental landscape and visual impacts would not be avoided. The level of harm is not considered to be significantly adverse although proposals would detract from local landscape character and visual amenity through the introduction of buildings of scale into a site where former industrial buildings have been demolished.

Dorset and East Devon UNESCO World Heritage Site (WHS)	Subject to conditions, the proposals would protect the WHS and avoid adverse impacts on the management and enjoyment of the WHS. The introduction of public access would allow better appreciation of the WHS and help to reveal its outstanding universal value.
Heritage	No heritage harm to designated heritage assets through development within their setting.
Highways, access and highway safety	Highway impacts would not be severe. Access would be appropriate and there are no highway safety concerns. Construction traffic to be controlled through a Construction Traffic Management Plan condition.
Residential amenity	Significant adverse impacts can be avoided and appropriate amenity can be secured via planning condition.
Ecology and biodiversity	The proposals would deliver significant biodiversity net gains and impacts on Chesil and the Fleet would be mitigated via CIL. Acceptable subject to conditions.
Flood risk and drainage	Has been thoroughly assessment. No objections from the EA or Flood Risk Management Team subject to planning conditions.
Air quality	Acceptable subject to conditions.
Land stability	Acceptable subject to conditions.
Ground conditions	Acceptable subject to conditions.

5.0 Description of Site

5.1 The site is approximately 4.78 hectares in size. It is located south east of Weymouth Town Centre on the former QinetiQ's employment site at Bingleaves Cove. The site is allocated (Policy WEY9 'Bingleaves Cove') for either employment development or a comprehensive mixed use development in the adopted West Dorset, Weymouth and Portland Local Plan (2015).

5.2 The site comprises land leading to Bingleaves Groyne (Grade II listed) including part of Newtons Road, the adjacent cliffs and sea defences.

5.3 The site previously included a number of buildings associated with the former QinetiQ's operation at the site (previously Defence, Evaluation & Research Agency – DERA). With the exception of a small single storey brick building at the entrance to the site all buildings associated with the former employment use have been demolished. The site is currently vacant.

5.4 The site is generally flat at a level between 3.0m AOD and 4.0m AOD. The western cliffs rise steeply to approximately 25m AOD at its highest point adjacent to Newtons Road.

5.5 The site is protected by substantial rock armour sea defences along its north eastern and south eastern frontages extending from the adjoining breakwater. The breakwater comprises Portland stone blocks piled onto the seabed, concrete revetments and rubble infill. Access to the Grade II listed breakwater is gained through the site.

5.6 The northern part of the site provides the sole vehicle and pedestrian access to the site. The access is currently gated and public access is prohibited. The western side of Newtons Road is fenced.

5.7 The southern part of the site comprises a small area of beach. It has not been easily accessible since the collapse of a stairway leading down from the adjacent cliffs. The entire landward western boundary, approximately 400m long, comprises a steep inaccessible cliff face with self-seeded trees, below the Bingleaves public open space; a popular open space for informal recreation and walking. The South West Coast Path runs through the Bingleaves public open space and follows Elizabeth Way through Nothe Gardens to Nothe Fort (Grade II* listed) at the entrance to Weymouth Harbour.

5.8 The closest residential properties to the site are located to the west and south of Bingleaves public open space above the cliffs. Residential properties typically comprise a mix of 2-3 storey terraced, semi-detached and detached houses. Bungalows are located closer to the site at Redcliffe View. To the north of the site there are a series of buildings above the cliffs, including: two-storey residential properties; the modern Centre for Environment Fisheries and Aquaculture Science (CEFAS) building; and the Admiral's Quarter – contemporary residential properties with mono-pitched roofs and extensive areas of glazing fronting toward Nothe Gardens and Newtons Cove.

6.0 Description of Development

6.1 The proposed development comprises an outline planning application with matters of access, scale and layout submitted in detail and matters of appearance and landscaping reserved for future consideration. It is accompanied by an Environmental Statement (ES) and a series of indicative drawings.

6.2 The mixed use proposals have been amended over the course of determination and comprises:

- up to 141 dwellings (Use Class C3);
- a 60 bed care home (Use Class C2);
- up to 340sq.m of leisure floorspace comprising a gym, swimming pool / spa (Sui Generis) associated with the dwellings;
- up to 1,186 sqm of office/light industrial floorspace (Use Class E(g));
- up to 328 sqm of restaurant floorspace (Class E(b));
- associated car parking, public open space, public realm, cliff stabilisation & sea defence works, with vehicular and pedestrian access from Newtons Road & associated infrastructure.

Access

6.3 Vehicle and pedestrian access to the site would be provided via the existing access to the site, Newtons Cove.

Layout and Scale

6.3 The proposed layout and scale of buildings is shown on the Parameter Plan. The Parameter Plan identifies five residential apartment blocks and a terrace of townhouses along the north east / seaward and south east harbour sides of the site. The apartment blocks would be built above a single storey podium level which would connect Block 1A, 1B and 1C and Blocks 2A and 2B. Residential building heights step down from the north of the site (six storeys) to the breakwater (four storeys).

6.4 The proposed office/light industrial building would be located in the south of the site and the proposed care home would be located in the centre of the site. A single storey public WC and changing block would be located at the entrance to the site.

6.5 The table below details the proposed building heights:

Table 6.1 – Maximum building heights

Building	Heights
Apartment Block 1A	5-6 storeys
Apartment Block 1B	4-5 storeys
Apartment Block 1C (including restaurant at ground floor)	4 storey
Apartment Block 2A (including leisure at ground floor)	5 storey
Apartment Block 2B	5 storey
Townhouses	3 storey
Offices/Light Industrial Building	4 storey
Care Home	3 storey
WC and changing block	1 storey

6.6 The proposed layout separates the proposed residential and non-residential uses through the location of residential buildings along the seaward and harbourside boundaries of the site and location of the care home and office/light industrial buildings in the south and central part of the site respectively. The layout provides for public realm, pedestrian and cycle access to the seaward (north east) and harbourside (south east) boundaries of the site. Vehicle access and car parking is located to the rear.

6.7 The layout of pedestrian and vehicle routes is detailed on the Parameter Plan. Whilst the detailed design and associated landscaping of these routes will be subject to future consideration, the location of the routes are for consideration at this outline stage. In summary, the layout of access routes within the site include:

1. Primary vehicular access from Newtons Road leading to site and looping around the care home;
2. Retained existing vehicle access to the breakwater;
3. Pedestrian and cycle link along the seaward and harbourside boundaries of the site leading from the northern entrance of the site, around the apartment blocks and returning through the interior of the site between Apartment Block 2B and the townhouses; and
4. A network of secondary vehicular, pedestrian and cycle links to each of the buildings within the centre of the site.

6.8 The layout of open and green spaces are also shown on the Parameter Plan and Amenity Areas Plan. The detailed design and landscaping would be subject to future consideration. The open and green spaces would comprise:

1. Retained cliffs;
2. Public amenity area within the north of the site adjacent to the access to the site;

3. Publicly accessible promenade around the eastern edges of the site and including a public viewpoint and seating area between Apartment Block 2B and the townhouses;
4. Public amenity area between the cliffs, townhouses and Apartment Block 2B;
5. Private gardens associated with the townhouses;
6. Private gardens associated with the care home; and
7. Two communal gardens associated with Apartment Blocks 1A-1C and 2A and 2B.

Affordable Housing

6.9 The applicant has submitted a Financial Viability Assessment which makes the case that 35% affordable housing is not viable and the proposed development cannot viably deliver any on-site affordable housing. The applicant's Financial Viability Assessment has been subject to independent review by the District Valuer Services (DVS).

Indicative Masterplan

6.10 The indicative drawings show one way in which the Parameter Plan could be interpreted via the subsequent Reserved Matters Application(s). The drawings show the potential appearance and landscaping of the proposals and are purely for illustrative purposes.

6.11 The indicative elevations are supplemented by indicative sea scene elevations from the north east and south west. They identify the height of: the top of the cliffs; approximate height of the care village development granted planning permission under WP/15/00833/FUL; the outline of the current application as originally submitted for planning; and the revised proposals. The indicative elevations show the eastern facades of residential buildings include large areas of glazing to benefit from the seaward aspect with materials comprising light coloured brick and differing tones of earth coloured cladding.

6.12 The indicative masterplan provides for 141 dwellings with the following housing mix including 1-3 bedroom apartments and 3 bedroom houses, as follows:

Table 6.2 Illustrative Housing Mix

No. of bedrooms	Apartments			Houses	Total
	1-bed	2-bed	3-bed	3-bed	
Blocks 1A, 1B and 1C	18	53	11	0	82
Blocks 2A and 2B	24	27	0	0	51
Townhouses	0	0	0	8	8
Total	42	80	11	8	141
Total (%)	29.8%	56.7%	7.8%	5.7%	100%

Environmental Impact Assessment (EIA)

6.13 The development can be considered to fall within Parts 10 (b) 'Urban Development Projects' and (f) 'Construction of Roads' of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment ('EIA')) Regulations 2017 (as updated by the Town and Country Planning and Infrastructure Planning (EIA) ('the 2017 EIA Regulations'), as confirmed by a Scoping Opinion issued under reference P/ESP/2021/04153 in December 2021.

6.14 Due to the size and nature of the development it is considered likely to have significant effects on the environment and an EIA is required. Accordingly, the application is supported by an Environmental Statement. The Environmental Statement assesses the topics requested in the Council's Scoping Opinion.

6.15 This Environmental Statement has been reviewed by officers at the Council. It is considered that the Environmental Statement submitted adequately addresses the topics scoped in by the Council under reference P/ESP/2021/04153. The content of the Environmental Statement is discussed in the relevant sections of this report.

7.0 Relevant Planning History

7.1 The site has an extensive planning history. Comprehensive redevelopment of the site has been discussed for a number of years and a series of developments have been approved.

7.2 These include two key developments: a 2008 Mixed-use development (06/00915/OUTE) and a 2016 Care Village development (WP/15/00833/FUL). Neither of these approved developments were implemented and the permissions have now lapsed. In summary, these previously approved developments comprised:

Mixed Use Development (Approved 2008)

7.3 In 2008 outline planning permission was approved for a mixed use development of flats, a hotel, retail and employment uses together with a privately operated launch facility, coastal defence works and open space. The development included buildings of up to 5 storeys. The application was initially refused by former Weymouth and Portland District Council (for highways, flooding and land contaminations reasons) before being allowed at appeal.

Care Village Development (Approved 2016)

7.4 The Care Village development comprised 195 Supported Living Units, a 60 bed care home, 34 respite hotel suites, medical support facilities, common rooms, leisure facilities and offices, a commercial restaurant, museum and cafe together with a new promenade, improved coastal defence measures, gardens and underground parking.

7.5 The approved development included interlocking buildings ranging between 4 and 6 storeys in height with 7 storey rotunda linking elements. Following grant of full planning permission, the listed buildings on the site were subsequently demolished (WP/15/00875/LBC and WP/18/00598/VOC).

Allocation WEY9 – Bingleaves Cove

7.6 Policy WEY9 allocates the site for either employment use appropriate to the maritime location of the site or a comprehensive mixed-use development which provides for community benefits, including sufficient employment uses to ensure no significant loss of potential jobs. Of relevance to the current development proposals, the site no longer provides any direct employment following the demolition of all former buildings on the site since the West Dorset, Weymouth and Portland Local Plan was adopted in 2015.

Proposed Development and Pre-Application Advice

7.7 A series of pre-application meetings have been undertaken in relation to the current proposals and the Council has issued an EIA Scoping Opinion (P/ESP/2021/04153) to inform the preparation of the ES.

7.8 The planning history for the site is summarised in the table below:

Table 7.1 Planning history

Application No.	Proposal	Decision
P/ESP/2021/04153	Request for scoping opinion under Town and Country Planning Act, Environmental Impact Assessment Regulations 2017 (as amended), Regulation 6. Redevelopment of land at Newtons Road, Weymouth for a mixed-use residential development	Scoping Opinion issued 02/12/2021

WP/18/00598/VOC	Demolition of all existing curtilage buildings within former QinetiQ Bingleaves site forming part of Bingleaves Groyne without compliance with Condition 3 of Planning Permission WP/15/00875/LBC	Granted 10/06/2019
WP/16/00859/FUL & WP/16/00860/LBC	Erect 2.5 metre high security fence, vehicular access & pedestrian gates to Bingleaves Groyne	Granted 22/02/2017
WP/15/00875/LBC	Demolition of all existing curtilage buildings within former QinetiQ Bingleaves site forming part of Bingleaves Groyne	Granted 13/06/2016
WP/15/00833/FUL	Erection of Care Village comprising 195 Supported Living Units, a 60 bed care home, 34 respite hotel suites, medical support facilities, common rooms, leisure facilities and offices, a commercial restaurant, museum, cafe and new promenade together with improved coastal defence measures, gardens and underground parking	Granted 01/08/2016
06/00915/OUTE	Redevelopment of site to provide mixed use scheme comprising hotel (3904sqm Use Class C1), retail (800sqm Use Class A1), restaurant/cafes (775sqm Use Class A3), drinking establishments (300sqm Use Class A4), hot food takeaway (100sqm Use Class A5), business uses (450sqm Use Class B1) and non-residential institutions (200sqm Use Class D1) in 3 buildings of up to 3 storeys in height; 110 residential apartments (8564sqm Use Class C3) in 2 buildings of up to 5 storeys in height; car parking for 312 vehicles; privately operated launch facility; improvements to existing vehicular access; reinstatement of former stepped walkway to the south of the site, coastal defence works; and the provision of open space	Refused 07/03/2007 Reasons related to Highways, flooding and land contamination. Permission subsequently granted on appeal in April 2008 following a Public Inquiry (APP/P1235/A/07/2053572)

06/00916/LBC	Demolition of existing buildings on breakwater	Granted 09/03/2007
03/00562/CLEU	Certificate of Lawfulness For use as offices, research and light industrial purposes (B1 Use Class) together with ancillary storage/distribution (B8 Use Class), food and drink (A3 Use Class) and assembly and leisure use (D2 Use Class)	Granted 08/09/2003
01/00577/FUL3	Coast protection works including associated landscaping, and new roundabout access	Granted 09/01/2002

8.0 List of Constraints

Site allocation for employment or mixed-use development: Bincleaves Cove WEY9

Within Defined Development Boundary (DDB): The entirety of the site excluding the Newtons Road access falls within the DDB

Landscape Character Area: Urban Area

Jurassic Coast World Heritage Site (List Entry: 1000101)

Weymouth Town Centre Conservation Area: A small portion of the site close to Newtons Road mini-roundabout falls within the conservation area

Nearby heritage assets:

- Dorset and East Devon Coast UNESCO World Heritage Site (LE: 1000101)
- Nothe Fort Complex (LE: 1020063 & 1313430)
- Sandsfoot Castle (LE: 1020062 & 1096763)
- Verne Citadel (LE: 1002411)
- Bincleaves Groyne & North-Eastern Breakwater (LE: 1313401)
- Portland House (LE: 1389662)
- Weymouth Town Centre Conservation Area
- Belle Vue Road Conservation Area

Public Right of Way: Footpath S1/125 along the top of cliffs

Area of Potential cliff top recession 100 year, 50 year and 20 year (5% probability)

Chesil Beach & the Fleet SAC and RAMSAR: approximately 2.2km to west

Portland Harbour Shore Sites of Special Scientific Interest (SSSI): The cliffs and Newtons Road

Trees protected under Tree Preservation Order: within cliffs

Risk of Surface Water Flooding: 1 in 30/100/1,000year risk along Newtons Road and within the centre of the western part of the site

Flood Zone 1 (majority of site) and 2 and 3 (Beach in south of site)

Dorset Council Land (Freehold DT341704 & Leasehold DT440495): At Newtons Road mini-roundabout

9.0 Consultations

9.1 An **initial consultation** with statutory consultees, interest groups and local residents was undertaken between February and March 2022 following validation of the application. A number of representations were received as a result of this process (detailed below). In response to this, and following discussions between Officers and the applicant, the application was amended and revised/additional supporting documents and drawings were submitted in November 2022.

9.2 The revised submission included:

1. an adjusted application site boundary including additional land close to the Newtons Road mini-roundabout;
2. reduced quantum and scale of residential and employment development;
3. revised ES including a new chapter assessing the impacts of the proposal on the Jurassic Coast World Heritage Site;
4. revised Parameter Plan; and
5. an updated Transport Assessment.

9.3 A **second round** of consultation was undertaken between November and December 2022. This consultation gave rise to a number of comments and a sustained objection from the Environment Agency.

9.4 Following review of consultation responses and discussions between the Applicant, the Environment Agency and Dorset Council further amendments were made to the application in March and May 2023 comprising:

1. revised indicative proposals;
2. updated flood risk mitigation strategy, including extended sea defences and increased finished floor levels;
3. ES Addendum addressing Flood Risk and Drainage (Chapter 9) and the World Heritage Site (Chapter 12); and
4. updated Financial Viability Assessment.

9.5 A **third round** of consultation on the revised proposals was undertaken between May and July 2023.

9.6 In response to discussions between the Applicant and Weymouth Town Council, the Applicant submitted revised indicative drawings for the Office Building and revised Indicative Sea Scene and Proposed Visualisations on 4 July 2023. The changes committed to the reduction in the height of the Office Building to ensure it sits below the height of the adjacent cliff. These changes have not been subject to further consultation given the minor nature of the changes and confirmation from the Applicant that they do not affect the ES.

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

Consultees

Environment Agency

9.7 Following submission of revised information, the Environment Agency (EA) confirmed on 19 June 2023 that its previous objection was withdrawn subject to planning conditions related to:

1. Flood risk management and sea defence scheme;
2. Foul drainage;
3. Water efficiency; and
4. Construction Environmental Management Plan (CEMP).

9.8 Given the outline nature of the application, the EA noted that that whilst the modelled coastal defence scheme does demonstrate scheme viability, it is considered to be a conceptual arrangement, and additional supporting modelling will be required at detailed design stage. At that stage the EA notes it would undertake a detailed technical model review.

9.9 The EA also recommends that all residential units which include ground floor accommodation should have a self-contained internal first floor safe haven (i.e. at least a first floor) with bedrooms limited to the first floor or above.

9.10 The response further recommends consultation with other consultees, including emergency planners and the emergency services.

Historic England

9.11 Historic England confirm they are not offering advice on this application. Recommend views of Dorset Council's specialist conservation and archaeological advisers are sought.

Marine Management Organisation – No comments received.

Natural England

9.12 Natural England consider the impacts of the proposal on a number of internationally and national designated site and make a number of recommendations, including securing: a detailed lighting scheme; Construction Environmental Management Plan (CEMP); and SSSI Management and Enhancement Plan. In summary:

- Chesil Beach and The Fleet SAC, SPA and Ramsar: Natural England advise the proposal will have a Likely Significant Effect on Chesil and the Fleet international wildlife site from increased recreational pressure. Providing the mitigation measures set out in Dorset Council's interim strategy for managing recreational pressure are implemented in full, Natural England is satisfied the proposal will not result in adverse effects on the sites.
- Portland Harbour Shore SSSI: Natural England has no objection in principle to the impacts on the SSSI. The proposal will avoid harm to the designated site through excessive shading. The recommended cliff stabilisation works have potential to harm the special interests of the site and a mechanism for managing the interpretation of the SSSI interests should be provided. In order to ensure the scheme avoids adverse impacts to the SSSI and provides appropriate enhancements any permission should secure the provision and implementation of an SSSI Management and Enhancement Plan.
- Dorset and East Devon Coast WHS: It is inevitable that the proposals will have adverse impacts on the coastal views from localities around Portland Harbour that may harm the setting of the WHS. Request Jurassic Coast Trust is consulted over the implications of the scheme on the WHS designation.
- Protection of marine environment: Request further intertidal and marine surveys to ensure new sea defences do not harm marine wildlife interests. Note appropriate silt traps and oil interceptors to prevent discharge of contaminated surface water to

Weymouth Bay and a requirement for maintenance of the surface water drainage strategy should be secured. Discharge of water to Portland Harbour should be avoided.

- External lighting: Lighting scheme should be secured to ensure lighting levels are minimised to avoid light spill on the SSSI cliff and marine habitat. Lighting scheme for construction and operation phases recommended.
- Biodiversity Plan: Provided the application is supported by a Biodiversity Plan approved by NET no further consultation with Natural England is required.

9.13 Following review of the Council's Habitat Regulations Assessment, Natural England confirmed agreement with the conclusion that Likely Significant Effects would be avoided though mitigation secured via the Community Infrastructure Levy (CIL).

Jurassic Coast Trust

9.14 The Trust's first set of comments requested that impacts on the Dorset and East Devon Coast World Heritage Site (WHS) be specifically assessed in a new chapter of the ES.

9.15 Following submission of the requested information, the Trust confirmed the ES Addendum deals specifically with the impacts of the development on the WHS and its setting. In general, the Trust does not consider the development to pose a threat to the exposed geology within the WHS. They welcome the potential for increased access and improved interpretation of its earth science interests and consider they form part of the mitigation against negative impacts so must be delivered if planning permission is approved. In addition, the Trust raised a series of detailed matters for further consideration by the applicant.

9.16 In response to the applicant's submission of additional information, the Trust's third set of comments of June 2023 note the applicant's responses and raise no further comments. The Trust confirmed it has no objection subject to the delivery of mitigation measures.

Adult Social Care – No comments received.

Asset and Property – No comments received.

Bournemouth Travel

9.17 Request a bus service should be established and the development should create space for bus turning.

Building Control – No comments received.

Coastal Risk Management

9.18 Coastal Risk Management (CRM) confirm support subject to planning conditions securing further studies, investigation and design work. CRM note the policy of 'hold the line' for this section of coast in the short, medium and longer term and note the existing sea defences are not sufficient to provide the required level of protection to the development due to wave overtopping.

9.19 CRM note the submitted cliff/slope stability report provides a general assessment of site conditions and makes some conclusions and recommendations regarding the stability of the adjacent cliff. CRM note there have been some fairly recent surface movement of the cliff and confirm further investigation is required to inform the design of future stabilisation works.

9.20 Identify the risk of flooding from wave overtopping.

Conservation

9.21 Support proposals subject to a planning condition requiring details of external materials to be submitted. Recommend an additional feature or features (e.g. public sculpture or interpretation) is included in the scheme in order to maximise opportunities and benefits through illuminating the site's unique history.

9.22 Conclude the proposal will result in no harm to the significance of nearby assets or any contribution made by their setting. Described and assessed heritage assets comprise: North Fort Complex (Scheduled Monument / Grade II* Listed); Sandsford Castle (SM / GII*); Verne Citadel (SM); Bingleaves Groyne and North East Breakwater (GII); Portland House (GII); Belle Vue Road Conservation Area; Weymouth Town Conservation Area.

9.23 In respect of the Dorset and East Devon Coast World Heritage Site, the Conservation Officer defers to any comments made by the Jurassic Coast Trust.

Crown Local Agent and Bailiff – No comments received.

Dorset & Wiltshire Fire & Rescue Service

9.24 Note the development would need to be designed and built to meet current Building Regulations requirements. Note recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010 and recommendations to improve safety and reduce property loss in the event of fire.

Dorset Clinical Commissioning Group

9.25 Note the reduction in the number of dwellings proposed. Request Section 106 contributions in accordance with Exploring Developer Contributions for NHS Infrastructure (v5 dated 3 November 2020).

Dorset Waste Partnership – No comments received.

Economic Development and Tourism

9.26 No objection. Note the development would provide employment opportunities within the care home and restaurant plus during construction.

Education Officer – No comments received.

Emergency Planning

9.27 Emergency Planning would advise residents and property owners to sign up to the EA flood warning service for that planning area and to ensure they have appropriate evacuation plans in place and safe places to go to should the need for evacuation occur. We would also advise them to have an emergency plan.

Environmental Services

9.28 No adverse comments. Recommend conditions related to noise and odour.

Environmental Assessment Team

9.29 Provided comments on the initial Environmental Statement (ES) following review against EIA Regulations. Reviewed latest addendum to ES noting there are no updates to Chapter 11: Ecology and Nature Conservation and no amendments to the primary use of the site.

Flood Risk Management (Lead Local Flood Authority)

9.30 Flood Risk Management (FRM) note the site falls within Flood Zone 1 having an existing low risk of fluvial and tidal flooding and the majority of the site is not affected by surface water flooding. Note the EA has responded separately in respect of tidal flooding.

9.31 FRM raise no objection subject to conditions and informatives in respect of surface water drainage.

Highways

9.32 Following liaison with the Applicant and review of amended application documents, the Highways Authority provided a detailed response concluding that the residual cumulative impacts of the development cannot be considered to be severe (NPPF Paras. 100 and 111). Recommend planning conditions related to:

1. Estate Road construction

2. Cycle parking scheme
3. Electrical vehicle charging scheme
4. Off-site access improvement works
5. Construction Traffic Management Plan (CTMP)
6. Travel Plan

9.33 The Highways Authority also note:

- Indicative car parking numbers comply with Dorset Council guidance;
- The Transport Assessment assesses the likely impact of development traffic upon the Newtons Road/Spring Road/Newberry Gardens mini-roundabout and the Rodwell Avenue/Rodwell Road traffic signal controlled junction. The development would not have a material impact on the operation of the local highway network.
- The previously approved Care Village development (WP/15/00833/FUL) was proven to represent a net reduction in traffic movements when compared with the previous use of the site as a research facility.

Housing Enabling Team

9.34 The Housing Enabling Team notes that there is no affordable housing being proposed in the application and, while the potential economic growth that this plan provides is welcome, there is still a need for the provision of affordable housing.

9.35 The Team note the proposals provide an ideal opportunity to contribute housing on site for local people whose needs are not met by the open market and express disappointment that there is no affordable housing on this site. However, the viability testing on the application is noted to conclude that the scheme is viable with 0% affordable housing.

9.36 Consideration to the affordable housing contribution will need to be reviewed if planning permission is granted. A mechanism to do this should be included in the Section 106 Agreement.

Landscape

9.37 Latest comments note the Landscape Officer is unable to support the proposed development in its revised form because it would not fully meet the requirements of the Local Plan with regard to impact of development on the character and visual quality of the local landscape and seascape. Comments include:

1. Setting of care home would be improved through introduction of adjacent pocket park although western and lower eastern facades are car dominated and there is insufficient space for appropriate landscaping to successfully integrate the building.
2. Height, materials, detailing and appearance has improved. Development would continue to form a visually prominent feature within a number of views.
3. Landscape and visual effects have been underestimated within the Landscape and Visual Impact Assessment (LVIA). There would be significant effects and the proposal would form a prominent visual feature in surrounding views and would dominate the adjacent vegetated coastal landscape. Disagree with a number of conclusions within the LVIA and consider proposal is out of scale with the landscape.
4. Mitigation measures would not mitigate the adverse landscape and visual effects of the scale, height and mass of the proposed development in a meaningful way.
5. To adequately mitigate adverse landscape and visual effects, the scale, height and massing would need to be significantly reduced such that it is physically and visually subservient to the cliff face Chesil Beach. Impacts on views from the cliff top footpath and open space would also need to be avoided.

6. Proposals conflict with Local Plan Policies ENV1, ENV10, ENV12 and WEY9.

Libraries - No comments received.

Licensing

9.38 Any premises that is intending to sell supply alcohol or have any licensable activities will need to apply for a premises licence with Dorset Council.

Natural Environment Team

9.39 NET Certificate of Approval issued 7 July 2023.

Planning Policy

9.40 Identifies relevant planning policies and guidance. Key planning issues identified as:

1. Location of Development: Site falls within defined development boundary and proposed mix of uses are consistent with the requirements of Policy WEY9.
2. Employment Uses: Office/light industrial and restaurant sector jobs fall within the employment uses definition of the Local Plan. Suggest new jobs created are considered against the previous Care Village development and historic use of the site.
3. Community Benefits: Identified as including: providing public access to the site; public toilets; and regeneration of Weymouth's Town Centre Area.

Rights of Way

9.41 The Rights of Way Officer raises no objection. The officer notes the full width of the public footpath within the site must remain open and available to the public throughout the construction and operation of the development.

Section 106 - No comments received.

Street Lighting Team

9.42 Any of the new estate being proposed for adoptable as public highway must be lit in accordance with Dorset Street Lighting Policy POLS900. Note the existing roundabout and Newtons Road requires upgrading and lighting around the periphery of the development should be minimised. Lighting would need coordination with landscaping.

Trees

9.43 Note there are no significant constraints in respect of trees.

Urban Design

9.44 Latest response of December 2022 raises a series of comments:

1. Employment building: Has been scaled back in height to allow for more suitable proportions of the building and an improved relationship with the town houses.
2. Public walkway: Note walkway does not extend around the full perimeter of the site. Public cantilevered viewpoint and seating area are positive additions that would add amenity value to the site and elevate the design quality of the scheme.
3. Vehicle turning and parking: Potential conflict in south-east corner of site. Whilst a detailed design issue, consideration should be given to how to prevent informal parking in the turning head.
4. Amenity Space: Revised amenity space meets policy HOUS4.
5. Care Home: Concern position of care home and surrounding landscaping would not successfully integrate the building with the character of the site and the surrounding area.

6. External Materials: Unconvinced quantum of copper, zinc and brick shown on visualisations would be appropriate. Materials would respond to the sites historic use but need to be balanced against the visual prominence of the site. More recessive materials for larger buildings fronting the water should be explored.

9.45 Overall, Urban Design is unable to support the proposals due to conflict with Policies ENV12 (the Design and Positioning of Buildings) and HOUS1 (Affordable Housing).

Wessex Water

9.46 Note there is limited foul sewer capacity in the area and request a planning condition in relation to foul provision.

WPA Consultants Ltd (Contaminated Land)

9.47 Following review of the Ground Condition Assessment (2022), WPA advise the report shows adherence to technical guidance and note that a remediation scheme will need to be submitted for review. Standard contaminated land planning conditions should be applied.

Ward Councillors for Rodwell and Wyke

Cllr Brian Heatley

9.48 Cllr Heatley's initial objection notes the proposals are a major application with substantive implications for traffic and parking in the area, and upon the setting of the World Heritage Coast. Request that the application is considered by Planning Committee.

9.49 Cllr Heatley's second set of comments (November 2022) object to the revised proposals and raise a series of points, comprising:

1. It is important that the site is developed in a way that uses its unique location while not damaging the World Heritage Coast and its setting, local wildlife and the amenity of local residents;
2. Effects on traffic, pollution and parking are key concerns. Proposal will make existing problems substantially worse;
3. Concerns raised in relation to traffic assessment within Transport Assessment Addendum and comparison with previously approved Care Village development;
4. Substantial harm to Jurassic Coast World Heritage Site due to cliffs being obscured. Very much more modest and lower development required to reduce harm;
5. Flood risk concerns, particularly in respect of wave overtopping due to climate change and the vulnerability of the care home; and
6. The site should be developed but it needs to be done in a more modest and sensitive way that takes greater advantage of its maritime location, and the development should not be something that could not just as well be located inland.

Cllr Clare Sutton

9.50 Comments and concerns raised in respect of: increased traffic; air pollution; congestion; and safety issues on routes frequently used by pedestrians, including school children along Boot Hill and Rodwell Avenue. Cllr Sutton notes availability of parking in the area is already a major concern, and the allocation of 250 spaces for 189 dwellings plus staff and visitors would mean even more people driving around trying to find a parking space. Cllr Sutton requests that the application is considered by Planning Committee.

9.51 Notes site should be developed, but in such a way that: is more modest in scale and sensitivity to the local environment; takes advantage of the unique and historical location; and does not have a significant negative impact on local residents, wildlife and the WHS.

9.52 Later comments of November 2022 in respect of revised proposal notes the revised application does not overcome earlier objections. Raise concerns in relation to: air pollution and congestion on Boot Hill; parking; and the WHS.

Cllr Kate Wheller – No comments received.

Dorset Ramblers

9.53 Comments of March 2022 object to proposals on a number of landscape and visual grounds, including adverse impacts on views from footpath S1/125.

Weymouth Civic Society

9.54 Latest comments (December 2022) maintain initial objection of March 2022. Several concerns raised in relation to:

1. Amount and scale of development is overbearing and excessive. Proposals would result in adverse visual impacts and does not respect local character.
2. Traffic impacts on local roads. Hope Square is unsuitable for excess traffic.
3. Housing would be most attractive to second home owners, for holiday lets or retirement market and would not make a major contribution to the local economy.
4. Lack of affordable housing.
5. Adverse impacts of Jurassic Coast WHS.
6. Risk of coastal change due to climate change.
7. Emergency access in the event of flooding.
8. *“Alternative employment use appropriate to a maritime location”* as noted in Local Plan [WEY7] could be expected to provide 1-2 storey development similar to historic use of the site. Other uses should be complementary to employment as noted within Local Plan.

Weymouth Town Council

9.55 Weymouth Town Council (WTC) provided objections to each consultation:

1. Initial comments (March 2022) objected to development on a number of grounds including: over-development of the site; lack of affordable housing; provision of the care home; car parking provision; and the form of the commercial units, which should relate to the development’s waterside location with marine activities available as well as leisure facilities. Request Section 106 contributions in respect of local amenities and a planning condition restricting construction traffic from routing via Hope Square. Request impacts on World Heritage Site and Coastguard Station are considered.
2. Subsequent objections (December 2022) thanked the developer for reducing the original height of the development and requested confirmation of maximum building heights and that profiling of the site is undertaken and height is further adjusted to reflect this. Reject proposal on the grounds of: flood risk; lack of affordable housing; care home would be relocated; significant loss of employment; and reduction in parking. Request Underbarn footpath is restored via planning obligations.
3. The latest set of comments (July 2023) note WTC object and would like planning conditions related to maximum building heights and construction traffic (via Rodwell Avenue) to be considered. Note disappointment with lack of affordable housing and community benefits.

WTC Councillors

Cllr David Northam

9.56 Information on historic employment of the site provided. Note there were: at least 147 workers in 1956; 130 workers in 1977; and 117 workers in 2000. Question what would represent a significant loss of jobs compared to the previous employment of the site. Consider there should be scope for a developer to provide 87 jobs.

Cllr Luke Wakeling

9.57 Raises an objection to the development on a number of grounds. In summary:

1. Parking and active travel – due to existing parking pressure, parking must be self-contained and not overspill into surrounding areas. Additional parking is required to support all proposed uses. Shared path should be connected to existing cycle routes.
2. Building height – Further details of height are required. Previous proposal of seven storeys is not relevant. Request planning authority considers maximum permissible heights from scratch as the previous [Care Village] application had a different layout.
3. SSSI and World Heritage Site (WHS) – Major concerns with the scale of buildings and visual impact on the WHS. Note Liverpool Historic Dockyard was stripped of WHS status due to over-development of docks.
4. Affordability – Raise concerns with the comparable developments considered in the applicant’s Economic Viability Assessment and state the lack of provision is a breach of planning policy.
5. Size of flats – Note flat sizes of 43sq.m are used in the Economic Viability Assessment and request that internal design and minimum flat size is not approved as part of the outline application, but reserved for later approval.
6. Lack of gardens – Lack of gardens would increase pressure on Town Council managed open space facilities. Suggest £500 per gardenless dwelling is secured over a 10-year period.
7. Construction Traffic – Request construction vehicles access via Rodwell Avenue rather than Trinity Road and Hope Square.
8. Obstruction of Emergency Services (Coastguard) – due to obstruction of view.

9.58 At the time of writing there were a total of 74 objections, three comments of support and 14 comments. In summary, the representations in objection and comment raise the following:

Table 9.1 Summary of representations

Consideration	Summary of Comments
Principle	<ol style="list-style-type: none"> 1. This is not a suitable location for large scale development. 2. Other sites (including Hope Square) are more appropriate. 3. The site should be developed for employment uses, not residential. 4. Have alternative employment uses appropriate to the maritime location been explored? Proposals should utilise maritime nature of the site. 5. There is no need for another care home.
Housing	<ol style="list-style-type: none"> 6. Lack of affordable housing, particularly social housing for local people.

	<p>7. Concern housing will provide second homes and/or holiday homes rather than housing for local people.</p> <p>8. Housing density is too high.</p> <p>9. Proposals will decrease houses prices of local residents.</p>
Employment uses and the local economy	<p>10. Proposals would provide poor job opportunities (unskilled/low wage after development).</p> <p>11. Care home jobs will not be new. They will be relocated from an existing facility.</p> <p>12. Proposals result in a significant loss in jobs compared to the previous QinetiQ employment site.</p> <p>13. Weymouth has an oversupply of office space.</p> <p>14. Providing access to the water would conflict with the operations of existing business which use the harbourside for commercial purposes.</p> <p>15. Proposals could reduce tourist appeal of area.</p>
Scale and Visual Impact	<p>16. Proposals represent overdevelopment.</p> <p>17. Excessive scale and height. Request height is reduced.</p> <p>18. Buildings will exceed cliff height. Development not subservient to the natural cliff top.</p> <p>19. Visual impact from Bingleaves Park should be assessed.</p> <p>20. Out of character with the surrounding area. Proposal would be an eye sore.</p> <p>21. Adverse visual impacts on Jurassic Coast WHS, Nothe Gardens, Grade II listed Sandsfoot Castle and from Bingleaves Open Space.</p> <p>22. Building should not block view from the coast guard building.</p>
Design	<p>23. Large blocky buildings are out of keeping with area and do not reflect the waterside location or unique history of the site.</p> <p>24. Bland architecture lacking in creativity and historic input.</p> <p>25. Use of metal cladding is inappropriate.</p> <p>26. Development is unattractive.</p>
Heritage	<p>27. Adverse impacts on Jurassic Coast WHS, Nothe Gardens, Grade II listed Sandsfoot Castle and from Bingleaves Open Space.</p>

	<p>28. Concern development could result in UNESCO status being lost.</p> <p>29. New sea wall will help to protect the Belle Vue Conservation Area from coastal erosion.</p> <p>30. Increase risk of vandalisation of Sir Thomas Fowell Buxton Monument.</p>
<p>Highways, access and parking</p>	<p>31. Increased traffic/congestion (notably Boot Hill/Rodwell Road and Trinity Street) during construction and operation.</p> <p>32. Road unsuitable for HGVs. Provision for articulated lorries (typically 40ft), mobile cranes and large transport vehicles should be provided to the Breakwater.</p> <p>33. Poor vehicle access.</p> <p>34. Insufficient car and cycle parking provision.</p> <p>35. Emergency access to surrounding roads will be compromised.</p> <p>36. Increased vehicle traffic will exacerbate community severance.</p> <p>37. Proposals will worsen parking problems in surrounding area.</p> <p>38. Bus route between site and town centre should be provided.</p> <p>39. South Coast Path should be reinstated and access to beach at Underbarn walk should be provided. Potential for path to be re-directed through the site.</p> <p>40. Potential for National Cycle Route 26 to be extended to provide an additional spur through the site.</p> <p>41. Pedestrian access should be allowed around the whole outside of the development.</p> <p>42. Pedestrian access between the site and Bingleaves open space should be provided by a new staircase.</p> <p>43. Query how many electrical vehicle charging spaces would be provided.</p> <p>44. Busses carrying cruise ship passengers currently use Newtons Road and would have need to relocate.</p> <p>45. Access to breakwater must be maintained.</p>
<p>Residential amenity and health</p>	<p>46. Noise from customers of bars/clubs.</p> <p>47. Pollution/Air Quality (notably on Boot Hill/Rodwell Road) due to construction and operational vehicles. Note HGVs are encouraged to use the B3157 to avoid Boot Hill.</p> <p>48. Proposal will block existing house views.</p> <p>49. Outlook for care home residents will be poor.</p>

	<p>50. Proposals will harm the tranquillity of the area and people's mental health.</p> <p>51. Adverse impacts during construction.</p>
Ecology and Environment	<p>52. Wildlife impacts.</p> <p>53. Harm to SSSI.</p> <p>54. Contamination, including those contaminants identified in the Ridge Ground Condition Assessment Report: Asbestos (7.3.2), Lead (7.3.3) and Polycyclic Aromatic Hydrocarbons (7.3.4).</p> <p>55. Impacts on cliff stability.</p> <p>56. Impact of lighting on dark skies through light pollution.</p> <p>57. Noise pollution.</p>
Flood risk and drainage	<p>58. Concerns with wave overtopping and impacts on sewerage and grey water systems.</p> <p>59. Sea wall should be funded by the applicant.</p> <p>60. Flood resilience taking into account climate change needs consideration.</p> <p>61. Concerns development may push the flow of water in the direction of the Underbarn stressing the fragile shoreline.</p>
Climate change and sustainability	<p>62. Impacts of climate change on proposed residential properties.</p> <p>63. Embedded carbon in buildings. New construction methods need to be adopted to produce sustainable properties. Query what the energy use intensity of buildings would be.</p> <p>64. BREEAM Assessment should be undertaken.</p> <p>65. Query whether electrical vehicle charging points will be provided.</p> <p>66. Query whether ground source heat pumps will be incorporated.</p>
Community Infrastructure	<p>67. Lack of community benefits.</p> <p>68. Swimming and other water sports activities and facilities should be improved and enhanced.</p> <p>69. Proposal will compromise the enjoyment of public amenity space.</p> <p>70. Harm to the character of the area and cornice walkway.</p> <p>71. Additional strain on healthcare and education services.</p> <p>72. The infrastructure cannot support the scale of development.</p>

	73. Use of any beach areas and access by the public needs to be clarified.
Planning procedure	74. Pre-application advice has not been addressed. 75. Request application is considered by Planning Committee.

9.59 The three representations of support raise the following points:

1. Support creation of place to eat/drink whilst walking around the cove.
2. Support Improved public access to site and coast.
3. Support employment provision.

10.0 Relevant Policies

Development Plan

West Dorset and Weymouth & Portland Local Plan (2015)

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV7 - Coastal erosion and land instability
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- ECON1 - Provision of employment
- ECON3 - Protection of other employment sites
- ECON4 - Retail and town centre development
- HOUS1 - Affordable housing
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and HMOs
- HOUS5 - Residential care accommodation
- COM1 - Community infrastructure
- COM4 - New or improved local recreational facilities
- COM7 - Creating a safe and efficient transport network
- COM9 - Parking standards in new development
- COM10 - The provision of utilities service infrastructure
- WEY9 - Bincleaves Cove

Material considerations

National Planning Policy Framework (2021)

The latest version of the NPPF was published in 2021. The relevant sections include:

- Section 2. 'Achieving sustainable development':

- Section 4: '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...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.
- Section 6 'Building a strong, competitive economy'
- Section 7 'Ensuring the viability of town centres'
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Section 11 'Making effective use of land'. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 'Achieving well designed places. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Para 30).
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- Section 15 'Conserving and Enhancing the Natural Environment' - Paras. 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than

substantial harm to its significance (Para 199). Tests for substantial (Para. 201) and less than substantial harm (Para. 202).

Other Material considerations

Planning Practice Guidance

Weymouth and Portland Landscape Character Assessment (2013)

Weymouth Town Centre Masterplan (2015)

Interim Strategy for Recreational Pressure at Chesil and the Fleet (2020)

Developer Contributions for NHS Infrastructure (2020)

Jurassic Coast Partnership Plan 2020-2025

Waste Storage, Collection and Management - Guidance Notes for Residential developments (2022)

The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

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

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

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

- Access; public access to the site would be provided via new pedestrian and cycle routes along the seaward edge of the site. The routes would be suitable for those with mobility issues and with buggies.
- Care Home: would provide accommodation suitable for those with care requirements.

- Officers have not identified any other specific impacts arising from the development on those persons with protected characteristics.

13.0 Benefits

What	Amount / value
Material Considerations	
Market housing	Up to 141 dwellings
Care Home	60 bed care home
Employment space	Up to 1,186sq.m office and/or light industrial space
Restaurant	Up to 328sq.m restaurant
Open space	Including seaward pedestrian and cycle route
Recreation	Public WCs and changing facilities
Financial contribution towards off-site provision of affordable housing	£45,000
Non Material Considerations	
Council Tax	According to value of each property
New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767
Community Infrastructure Levy (CIL)	In accordance with Weymouth and Portland CIL Charging Schedule and CIL Regulations

14.0 Environmental Implications

14.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.

14.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

14.3 This has to be balanced against the benefits of providing housing, care and employment provision in a highly sustainable location and should be offset against factors including the provision of electric car charging, low-carbon / renewable energy and the dwellings being reasonably energy efficient as required by Building Regulations and the 2021 Approved Documents. The new Building Regulations require a 31% and 27% improvement from the

2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively.

14.4 As an allocated brownfield site within the Defined Development Boundary of Weymouth, the proposed redevelopment is inherently sustainable in that it would provide new homes and 14.5 employment opportunities in a sustainable location in close proximity to Weymouth. This would reduce pressure on the redevelopment of greenfield sites and support active travel and transport by more sustainable modes.

15.0 Planning Assessment

Principle of development

15.1 The principle of mixed-use redevelopment of the site is established by site allocation WEY9 of the Local Plan. The allocation supports the redevelopment of the *“former employment site” either through “an alternative employment use appropriate to a maritime location or through the comprehensive mixed use re-development of the site to provide community benefits, including sufficient employment uses to ensure no significant loss of potential jobs”*.

15.2 The supporting text and parts ii) and iii) of the policy identify the expectations of the proposal and key planning matters to be addressed, including: nature conservation; the World Heritage Site (WHS) and risks of coastal change. These matters are considered in subsequent sections of this assessment.

15.3 The NPPF establishes a presumption in favour of sustainable development and seeks opportunities to deliver net gains across each of the three objectives of sustainable development (Paras. 8 and 11). In promoting sustainable development, the NPPF supports the efficient use of land and requires making as much use as possible of previously developed land, specifically acknowledging the multiple benefits that can be delivered through mixed-use schemes (Paras. 119-120).

15.4 Comprehensive redevelopment of the site has been discussed for a number of years and a series of developments have been approved. These include two key developments: a 2008 mixed-use development (06/00915/OUTE) and a 2016 Care Village development (WP/15/00833/FUL). Neither of these approved developments were implemented and the permissions have now lapsed.

15.5 The proposal would result in comprehensive mixed use redevelopment of an underutilised site as supported by the site allocation. Consideration of community benefits, including employment, are assessed in subsequent sections.

Employment

15.6 It is a strategic objective of the Local Plan to regenerate key areas to increase employment opportunities. The ensuing strategic approach acknowledges that this be achieved, in part, through *“flexible policies to allow development to come forward on other suitable sites.”*

15.7 The specific employment objectives for the site are set out at Policy WEY9 which requires *“sufficient employment uses to ensure no significant loss of potential jobs”*. The supporting text (Para. 7.3.30) notes *“it is important that any redevelopment of the site retains employment, and that it should be of a type appropriate to and taking advantage of the unique location benefits and constraints”*. Since the Local Plan was adopted, the former employment buildings on the site have been demolished. The site therefore no longer supports any on site jobs and has been a redundant employment site for a number of years.

15.8 The Local Plan defines employment as including former B-class uses (such as officers, workshops, industrial premises and storage/distribution) and non B-class uses which provide

direct, on-going local employment opportunities such as tourism and retail. The definition specifically excludes care homes.

15.9 Policy ECON3 notes redevelopment of other employment sites for non employment uses that are in accordance with other planning policies will be permitted where it will not prejudice the efficient and effective use of the remainder of the employment are and where redevelopment of the site would offer important community benefits or no significant loss of jobs / potential jobs.

15.10 The proposed employment generating uses comprise:

- up to 1,186 sqm of office/light industrial floorspace (Use Class E(g));
- up to 328 sqm of restaurant floorspace (Class E(b));
- a 60 bed care home (Use Class C2);
- up to 340sq.m of leisure floorspace comprising a gym, swimming pool / spa (Sui Generis) associated with the dwellings;

15.11 As noted above, the care home does not fall within the definition of employment identified within the Local Plan and cannot be considered an employment use for the purposes of WEY9 part i).

15.12 The Socioeconomics ES Addendum (October 2022) estimates job creation using the Homes & Communities Agency (now Homes England) Employment Densities Guide (November 2015) and ONS data of care home employment. Applying the employment densities to the proposed uses results in an estimated 142 full-time equivalent (FTE) jobs of which 98 are estimated to be net additional jobs in Weymouth and the wider economy:

Table 15.1 Gross and Net FTE Jobs

	Care Home	Leisure	Office/ Light Industrial	Restaurant	Total	<i>Total 'Employment uses'</i>
Gross	28	5	89	20	142	<i>114</i>
Net	17	4	65	12	98	<i>81</i>

15.13 Adopting the definition of employment within the Local Plan (i.e. excluding the care home), the proposal is estimated to generate 114 gross employment jobs of which 81 would be net additional FTE jobs.

15.14 In response to comments from consultees, the applicant produced a note on anticipated job creation comparing estimated job creation with that of the Care Village development and former use of the site by QinetiQ. Applying the same methodology, the note estimated 81 gross jobs associated with the Care Village development. In respect of QinetiQ's historic use, the applicant notes employment is estimated to have been between 150 and 200, broadly similar to comments from consultees which note employment fluctuated on site, albeit jobs were ultimately relocated to Dorset Innovation Park following the closure of the site.

15.15 By comparison, the proposal is therefore expected to provide 61 more jobs than the previously approved Care Village development and 8-58 fewer jobs than the historic use of the site by QinetiQ. Given the site does not currently support any on-site jobs, it is considered that the proposals provide sufficient employment uses to ensure no significant loss of potential jobs in accordance with Policy WEY9. In addition, it is recognised that the mixed use nature of the proposals would provide a broader range of employment opportunities across different sectors and skills, including flexible office/light industrial space, hospitality and care.

15.16 The proposals are considered to comply with Policy ECON3 given the proposals would offer important community benefits (see assessment sections below and there would be no significant loss of jobs / potential jobs).

15.17 The employment provision is a significant benefit of the proposals.

Housing Provision

15.18 Alongside Dorchester, Weymouth is the highest priority location for new development in the local plan area. As an allocated site within the Defined Development Boundary of Weymouth the provision of housing is acceptable in principle.

15.19 The NPPF (Para. 60) is clear that significantly boosting the supply of housing is one of the Government’s key objectives. The NPPF (Para. 119-120) promotes the efficient use of land in meeting the need for homes and other uses and encourages the realisation of the multiple benefits of mixed use schemes. Pertinent to this application, the NPPF states that substantial weight should be given to the use of suitable brownfield land within settlements for homes and supports *the “development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”*.

15.20 The proposed development would deliver 141 dwellings across the site in a combination of apartment blocks (Blocks 1A, 1B, 1C, 2A and 2B) together with townhouses. The housing would make a significant contribution towards housing delivery and is acceptable in principle subject to residential amenity and provision of community benefits as required by Policy WEY9.

Housing Mix

15.21 The Local Plan requires a mix in the size, type and affordability of open market dwellings wherever possible, taking into account the current range of housing types and likely demand in view of changing demographics (Policy HOUS3).

15.22 Whilst the application is in outline, the applicant has provided an illustrative masterplan with the following housing mix:

Table 15.2 Illustrative Housing Mix

No. of bedrooms	Apartments			Houses	Total
	1-bed	2-bed	3-bed	3-bed	
Blocks 1A, 1B and 1C	18	53	11	0	82
Blocks 2A and 2B	24	27	0	0	51
Townhouses	0	0	0	8	8
Total	42	80	11	8	141
Total (%)	29.8%	56.7%	7.8%	5.7%	100.0%

15.23 The housing mix has been refined over the course of pre-application discussions with the applicant to provide a greater proportion of 2-3 bed dwellings, which now make up the majority (70.2%) of dwellings, comprising 56.7% 2-bed dwellings and 13.5% 3-bed dwellings.

15.24 The provision of almost 30% 1-bed apartments would be appropriate for the location within central Weymouth within walking distance of the town centre.

15.25 Notwithstanding the absence of affordable housing (assessed below), the proposals demonstrate an appropriate mix in the size and type of dwellings for the location of the site in accordance with Policy HOUS3.

Affordable housing

15.26 Policy HOUS1 requires 35% affordable housing in Weymouth and West Dorset. Where applicants seek to justify a lower level of affordable housing part iii) of the policy establishes applicants are expected to provide an assessment of viability. A lower level of provision will then *“only be permitted if there are good reasons to bring the development forward and the assessment shows it is not economically viable to make the minimum level of provision being sought”*. The policy allows for financial contributions towards the provision of affordable housing for any shortfall that cannot be delivered on site.

15.27 Paragraph 58 of the NPPF states that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force...”*

15.28 In this case, the supporting text in the Local Plan (Para.7.3.27-29) acknowledges the site has a number of constraints including coastal erosion and flooding and notes redevelopment of the site has been discussed for a number of years.

15.29 Over the course of the application the quantum of residential development has been reduced from 189 to 141 dwellings (-48) in response to concerns related to the height, scale and mass of the proposed development. Measures to mitigate flood risk have also been refined in consultation with the Environment Agency. This has affected the viability of the proposal.

15.30 No affordable housing is proposed. The applicant has sought to justify this through Economic Viability Assessments (EVA). The applicant produced an EVA in January 2022 and EVA Update in June 2022 (following revisions to the development). The EVAs conclude that the proposals cannot viably deliver any affordable housing on site, and can only deliver a 100% market scheme with a £48,000 off-site contribution towards affordable housing with reduced profit margins. The main reasons for this are stated to be the significant abnormal work costs combined with the additional site infrastructure and Community Infrastructure Levy (CIL) burden of the development. Abnormal costs are noted to include: rock armour, a sea defence wall, remediation and utilities upgrades which together total approximately £1.4m.

15.31 The EVAs have been independently reviewed by the District Valuer Services (DVS). The conclusion of that work are reported in DVS' Viability Review Report (dated 19 May 2023). In summary, the report concludes that the proposed development is unable to support full planning policy requirements. Without any on-site affordable housing, however with CIL and an off-site financial contribution of £48,000 DVS conclude the development is marginally financially viable in current market circumstances. DVS' Viability Review Report also tests a revised applicant scheme proposal with 15 on-site shared ownership affordable dwellings but conclude the option would not be financially viable.

15.32 The absence of affordable housing is disappointing. However, on the basis of the rigorous independent review of the applicant's viability review, and the benefits of bringing forward the regeneration of this allocated site, the development of 100% market housing is justified under part iii) of Local Plan Policy HOUS1. The policy allows for a lower level of provision where *“there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought”*. In this instance, there are good reasons for bringing the development forward. The site is allocated for either employment use or comprehensive mixed use redevelopment and previous attempts to regenerate the site have not come to fruition. The site has significant constraints which make the redevelopment of the site challenging. The proposed mixed use development would facilitate regeneration of the brownfield site, delivering wide-ranging employment benefits together with other public benefits.

15.33 Imposing financial viability review mechanisms has been considered as recommended by the Council's Housing Enabling Teams. The National Planning Practice Guidance (Para. 009 ID: 10-009-20190509) establishes that Local Plans should set out circumstances where review mechanisms may be appropriate, as well as clear processes and terms for how and when viability will be reassessed over the lifetime of a development to ensure policy compliance and optimum public benefits. Such review mechanisms would allow for viability to be reassessed over the course of development. The Local Plan does not currently establish any review mechanisms and Policy HOUS1 is clear that lower levels of provision will only be permitted if there are good reasons to bring the development forward and viability

assessment shows that it is not economically viable to make the minimum level of provision being sought. Therefore, the requirement for a review mechanism to be imposed is not considered necessary to make the development acceptable in planning terms.

15.34 In summary, whilst on-site affordable housing is not proposed, the lack of on-site affordable housing is considered acceptable and in accordance with Local Plan Policy HOUS1, and the NPPF subject to securing a financial contribution of £48,000 towards to the provision of off-site affordable housing.

Care home

15.35 The previously approved Care Village development (WP/15/00833/FUL) included 195 Supported Living Units, a 60 bed care home, 34 respite hotel suites together with other facilities. The principle of a care home facility at the site has therefore previously been accepted by the former West Dorset District Council when assessed against the Local Plan.

15.36 Policy HOUS5 notes applications for new care accommodation should:

- *“Be located within a defined development boundary and at an appropriate scale in relation to the settlement;*
- *Meet with the strategic aims and objectives of Dorset County Council and NHS Dorset including demonstration of need for the service in the locality; and*
- *Provide sufficient private amenity space within the site for the likely future occupants, normally comprising at least 20% of the site area unless such provision is undesirable in design terms.”*

15.37 The supporting text notes the strategic vision of the Council and NHS Dorset *“is to support the building of Extra Care housing developments together with more intense community based services that can be delivered to people in their own homes. Where new care accommodation is necessary it is important to locate this type of accommodation in areas that are easily accessible for visitors and staff and also so that residents, where possible, can access community facilities and public transport.”*

15.38 The proposed 3-storey 60 bed care home (Use Class C2) would be located within the centre of the site behind the residential dwellings. The location would be easily accessible and the care home is an appropriate scale for Weymouth.

15.39 The applicant’s Need Assessment for Care Homes in Dorset (April 2022) assesses the need for care home bedspaces within a 10-mile radius of the site. Considering health issues associated with an aging population, the assessment identifies there is a current unmet need of 200 care home bedspaces within 10 miles of the site. This need is expected to increase. Accordingly, the proposed care home would provide a much-needed facility capable of serving the local population.

15.40 Whilst landscaping is a reserved matter, the revised Illustrative Masterplan demonstrates how sufficient private amenity space could be provided for occupants. In addition, occupants would have access to communal amenity spaces beyond the care home site.

15.41 Overall, the principle of the care home is acceptable and meets the requirements of Local Plan Policy HOUS5.

Design

15.42 The NPPF (Para. 130) seeks to ensure developments are well designed including by: functioning well and adding to the overall quality of an area; being sympathetic to local character and history while not preventing or discouraging appropriate innovation or change; establishing or maintaining a strong sense of place; optimising the potential of sites to

accommodate and sustain an appropriate amount and mix of development; and creating places that are safe inclusive and accessible and which promote well-being.

15.43 Policy ENV11 concerns the pattern of streets and spaces and notes places should be designed to be clear and simple for people to find their way around with the design of routes reflecting the likely levels of use and being easily identifiable through their scale, alignment and use of vistas.

15.44 Policy ENV12 concerns the design and positioning of buildings and that new developments should be high quality and promote an inclusive design, comply with national technical standards and respect the character of the surrounding area. The position of the building on its site should relate positively to adjoining buildings, routes, open areas and other features that contribute to the character of the area.

15.45 Policy ENV15 states that development should optimise the potential of a site and make efficient use of land, subject to the limitations inherent in the site and impact on local character.

15.46 Policy WEY9 further establishes that development will be expected to be of a high quality design appropriate to the waterside location and the unique history of the site. The supporting text (Para. 7.3.30) notes an *“emphasis on good quality design is essential”* and provides further commentary (at Para 7.3.28) on design noting public access around the seaward edge of the site is seen as an essential requirement. The impact of the design in terms of its views from coastal waters in the wider context of the bay (as part of the World Heritage Site) and how the history of the site and its links to adjoining areas (such as the breakwaters and defence buildings) are reflected are also identified as key considerations.

15.47 It must be noted that the application is in outline with matters of access, layout and scale to be determined now and matters of appearance and landscaping reserved for later determination.

Layout and scale

15.48 In respect of layout and scale, the Parameter Plan establishes the layout of buildings and maximum heights. Building heights have been reduced over the course of determination from a maximum height of 7 storeys and stepped to better relate to the context of the site in response to comments received during the course of determination, including from the council's Urban Design Officer.

15.49 Apartment building heights for Blocks 1A, 1B and 1C would step down from a maximum height of 6 storeys (Block 1A) to 4 storeys adjacent to the breakwater. Apartment Blocks 2A and 2B would have a maximum height of 5 storeys and the townhouses and care home would have a maximum height of 3 storeys. The offices/light industrial floorspace in the south of the site have also been reduced in height to a maximum of 4 storeys. Building heights would sit below the height of the adjacent cliffs. In comparison with the previously approved Care Village development, the proposals would break up the mass of built development with lower building heights.

15.50 Concerns have been raised in relation to the position of the care home within the centre of the site to the rear of the apartments. Urban Design and Landscape Officers question the suitability of the location given the surrounding parking and access adjacent to it and raise concern that landscaping would fail to successfully integrate the building with the character of the site and its surrounding area in the positive way envisaged by Policy ENV10. Whilst landscaping is a reserved matter, the applicant's illustrative proposals demonstrate sufficient communal amenity space would be provided for residents. Over the course of consideration the proposals have been amended to provide open space to the north and east of the building with pedestrian routes leading to the waterfront. The layout provides for adequate separation distances between the care home and surrounding buildings (minimum 20m to the east) and sufficient set back from the adjacent cliffs (approximately 17m). The relationship with adjacent

parking areas is an ordinary relationship for care homes, which, by their nature, require sufficient nearby car parking for residents and visitors.

15.51 The layout optimises the potential of the site and prioritises the experience of pedestrians and cyclists through the provision of a shared pedestrian and cycle route along the majority of the eastern boundary of the site. The route identified on the Parameter Plan has been extended over the course of consideration in response to comments. It would route from Newtons Road to the breakwater along the seaward frontage of Blocks 1A, 1B and 1C (including the restaurant) before turning along the Portland Harbourside frontage of Blocks 2A and 2B and returning to the interior of the site. Whilst the route would not extend entirely along the edge of the development (i.e., in front of the townhouses and office/light industrial building) the route goes some way to achieving the objective set out in the supporting text of Policy WEY9 and would provide a significant benefit given it would open up new pedestrian and cycle routes and provide unique views of the surrounding landscape and seascape.

15.52 A 'gateway' feature to the Newtons Road approach to the site would provide publicly accessible amenity space and a sense of arrival. Whilst detailed proposals would be subject to reserved matters approval, the location has the opportunity to provide public art responding to the history of the site. This is proposed to be secured via planning condition.

15.53 The applicant also proposes to provide public changing facilities at the northern end of Newtons Road. Such facilities would support open water swimming and recreation at Newtons Cove and would provide an important public benefit. Given the policy objective of WEY9 to provide community benefits as part of a mixed use development, the changing facilities are proposed to be secured via a Section 106 Legal Agreement.

Appearance and landscaping

15.54 Details of the appearance and landscaping of the scheme would be subject to reserved matters approval. Nevertheless, indicative materials have been identified to demonstrate that external materials could complement the landscape and seascape setting whilst reflecting the former employment uses of the site. This is demonstrated via the illustrative masterplan which shows one way in which the reserved matters could be developed having regard to site constraints.

15.55 The Illustrative Landscape Masterplan with supporting Landscape Design Strategy identifies how the detailed landscaping could be developed. It identifies measures to guide the detailed landscaping design, including: provision of a water feature at the entrance to the site and potential access to the sea. The Amenity Areas Plan identifies areas of open space throughout the site based on the proposed layout and indicative landscaping. In addition to pedestrian and cycle routes and associated viewing areas, it identifies:

1. Balcony, green roof and terrace areas associated with apartments; (1,599sq.m) in compliance with Policy HOUS4;
2. Private amenity space associated with the care home (494sq.m), representing 31% of the care home site area in excess of the 20% requirement in Policy HOUS5;
3. Public amenity areas at the gateway to the site and to the rear of the town houses.

15.56 There are opportunities to incorporate informal play space within the landscaped areas and residents would have access to nearby open spaces at Nothe Gardens, Newtons Cove and Bingleaves open space.

15.57 Overall, the parameter plans and illustrative masterplan are sufficient to form a basis to indicate that the site can be developed satisfactorily for future residents, users and visitors.

Landscape and visual impact

15.58 Sections 7 and 15 of the NPPF seek to employ high quality inclusive design which respects, and integrates with, its environment. The Framework seeks to ensure decisions

contribute to and enhance the natural and local environment by protecting valued landscapes through recognising the intrinsic character and beauty of the countryside.

15.59 In particular, Para 127 of the NPPF seeks, amongst other objectives, to ensure decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.

15.60 Local Plan Policy ENV1 establishes that the plan area's exceptional landscapes and seascapes and geological interest will be protected, taking into account the World Heritage Site Management Plan. The Policy notes development should be located and designed so that it does not detract from and, where reasonable, enhances local landscape character. Where proposals relate to sites where existing development is of visually poor quality, opportunities should be taken to secure visual enhancements. Development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted. Part iii) of the policy states that appropriate measures will be required to moderate the adverse effects of development on the landscape and seascape.

15.61 Local Plan Policy ENV10 concerns the landscape and townscape setting and requires that new development should maintain and enhance local identity and distinctiveness and be informed by existing character. Policy ENV12 concerns the design and positioning of buildings and that new developments should be high quality and promote an inclusive design, comply with national technical standards and respect the character of the surrounding area. The position of the buildings on a site should relate positively to adjoining buildings, routes, open areas, streams and other features that contribute to the character of the area.

15.62 This site is a prominent location along the Weymouth seafront. Former employment buildings have been demolished albeit associated fencing at the southern end of Newtons Road remains. The site sits to the south of Newtons Cove within a landscape including a number of urban influences.

15.63 Middle distant views are possible from Nothe Point Gardens, Sandsfoot Castle Gardens and Castle Cove to the northeast and southwest respectively. Distant views are possible from Chesil beach, the A354 Portland Beach Road, the harbour shoreline and the rising northern slopes of Portland to the south and west. Far distant views are possible from coastal areas to the sites northeast from Radcliffe Point to Saint Aldhelm's Head within the AONB.

15.64 The low cliff which borders the western boundary of the site is typical of the Slumped Cliffs Dorset Coast Landscape and Seascape Character Type where sea defences have inferred a degree of stability and allowed vegetation to establish. While the cliffs themselves are not used for any activities the coastal path above (S1/125) is used by walkers.

15.65 The Dorset Coast Landscape and Seascape Character Assessment (LDA Design Sept 2010) makes clear that future strategies should plan for and manage coastal infrastructure to ensure that any further coastal development is appropriate to the design and scope of existing settlement patterns and takes account of inter-visibility with adjacent coastal and marine areas.

15.66 The assessment also notes that the man-made harbour to the south of the site comprises a large body of water enclosed by a harbour wall which dates back to the 1840's and, on its southwest boundary, by the stabilised shingle spit of Chesil Beach. While the harbour provides the setting for both Portland and Weymouth it is also characterised by a range of intensive uses, commercial, leisure and naval shipping and recreational activity.

15.67 The Dorset Coast Landscape and Seascape Character Assessment notes that any new development should be planned to improve the character, layout and architectural quality of land based facilities around the harbour and take account of visual impact on adjacent land areas such as the upper reaches of Portland. It states that the aim should be to plan and

manage development to ensure that it takes account of views to and from the harbour and achieves a balance between commercial and recreational development.

15.68 There are differences in opinion between the applicant's landscape consultant and the Council's Senior Landscape Officer. The applicant contends the proposals would result in no significant effect on landscape character or visual amenity whereas the Council's Senior Landscape Officer identifies a number of significant effects on landscape character and visual amenity.

15.69 During operation of the development the development would screen a proportion of the adjacent cliff from certain viewpoints and would introduce new build development of scale into the landscape. The Senior Landscape Officer notes this would reduce the influence of the cliff and bank feature on local landscape through urbanisation of what is currently a predominantly undeveloped shoreline *"where the natural features of the bank and cliff, the Isle of Portland, Chesil Beach and the coastline within the AONB to the sites north form the dominant features within the view; to a shoreline where a new urban development of significant scale, mass and height forms a prominent new feature within the view."*

15.70 The Senior Landscape Officer refutes the applicant's consideration that the proposals have been designed to be deferential to the adjacent vegetated coastal landscape from within surrounding views. The Senior Landscape Officer considers the proposed development would form a prominent visual feature in surrounding views and would dominate the adjacent vegetated coastal landscape in some close views.

15.71 Given former employment buildings have been demolished any redevelopment of the site would inevitably obscure part of the cliff and have a landscape and visual impact. This is expected and necessary if the site is to be redeveloped.

15.72 Over the course of development the applicant has reduced the scale of proposed buildings and stepped building heights in response to comments. The latest Indicative Sea Scene drawings show how building heights have been reduced from the initial planning application. They also confirm that building heights would sit below the cliffs allowing for glimpsed views of the adjacent cliffs and would be of a lesser scale than the previously approved Care Village development. The revised proposals step down away from the cliff face. This provides a deferential and subservient relationship with the cliffs. The provision of public access to the site and a pedestrian and cycle route along the majority of the boundary of the site would provide opportunity for new unique views of the surrounding landscape, including towards the Nothe. Through this approach it is clear the proposals have been informed by the character of the site and its surroundings as sought by Policy ENV10.

15.73 Overall, the development does not avoid all detrimental impacts on views. Given the design changes over the course of the consideration of the proposals, the level of harm is not considered to be significantly adverse in compliance with part i of Policy ENV1. However, given the proposal would detract from local landscape character there is conflict with part ii of Policy ENV1 which must be considered in the planning balance.

Dorset and East Devon Coast UNESCO World Heritage Site (WHS)

15.74 The Dorset and East Devon Coast World Heritage Site (WHS), otherwise known as the Jurassic Coast, was inscribed in 2001 for its internationally significant geology, palaeontology and geomorphology.

15.75 The NPPF defines World Heritage Sites as designated heritage assets and relevant detail in respect of their protection can be found in the NPPF. Paragraph 189 of the NPPF is key in that it identifies World Heritage Sites as being of the highest significance and therefore the designated heritage assets are of the greatest importance. Para. 199 says that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. Para. 200 states that any harm to or

loss of the significance of a designated heritage asset from its alteration or destruction or from development within its setting should require clear and convincing justification.

15.76 Policy WEY9 states development will not be permitted if it would have an adverse impact on the management and enjoyment of the WHS.

15.77 The proposed development is outside the boundaries of the WHS, meaning that any impacts from it would occur on the site's setting. Both the NPPF and the NPPG emphasise the need to protect a WHS and its setting.

15.78 The Jurassic Coast Partnership Plan 2020-2025 defines the setting of the WHS in terms of its experiential setting and its functional setting. In summary, the experiential setting is regarded as the surrounding landscape and seascape and concerns the quality of the cultural and sensory experience surrounding the exposed coasts and beaches. An assessment of landscape and seascape character provides a starting point for the evaluation of the impact of the change on the setting.

15.79 In terms of functional setting, the setting is important because development and activity may take place within it which may sooner or later, impact on the WHS. The development of housing above receding cliffs, for instance, may lead to a need for future coastal defences. In order to maintain Outstanding Universal Value (OUV), the cliffs need to be allowed to erode into a natural setting. Secondly, the Site, most notably the coastal landforms and processes, are defined and explained by past and present geomorphological and hydrological systems that extend landward and seaward. Developments that impact on these systems may well have a resulting impact within the Site itself.

15.80 The key consideration with the WHS is that the experiential setting of the Jurassic Coast is not a feature in and of itself but relates to people's experiences that enable an understanding of our appreciation for the geological elements that underpin its attributes and OUV. The Partnership Plan 2020-2025 explains that *"The long-term preservation of the Site's OUV depends on the maintenance of dynamic natural processes in the setting and the awareness that processes acting in the land or sea setting may impact on the Site itself"*.

15.81 Relevant policies of the Jurassic Coast Partnership Plan 2020-2025 include Policies R1, R3 and R4 wherein: OUV is protected by preventing developments which might impede natural processes or obscure exposed geology; new developments in the setting of the WHS that may need future coastal defences are opposed; and those elements that constitute the WHS's functional or experiential setting are protected from inappropriate development.

15.82 Natural England note it is inevitable that the proposals will have adverse impacts on the coastal views from localities around Portland Harbour that may harm the setting of the WHS. This is acknowledged, given the cleared nature of the site wherein former industrial buildings which previously partially obscured views of the WHS have been demolished.

15.83 The proposals have sought to mitigate impacts on the WHS through the proposed scale and layout of development which sits below the adjacent cliffs and steps down in height below the height of the previously approved Care Village development. Whereas the Care Village development provided for broadly continuous building heights along the entire frontage of the site, the proposed approach allows for glimpsed views of the adjacent WHS. The development and provision of public access would clearly change how people perceive the site currently as a semi-natural former industrial site and would introduce the ability to appreciate the WHS from closer vantage points within the site. The site is currently protected by coastal defences which would need to be improved to protect the proposed mixed use development.

15.84 In response to initial comments from the JCT, the applicant produced an ES Addendum assessing the potential effects on the WHS. The Addendum notes the WHS extends along the rocky coastline including a strip along the site's western edge and is not publicly

accessible. The ES Addendum concludes the construction phase would change the experiential and functional value of part of the setting of the WHS which contributes to OUV with a minor-moderate adverse effect (not significant).

15.85 Following completion of the development, the site would become publicly accessible. The proposed routes detailed on the Parameter Plan would provide the opportunity for unique views of the WHS. The proposed development would be sited below the cliffs outside of the WHS. The ES concludes this would preserve the WHS whilst the provision of public access would improve visibility of the geological processes. The ES identifies the changes to the experiential and functional value of part of the setting to the WHS which contributes to OUV. This is assessed as minor beneficial due to the quality of the experience which is judged to enhance the experiential and functional value of the site.

15.86 Mitigation measures include the proposed scale and layout of the development away from the WHS and provision of publicly accessible open space within the site to allow unique views and appreciation of the WHS. Further mitigation committed to by the applicant include:

1. The provision of information boards regarding the WHS;
2. Provision of sculptural reliefs of Jurassic fossils from along the existing Jubilee Walk along the proposed sea wall and promenade; and
3. Limiting cliff stabilisation works comprising rock combing with no hard cliff stabilisation measures to be undertaken in accordance with an agreed method statement. Watching brief to be included to allow recovery of material that is of palaeontological interest.

15.87 These mitigation measures are proposed to be secured via planning condition.

15.88 The JCT do not consider the development would pose a threat to exposed geology within the WHS and welcome the proposals to install new geological heritage interpretation at the site. They also note the provision of public access would be significant as the area was closed to the public at the time of designation of the WHS. Improved access and interpretation are noted by JCT to form part of the mitigation against negative impacts so must be delivered if consent is given. JCT state a preference for public access to be extended to the southern end of the development to and from the foreshore. JCT also requested further assessment of views along the length of Portland Harbour shore and made a series of recommendations.

15.89 The recommendations of the JCT have been explored by the applicant and responded to via the ES Addendum (May 2023). Within the ES Addendum the applicant confirms that the JCT's preference for public access to the adjacent foreshore cannot be accommodated due to access conflicting with the proposed masterplan and position of the office building in the south west corner of the site. As an alternative a public open space adjacent to the cliffs and including information boards is proposed. Given the access is not mandated by the JCT, proposal is considered acceptable in this regard.

15.90 In respect of Jurassic Coast Partnership Plan 2020-2025 Policy R3 which opposes new developments in the setting of the WHS that may need future coastal defences, it is recognised that coastal defences are existing and would in any event be required to be upgraded to protect alternative development of non water-compatible uses on the site. Accordingly, limited weight is afforded to this conflict with the Jurassic Coast Partnership Plan 2020-2025.

15.91 Subject to conditions securing the above mitigation measures, the proposals are considered to protect the WHS and avoid adverse impacts on the management and enjoyment of the WHS in accordance with Local Plan Policies ENV1 and WEY9, notably due to the provision of interpretation and public access which would allow better appreciation of the WHS and reveal its OUV. The proposal is not considered to cause harm to the WHS and paragraphs 201 and 202 of the NPPF are not engaged.

Heritage

Build Heritage Assets and Scheduled Ancient Monuments

15.92 As identified in the constraints section of this report, there are a number of listed buildings in the local vicinity of the site and the Weymouth Town Centre and Belle Vue Road Conservation Areas are located north and west respectively. The relevant aspects of the significance of these assets are summarised as follows:

Summary of significance

Nothe Fort Complex

15.93 Nothe Fort Complex is Grade II* listed and a registered Scheduled Ancient Monument. It is located approximately 800m north east of the site across Newtons Cove. Its significance relates to:

- Its topographical position on a prominent and defensible headland, reflecting its suitability as a location for a gun fort (since at least the Tudor period);
- the intentional sweeping views in a wide arc from north to south east indicating its effective angle of fire to protect both Weymouth and Portland harbours;
- associated long views towards the monument/asset from these directions, all of which permit an understanding and appreciation of its historic purpose and use; and
- its spatial and functional relationship with the other coastal defences, such as the breakwater forts and Castles, all of which form a group with a shared intention of protecting the approaches to the harbour and naval base over several centuries.

Sandsfoot Castle

15.94 Sandsfoot Castle is Grade II* listed and a registered Scheduled Ancient Monument located approximately 1km south west of the site. Its significance relates to its spatial, visual, historical and functional relationship with Portland Castle, which formed the other one of the pair of Henrician 'Device' forts to guard Portland Roads and the visual experience of the Castle across the harbour from Portland, the Coast Path and Chesil Beach, from all of which it is a notable visual feature, although to some extent diminished by the modern development around it.

Verne Citadel

15.95 Located across Portland Harbour on the Isle of Portland, the significance of this Scheduled Monument relates to:

- its topographical position on the crown of the highest point in Portland, reflecting its suitability for a defensive enclosure from the Iron Age through to the developments of the 19th century;
- its spatial and functional relationship with the associated defensive installations within and around the monument, in particular the gun batteries and the other coastal defences around the harbour, such as the breakwaters, forts and historic Castles; and
- the long views towards and from the monument in a wide arc from the east through north to the west, which permit its dominating stronghold purpose, use and character to be understood and appreciated.

Bincleaves Groyne & North-Eastern Breakwater

15.96 Bingleaves Groyne & North-Eastern Breakwater is Grade II listed. The Groyne is accessed via the site to the south east. Its significance relates to:

- the spatial and functional relationship with the inner and outer breakwaters, including the forts, jetties and coastal defences, all of which form a group defining the historic harbour and naval base;
- their expansive setting within the harbour, which permits an understanding and appreciation of their huge scale; and
- the associated visual experience of the breakwaters from public vantage points, such as the footpaths around the north east side of the Verne and, on the north side of the harbour, Nothe Fort, from where the sheer scale of the arms can be appreciated and their purpose understood.

Portland House

15.97 Portland House is a Grade II listed building located to the west of the site above the cliff. Its significance lies in its intentional long views over the harbour towards Portland, reflected in the large south-southeast facing external terrace and the central axial corridor which frames these views on both floors; and its position within a large, spacious plot, large screened from land by mature foliage, emphasising both status and privacy.

Weymouth Town Centre Conservation Area

15.98 Located immediately to the north of the site and extending north, the significance of the Weymouth Town Centre Conservation Area lies in its spatial relationship with the coast, which forms a distinctive and dramatic boundary to the south east of the Conservation Area, defined by a rocky shoreline and undeveloped clifftop of the Nothe Gardens; the long views south and south east from Nothe Gardens and the clifftop over the harbour and Portland, as identified on the Conservation Area Appraisal Assets Map.

Belle Vue Road Conservation Area

15.99 Located to the west of the site above the cliff top, the significance of the Conservation Area lies in its undeveloped and verdant character of the boundary along the clifftop, which follows this general pattern between Sandsfoot Castle and Nothe Fort and which can be experienced from PRoW S1/125; and its spatial relationship with the coast and the associated intentional views from the large dwellings on the south side of Belle Vue Road over the harbour towards Portland.

Impacts on Significance

15.100 The proposals would not have any direct impacts on the above heritage assets. However, the proposals would impact upon the setting of the identified heritage assets.

15.101 Impacts on the significance of heritage assets have been assessed by the applicant within the ES (Chapter 8 – Built Heritage). The applicant concludes the proposals would result in a change to the wider surroundings of heritage assets but would not result in any adverse effects on the historic environment. This is on the basis that the site had only a historic function and physical relationship with the Grade II Listed Bingleaves Groyne and the North-Eastern Breakwater, and the legibility of the site's military use was lost when the majority of the former buildings were demolished. Overall, the ES concludes the proposed development would have a neutral effect on all identified heritage assets.

15.102 The proposals insofar as they concern access, layout and scale have been considered by the council's Senior Conservation Officer. Impacts on the significance of these heritage assets is assessed as follows:

Nothe Fort Complex

15.103 The development will be visible in several areas from within and around the southern parts of the monument, as is confirmed in the LVIA (Viewpoints 1-3). From the ramparts within

the monument itself, where the views (i.e. angles of fire) are effectively concentrated towards the approaches to the harbour (north east and south east), the development site is minimally visible, if at all, and it is not visible from the lower level within the fort, which is surrounded on all sides by the gun platforms and ramparts. However, the development is likely to be slightly visible from the western rampart as indicated by LVIA Viewpoint 1. The development may therefore feature as a minimal element in the views which reflect the historic purpose and use of the fort, whose significance remains unaffected by glimpsed or incidental views of the development in the wider field of vision towards the south west.

15.104 The development would be co-visible with the monument in elevated long views over the harbour from Portland (LVIA Viewpoint 11). However, the development is situated at some distance along the coastline, with an intervening undeveloped verdant gap and it is not considered that it results in an obstructive or otherwise dominant element in these views from which the setting of the monument can be understood and appreciated. In the even longer range views towards the Nothe from the coast to the north east of Weymouth (LVIA Viewpoints 12-13), which extend to 3-5 km and more, the development is largely concealed by the topography and, even only minimally visible, is not considered to form a dominant backdrop or other impact which would reduce the appreciation of the monument.

15.105 The development is not considered to result in any detrimental impacts on the legibility or understanding of the spatial and functional relationship between the monument, the breakwaters and the other coastal defences.

15.106 No harm to the assets' significance is identified.

Sandsfoot Castle

15.107 As with Nothe Fort, the proposals would be co-visible with the monument in long views over Portland harbour, especially in elevated views from the Verne (LVIA Viewpoint 11). However, again the development is at some distance from the monument in these views, separated by the undeveloped verdant clifftop, and is not considered to form a dominant or otherwise detrimental element to this monument's setting.

15.108 The many highly significant relationships between the monument and Portland Castle are not effected by the development.

15.109 No harm to the assets' significance is identified.

Verne Citadel

15.110 The development will be visible in long views from the Verne, as detailed above. However, given the expansiveness of these views and their general qualities expressing dominance, it is not considered that the development will result in any detriment to any understanding or appreciating these elements. Similarly, the views towards the Verne, whether from around the harbour or in longer range views from the coast to the north west and north east, which together emphasise its dominance over the locality, are unlikely to be affected by the development. In no viewpoint is the proposal considered to overcome or compete with the dominance of the Verne.

15.111 The development will not result in any impacts on an understanding or appreciation of the topographical setting of the Verne, or its spatial and functional relationships with the assets within and without the scheduled area.

15.112 No harm to the assets' significance is identified.

Bincleaves Groyne & North-Eastern Breakwater

15.113 Until recently the site contained numerous buildings relating to previous uses of the site, including the Admiralty Underwater Weapons Establishment and, in recent years, QinetiQ. Historically, these buildings were intimately related with the use of the groyne, and included a tramway and a pier for the testing of torpedoes. However, all buildings on the site have been demolished.

15.114 It is not considered that the development will impact on the identified contributory elements on the assets' setting. Their spatial and functional relationships and resulting group value are not affected. The development will be co-visible with the assets in long views over the harbour, particularly from Portland and Portland Beach Road (LVIA Viewpoints 9 and 11), but also possibly partially in long views from the coast to the north east. However, this co-visibility, in which the development is peripheral to the groyne itself, is not considered to diminish the ability to understand or appreciate the assets' expansive setting within the harbour and their monumental scale.

15.115 No harm to the assets' significance is identified.

Portland House

15.116 As outlined above, the most significant element of the asset's setting is its intentional visual relationship with Portland harbour. Given the location and orientation of the asset there is not a direct line of sight over the application site. The direct view eastwards from the terrace is partly interrupted by the existing development along Redcliff View and mature tree boundary on the site's south east corner.

15.117 It is possible that the higher elements of the site will be partly visible from the rear terrace of the asset over the top of the single-storey dwellings at Nos. 5-7 Redcliff View. However, it is not considered that these materially interfere with the intentional, designed south-southeast axis of the asset and its associated views. The glimpses of the site are unlikely to be sufficient to distract or detract from the appreciation of this view. No harm to the assets' significance is identified.

Weymouth Town Centre Conservation Area

15.118 The proposals would be visible in identified views from the Conservation Area boundary (LVIA Viewpoints 2 and 3). Of these, the most prominent view will be from the coast path (Viewpoint 2), which will result in the introduction of development to a largely undeveloped view.

15.119 However, taking the extent and purpose of these identified views into account and the pre-existence of buildings on the site since its early-20th-century reclamation, the impact is largely considered to be peripheral and does not materially detract from the primary experience of the view over the harbour, at least insofar as this view contributes to understanding and appreciating the significance of the setting of this part of the Conservation Area through its relationship to the coast and harbour. No harm to the assets' significance is identified.

Belle Vue Road Conservation Area

15.120 In long views where this boundary of the Conservation Area can be appreciated, along with what it conveys about the status and intentions of the large dwellings within this part of the Conservation Area (LVIA Viewpoints, 7-9, 11), the site is co-visible. However, as it lies alongside a stretch of clifftop, it is not considered that it affects the understanding or appreciation of this element of the Conservation Area's setting. In addition, the development is unlikely to form a prominent or dominant element in views from the curtilages of these properties; any glimpsed views will not detract from their primary intention and orientation towards the harbour. No harm to the assets' significance is identified.

15.121 Overall, it is concluded the proposals would not result in any harm to the above heritage assets. The Senior Conservation Officer confirms support for the proposals subject to a planning condition related to the details of proposed materials. Such condition is proposed.

15.122 The Senior Conservation Officer also notes potential for enhancement of the historical relationship between the site and adjacent Bingleaves Groyne through highlighting the unique

history of the site through some form of public sculpture, or a related torpedo or interpretation. Such a provision is identified as having potential to provide significant public benefit through enhancing the significance of the heritage asset. This approach would respond to the supporting test of Policy WEY9 (Para. 7.3.28) in reflecting the history of the site. Following negotiations with the applicant, the applicant has agreed to provide public art within the site which acknowledges the history of the site. This commitment is proposed to be conditioned and would accordingly provide a public benefit to be considered in the planning balance.

15.123 Overall, the proposal accords with Policy ENV4 and would result in no heritage harm in respect of the above heritage assets.

Highways, access and highway safety

15.124 The proposal includes a single means of access serving the development from the existing mini-roundabout at the south eastern end of Newtons Road. The access works would provide dropped kerbs and tactile paving on the Newtons Road arm to provide a connection along desire lines for pedestrians to and from the existing promenade and stepped access to the pedestrian footbridge above. The existing sea wall is proposed to be realigned to facilitate the connection between the promenade and a 3m wide pedestrian and cycle route serving the development.

15.125 The application is accompanied by a Transport Assessment (January 2022) and subsequent Addendum (October 2022). The ES (Chapter 10 – Transport and Access) also considers the likely significant effects of the development on traffic and transport receptors.

15.126 The Transport Assessments assess the likely impact of development traffic upon the Newtons Road/Spring Road/Newberry Gardens mini-roundabout and the Rodwell Avenue/Rodwell Road traffic signal controlled junction. The assessment models traffic for the anticipated year of operation and considers the AM and PM peak hours considering cumulative developments. The conclusion reached is that the proposals will have no material impact on the operation of the local highway network. The ES identifies adverse impacts would range between negligible to slight adverse (not significant).

15.127 The Highways Authority concurs with the conclusions of the applicant's assessment having fully and comprehensively considered the modelling work. It concludes that the residual cumulative impact of the proposal cannot be judged to be "severe" when consideration is given to the NPPF (Paras. 110 and 111).

15.128 In respect of the internal site layout identified on the Parameter Plan and shown indicatively on the Illustrative Masterplan. The ES notes pedestrian priority would be provided and finds substantial beneficial effects in relation to reducing pedestrian and cycle delay and the effect on severance along Newtons Road. The Highways Authority considers the proposal has been designed to keep vehicle speeds below 20mph by the use of appropriate traffic calming measures. Pedestrian permeability and safety are noted to have been fully considered in the layout strategy and the illustrative masterplan accords with the Manual for Streets.

15.129 The Highways Authority considers the Illustrative Masterplan demonstrates scope for sufficient cycle parking and sufficient on-site car parking for both residential and non-residential uses.

15.130 Subject to planning conditions, the Highways Authority has no objection. The respective conditions are recommended. These include a Construction Traffic Management Plan (CTMP) and Travel Plans.

15.131 A number of objections have requested that construction traffic avoids Hope Square and Trinity Street and routes to the site via Rodwell Avenue. Whilst the majority of construction vehicles are anticipated to avoid Hope Square and Trinity Street in any event, such a requirement is not considered necessary to make the development acceptable in

planning terms. The proposed CTMP condition requires details of construction vehicle details (number, size, type and frequency of movement) and a route plan for all contractors and suppliers to be advised of. Accordingly, the appropriateness (or otherwise) of the proposed route can be considered at the discharge of conditions stage in consultation with the Highways Authority.

15.132 The breakwater accessed via Newtons Road and the site is currently in employment use and dependent on the site for access. The supporting text to Policy WEY9 (Para. 7.3.28) notes the current requirement for the breakwater beyond the site to be accessible to HGVs and other traffic. This requirement of existing business remains and is accommodated in the Illustrative Masterplan.

15.133 Overall, the proposals comply with the highways, access and highway safety policy objectives of Policy COM7 and the NPPF. Subject to flood mitigation (see assessment section below) the access would provide safe access to the site.

Residential amenity

Noise and odour: Integration of residential and non-residential uses

15.134 The NPPF (Para. 187) notes that decisions should ensure that new development can be integrated effectively with existing business and community facilities. Existing business and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

15.135 The proposals include a wide range of uses comprising: residential; a care home (Use Class C2); associated leisure floorspace (Sui Generis); office/light industrial floorspace (Use Class E(g)); and a restaurant (Use Class E(b)). Generally, the layout of the development has been devised to minimise adverse amenity effects through the location of the office/light industrial building in the south west corner of the site. The dwellings would be positioned along the seaward edge of the development with the care home located in the centre of the site. The restaurant is proposed at the ground floor of apartment Block 1-C adjacent to the breakwater and the leisure floorspace is proposed within apartment Block 2-A. Such relationships with restaurant and leisure floorspace on the ground floor are wholly compatible and a typical relationship within Weymouth.

15.136 The Noise Impact Assessment (January 2022) prepared by the applicant concludes that noise from industrial and commercial sources would be low and would not have an adverse impact on future occupants subject to the implementation of mitigation measures including appropriate ventilation and glazing specification. Given the outline nature of the application, the recommendations of the Noise Impact Assessment are proposed to be conditioned and further considered at the detailed design stage.

15.137 The provision of plant equipment has the potential to cause adverse amenity impacts through noise and odour. Whilst details of plant equipment are not known at this stage, appropriately worded planning conditions are proposed to ensure suitable provision of plant equipment that protects residential amenity.

15.138 Subject to conditions, the proposals would not have a significant adverse effect on residential amenity in respect of noise or odour.

Daylight, Sunlight and Overshadowing

15.139 Given the location of the site below the cliff, the supporting text to Policy WEY 9 identifies sunlight and daylight as an important consideration.

15.140 The applicant has produced a Daylight and Sunlight Assessment (January 2022) to consider the daylight and sunlight impacts between the buildings. The assessment is based on the initial illustrative proposals (up to 186 dwellings) and therefore provides an overly robust assessment of daylight and sunlight impacts due to the additional building height.

15.141 The assessment concludes that the daylight level of the rooms within the proposed development are generally considered to be excellent, with all worst case rooms across the dwellings and care home achieving the average daylight factors recommended within the BRE report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice, Second Edition, 2011 (BR209).

15.142 In respect of sunlight, the assessment concludes 75% of the main living rooms would achieve the sunlight levels recommended in BR209. Whilst it is preferable for all rooms to achieve suitable daylight through a south facing window, the assessment notes this is not practical for the development given the sea front location of the development with the majority of living rooms orientated towards the sea.

15.143 Assessment of overshadowing demonstrates the buildings are of a sufficient distance from each other and are of an appropriate height to allow sunlight into the heart of the development. The care home's communal amenity area is assessed to comply with BR209 given 78% of the care home's communal amenity area would receive at least two hours of sunlight at the March equinox.

15.144 The proposals accord with Policy ENV16 in relation to daylight, sunlight and overshadowing.

Privacy

15.145 Subject to detailed design through Reserved Matters Application(s) the proposals show appropriate levels of privacy could be provided and significant adverse effects through overlooking could be avoided.

Ecology and biodiversity

15.146 The site is a former industrial site predominantly comprising hard bare ground and of low ecological value. The Portland Shore SSSI extends along the northern and north-western boundaries of the site and includes areas of dense scrub, amenity grassland and scattered trees. Coastal grassland is present along part of the north eastern boundary of the site.

15.147 The proposals are informed by a Preliminary Ecological Appraisal, Ecological Impact Assessment

15.148 Chapter 11 of the ES (Ecology and Nature Conservation) assesses the likely significant effects of the proposals on ecology receptors during construction and operation, including: Chesil & The Fleet SPA; the Portland Harbour Shore SSSI; SNCI's; marine habitats; and protected species.

15.149 The ES identifies a range of effects ranging from negligible, minor adverse to major adverse prior to mitigation and enhancement measures. With the implementation of mitigation and enhancement measures the majority of residual effects are identified to reduce to a negligible effect with the exception of impacts on: invertebrates (minor beneficial); on-site habitats (moderate beneficial - significant); bats (minor beneficial); and invertebrates (moderate beneficial - significant).

15.150 Proposed mitigation and enhancement measures include:

1. On-site habitat creation through detailed landscaping scheme;
2. SSSI Management Plan relating to Portland Harbour Shore SSSI. The Management Plan is identified to have a minor beneficial effect on the adjacent SSSI through select scrub clearance and debris removal;
3. A Construction Environmental Management Plan (CEMP) to manage construction impacts on the environment;
4. Landscape and Ecology Management Plan (LEMP) including prescriptions for green roofs, green wall, coastal grassland, trees, log piles, bat, bird and invertebrate boxes;

5. Provision of flood defences;
6. Sensitive lighting plan in accordance with Institute of Lighting Professionals Guidance Note 08/18;
7. Modification of the sea wall to create microhabitats suitable for a variety of species.

15.151 The proposed ecological enhancement measures would create a variety of habitats and are estimated to result in a biodiversity net gain of 21.51% in habitat units and 100% in hedgerow units. This exceeds the net gain requirements of Policy ENV2, the NPPF (Para 174d) and the emerging requirement in the 2021 Environment Act.

15.152 The Natural Environment Team (NET) has issued a Certificate of Approval and requested that the LEMP and lighting strategy are conditioned. Natural England has also requested that a detailed lighting scheme, CEMP and SSSI Management Plan are secured. Natural England also request further intertidal and marine surveys to ensure the new sea defences do not harm marine wildlife interests. These measures would be secured through appropriate planning conditions.

15.153 Adverse impacts on Chesil and The Fleet through additional recreational pressure would be mitigated via CIL in accordance with the Dorset Council interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar (April 2020). This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England.

15.154 Subject to securing the mitigation and enhancement measures, the proposal would accord with Policy ENV2, of the Local Plan, Paragraphs 180 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended). The biodiversity net gain beyond policy requirement is a moderate benefit to be considered in the planning balance.

Flood risk and drainage

15.155 The site is located within Flood Zone 1 and is identified as having a low risk of flooding from fluvial or tidal sources of less than 1 in 1000 annual probability. Given the coastal location, the site is at risk from wave overtopping.

15.156 Due the site being assessed and allocated for employment and/or mixed use development via the Local Plan process a further sequential test is not required to be undertaken at this planning application stage.

15.157 The application is supported by a Flood Risk Assessment and likely significant effects related to flood risk and drainage are assessed with the ES (Chapter 9 – Flood Risk and Drainage). Over the course of determination the applicant has engaged with the Environment Agency (EA) to respond to their initial objections and provide requested further assessment via: a Coastal Modelling Report (October 2022), updated Flood Risk Assessment (April 2023) and ES Addendum (May 2023).

15.158 The proposed promenade along the eastern boundary of the site has a level of 4.5m AOD, 1m below the crest level of the adjacent sea wall. The remainder of the site has a minimum level of 5.0m AOD. This provides an additional level of protection against wave overtopping by allowing flood water to be contained and drained from the promenade rather than flowing across the site. The FRA recommends that finished floor levels should be raised by a further 150mm (to 5.15m AOD). The EA note further detailed modelling is required at the detailed design stage and floor levels must reflect the results of updated modelling.

15.159 Due to flood risk, the EA considers it prudent to not place self-contained ground floor residential units and/or sleeping accommodation (including residential care home bedrooms) on the ground floor in high flood risk areas, even if it can be demonstrated through modelling that they are not at risk of residual flood risk. The EA recommends that all residential units on the ground floor have a self-contained internal first floor safe haven with bedrooms limited to

the first floor and above. Given the outline nature of the application, the internal layout of the care home and dwellings has not yet been confirmed. In the absence of modelling requiring such internal layout, the recommendation is not necessary to make the development acceptable in planning terms and cannot be secured via planning condition at this outline stage.

15.160 On the basis of the applicant's further assessment the EA has withdrawn its objection to the proposals subject to planning conditions. These conditions related to: provision of a flood risk management and flood defence scheme; foul drainage; water efficiency; and a CEMP. The flood defence scheme condition requires updated coastal flood modelling based on the detailed design of the flood defence scheme. In addition, a condition requiring a Flood Warning and Evacuation Plan is proposed. Together these conditions would mitigate flood risk and ensure the development would remain safe for its lifetime.

15.161 In respect of drainage, the Council's Flood Risk Management (FRM) Team conclude the outline drainage strategy confirms that a deliverable and viable surface water management scheme can be provide. FRM have no objection subject to planning conditions related to surface water management. Natural England also comment that the use of appropriate silt traps and oil interceptors so as to prevent the discharge of contaminated surface water to Weymouth Bay and a requirement for maintenance should be secured. They note surface water should avoid discharge to the more sensitive Portland Harbour is avoided.

15.162 Subject to conditions, the proposal would be acceptable from a surface water drainage and flood risk perspective in accordance with Policy ENV5 and the NPPF.

Air Quality

15.163 Policy ENV16 requires that development does not generate unacceptable pollution unless it can be demonstrated that the effects on amenity and living conditions, health and the natural environment can be mitigated to the appropriate standard.

15.164 An Air Quality Assessment (January 2022) has been prepared by the applicant to assess the potential impacts of the development on surrounding air quality during construction and operation. It acknowledges pre-application advise from the Council which identified the poor air quality in the Boot Hill area (Rodwell Road) and required assessment of NO2 and PM10 as a minimum.

15.165 During construction, the assessment identifies that residual air quality impacts from construction vehicles and plant on local air quality would mitigated to an appropriate standard and would not be significant. During operation impacts are assessed as being negligible. The Air Quality Assessment details a series of mitigation measures that would ordinarily be incorporated within a CEMP. Accordingly, the mitigation is proposed to be secured via planning condition. In addition, associated air quality implications during operation would be further reduced via the Travel Plan, proposed to be secured via a Section 106 Legal Agreement.

15.166 The proposal accords with Policy ENV16 in respect of air quality.

Land stability

15.167 Policy ENV7 notes new development will be directed away from areas vulnerable to coastal erosion and land instability to avoid putting people at risk unless it can be demonstrated that the site is stable or could be made stable, and that the development is unlikely to trigger landsliding, subsidence, or exacerbate erosion within or beyond the boundaries of the site.

15.168 The NPPG notes the planning system has an important role in considering land stability, including: helping ensure that development does not occur in unstable locations or without appropriate precautions; and to bring unstable land back into productive use wherever possible (Paragraph: 001 Reference ID: 45-001-20190722).

15.169 The Applicant's Cliff/Slope Stability Assessment (September 2021) provides a general assessment of site conditions and makes recommendations regarding the stability of the adjacent cliff. These recommendations include:

1. Removal of loose material ('rock combing') prior to site clearance and development and removal of debris under suitable supervision;
2. Retention of vegetation on the lower slopes;
3. Provision and maintenance of catchment structures and bi-annual inspections.

15.170 The Council's Coastal Risk Management Team support the development subject to conditions, including further investigation to inform the detailed design of stabilisation works.

15.171 Subject to appropriately worded conditions, the development accords with Policy ENV7 with regard to land stability.

Ground conditions

15.172 Subject to standard planning conditions in respect of contamination, the proposal would not result in unacceptable risk of pollution there would be no unacceptable risk to future occupiers in accordance with Local Plan Policy ENV9.

Community Infrastructure Levy

15.173 Community Infrastructure Levy (CIL) came into effect in the Weymouth and Portland Area in 2016. CIL Would be liable in accordance with the Weymouth and Portland CIL Charging Schedule (2015) and CIL Regulations 2010 (as amended). The unindexed CIL rate for residential development is £93/sq.m. All other development is £0/sq.m.

15.174 Dorset Clinical Commissioning Group request Section 106 contributions in accordance with Exploring Developer Contributions for NHS Infrastructure (v5 dated 3 November 2020). The document confirms contributions will mainly be collected via CIL where there is a CIL charging regime in effect. Accordingly, funding towards NHS infrastructure would be funded via CIL and a planning obligation secured via a Section 106 agreement is not required to make the development acceptable in planning terms.

16.0 Summary and planning balance

16.1 The application site is allocated within the Local Plan prepared at a time when the site provided an employment use. It is allocated for either an alternative employment use or through the comprehensive mixed use redevelopment to provide community benefits, including sufficient uses to ensure no significant loss of potential jobs.

16.2 Comprehensive redevelopment of the site has been discussed for a number of years and a series of developments have been approved. These include a 2008 mixed-use development (06/00915/OUTE) and a 2016 Care Village development (WP/15/00833/FUL). Neither of these approved developments were implemented and the permissions have now lapsed.

16.3 The mixed use proposals comprises:

- up to 141 dwellings (Use Class C3);
- a 60 bed care home (Use Class C2);
- up to 340sq.m of leisure floorspace comprising a gym, swimming pool / spa (Sui Generis) associated with the dwellings;
- up to 1,186 sqm of office/light industrial floorspace (Use Class E(g));
- up to 328 sqm of restaurant floorspace (Class E(b)); and

- associated car parking, public open space, public realm, cliff stabilisation & sea defence works, with vehicular and pedestrian access from Newtons Road & associated infrastructure.

16.4 The proposals have been subject to pre-application consultation and have been amended over the course of determination to respond to comments from consultees and third parties. Notably the number of dwellings have been reduced from 189 to 141 and building heights have been reduced to better relate to the character of the site and sit below the height of the adjacent cliffs. Nevertheless, adverse impacts on landscape character and visual amenity have been identified. The absence of on site affordable housing has been rigorously assessed and the lack of provision is considered to be justified on viability grounds in accordance with Policy HOUS1.

16.5 The proposal would result in comprehensive mixed use redevelopment of an underutilised site as supported by the site allocation. Public and community benefits include:

1. Redevelopment of a previously developed brownfield site which is currently vacant;
2. Creation of a broad range of jobs during construction and operation;
3. Provision of 141 new open market dwellings;
4. Provision of public access through the site which would provide unique views of the waterfront, surrounding heritage assets and the WHS;
5. Provision of public WC and changing facilities helping to support openwater swimming and informal recreation; and
6. Substantial biodiversity net gains.

16.6 These benefits are considerable and considered to outweigh the adverse landscape and visual impacts of the proposal.

16.7 On balance, the proposed development complies with the development plan as a whole notwithstanding the deficiencies noted above. Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. There are no material considerations which would warrant refusal of this application.

17.0 Recommendation

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement to secure the following:

1. £45,000 Affordable Housing Off Site Contribution;
2. Waterfront pedestrian and cycle route;
3. Public WCs and changing facilities, including provision, public access and management; and
4. Travel Plans and Travel Plan Coordinator for 5 years including induction packs.

And the following conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
9464-100 Rev K Site Location Plan & Designers Risk Assessment
9464-P1 Rev K Parameters Plan
1751/03 Rev B Proposed Site Access Arrangements

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

Phasing

2. No application for Reserved Matters shall be approved until a phasing plan for the development has been submitted to, and approved in writing by, the local planning authority. Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

Reason: To allow the development to proceed on a phased basis.

Reserved Matters

3. For any individual phase of development identified in the details approved in accordance with Condition 2 above, no part of the development within that phase shall commence until details of all reserved matters (appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

4. The scale of buildings shall comply with the maximum storey heights shown on the following plans:

9464-P1 Rev K Parameters Plan

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

5. All applications for approval of all reserved matter 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.

Time Limit

6. 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).

Use Classes

7. Occupancy of the care home hereby permitted shall be restricted to residents who are in need of personal care due to frailty, dementia or physical disability. The care home shall be used for no other purpose including any other purpose in Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To prevent increased recreational pressures on Chesil and the Fleet international wildlife site in accordance with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015).

8. The Office Building identified on the approved Parameter Plan (ref: 9464-P1 Rev K) shall be used for office/light industrial purposes (Use Class E(g)) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The Council considers an unrestricted Class E would not be compatible with Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015) which requires sufficient employment uses to ensure no significant loss of potential jobs.

Samples of Materials

9. Prior to development above damp proof course level within any phase, details and samples of all external facing materials for the walls, roofs and boundary treatments within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

Highways

10. Before the development hereby approved is occupied or utilised for any approved use (excluding construction) the following works must have been constructed to the specification of the Local Planning Authority:

- The proposed access improvements (including the realignment of the sea wall) as shown on Dwg No 1751/03 Rev B (or similar scheme) to be first submitted to and agreed in writing with the Local Planning Authority.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

11. Notwithstanding the information shown on the plans approved by this application, no development of any phase must commence until precise details of the access, geometric highway layout, turning and parking areas serving the relevant phase have been submitted to and agreed in writing by the Planning Authority. The internal access arrangements of the development shall provide a footway/cycleway promenade in the location identified on the approved Parameter Plan (ref: 9464-P1 Rev K). The relevant phase shall thereafter proceed in accordance with the approved details, completed prior to occupation of the relevant phase and maintained for the purposes specified for the lifetime of the development.

Reason: To ensure the proper and appropriate development of the site and ensure suitable access and public benefit in accordance with the objectives of Policy WEY9.

12. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority. Thereafter, the first 15.00 metres of the vehicle access shall proceed in accordance with the approved details and maintained for access for the lifetime of the development.

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.

Surface Water Management

13. 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 including clarification of how surface water is to be managed during construction and a timetable for the implementation of the scheme, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the approved details and timetable for implementation.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

14. No development shall take place until details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system 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 shall 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.

Flood Risk

15. Prior to the submission of any reserved matters application the following elements required to manage the risk of flooding associated with the site shall be submitted to, and approved in writing by, the local planning authority. These elements will include the following components:

a) Plans showing the detailed design of the flood defence scheme, incorporating rock armour, sea wall, promenade, raised ground and floor levels as well as drainage and blockage consideration. The detailed design shall be in accordance with the design principles set out in the Flood Risk Assessment (JBA, Revision P02 dated 16 February 2023). The final detailed designs will also be supported by updated detailed design coastal flood modelling.

b) As part of the detailed reserved matter designs there should be no self-contained ground floor residential units (flats/bungalows etc.) and/or sleeping accommodation (bedrooms) on the ground floor unless these are demonstrated to not be at risk of residual flood risk to the satisfaction of the Local Planning Authority, based on the detailed design modelling approved as part a) of this condition.

c) A maintenance and improvement plan for the flood defence scheme, approved as part a) of this condition, for the lifetime of the development.

d) An updated Flood Risk Assessment based on the outputs from the detailed design modelling approved as part a) of this condition incorporating the best available evidence at that time.

The flood defences (except finished floor levels) shall be completed in the first phase of the works on site, prior to any other site work in accordance with the approved Flood Risk Assessment under part d) of this condition. The approved flood defences, finished floor and site levels, ground floor arrangements as well as the flood defence maintenance and improvement plan shall be carried out, and maintained, in accordance with the approved plans, unless otherwise approved in writing by the Local Planning Authority under the terms of this condition.

Reasons: To reduce the risk of flooding to the site and future occupants under all phases, and to ensure the structural integrity and suitability of the proposed flood defences thereby reducing the risk of flooding.

16. Before the commencement of the development a detailed Flood Warning and Evacuation Plan covering emergency response and evacuation arrangements for the site shall be submitted to and be approved in writing by the Local Planning Authority. The agreed measures shall be provided prior to first occupation taking place on site and thereafter these measures shall be permanently maintained, unless an alternative is first agreed in writing with the Local Planning Authority.

Reason: To ensure that those using the site are aware that the area is at risk of flooding, and the emergency evacuation procedure and routes to be used during flood events.

17. With the exception of the promenade, finished ground levels shall be set at a minimum of 5.00m AOD.

Reason: To minimise the risk of flooding to people and property.

Land Contamination

18. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme (3-5 above), as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied.

On completion of the Remediation Scheme and prior to the first occupation or use of a relevant phase of development commencing a verification report to confirm that the relevant phase is fit for purpose following remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).

Reason: To ensure potential land contamination is addressed.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out in accordance with the approved timescale and 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.

Electrical Vehicle Charing Points

20. Prior to the construction of any phase of the development above damp-proof course level a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within that phase of the development (along with a timetable for their provision), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development of that phase shall be carried out in accordance with the approved details and timetable and, thereafter, must be maintained and available for the purpose specified for the lifetime of the development.

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

Cycle Parking

21. Prior to occupation of any phase of development a scheme showing precise details of the proposed cycle parking facilities serving that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be constructed before the relevant phase of development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified for the lifetime of the development.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

Construction Traffic Management Plan

22. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- a) construction vehicle details (number, size, type and frequency of movement)
- b) a programme of construction works and anticipated deliveries
- c) timings of deliveries so as to avoid, where possible, peak traffic periods
- d) a framework for managing abnormal loads
- e) contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- f) wheel cleaning facilities

- g) vehicle cleaning facilities
- h) Inspection of the highways serving the site (by the developer (or their contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- i) a scheme of appropriate signing of vehicle route to the site
- j) a route plan for all contractors and suppliers to be advised on
- k) temporary traffic management measures where necessary
- l) measures to ensure HGV access to the breakwater by existing occupiers

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

Construction Environmental Management Plan

23. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "*biodiversity protection zones*".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Measures for the protection of the adjacent SSSI, harbour and sea, including: sheeting of lorries carrying loose loads to and from site; wheel wash facilities; use of water as a suppression measure; and reduced height of load tipping to prevent dust smothering adjacent marine and terrestrial habitats.
- f) Pollution prevention measures including measures related to the use of plant and machinery, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds, and control and removal of spoil and wastes.
- g) The times during construction when specialist ecologists need to be present on site to oversee works.
- h) Responsible persons and lines of communication.
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j) Use of protective fences, exclusion barriers and warning signs.
- k) A timetable for the construction of the development.

Thereafter the development shall be implemented in strict accordance with the approved CEMP and timetable unless otherwise agreed under the terms of this condition.

Reason: To protect biodiversity during the construction phase and prevent pollution of water in accordance with Para. 174 of the NPPF.

Portland Harbour Shore Site of Special Scientific Interest (SSSI) Management Plan

24. Before the commencement of the development, a Site of Special Scientific Interest (SSSI) Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to secure the enhancement and maintenance of the condition of the part of the Portland Harbour Shore SSSI that lies within the development site. The Management Plan shall include the recommendations set out at Section 5.0 of the SSSI Management Plan 2023-2028 (ref: LLD2478-ECO-REP-004-00-SSSI dated 14 July 2022) together with provision for geological recording of any fallen material or material dislodged through rock combing, and where appropriate measures to secure improvements in terms of exposure and access to SSSI qualifying features. The development must be carried out strictly in accordance with the approved SSSI Management Plan and adhered to throughout the lifetime of the development.

Reason: In the interests of protected species, to provide an improved wildlife habitat and facilities for nature conservation and to preserve features of paleontological interest.

Public Art

25. Prior to construction above damp proof course level details of public art including: i) sculptural reliefs of Jurassic fossils along the proposed sea wall and promenade and ii) a gateway feature on Newtons Road responding to the history of the site and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the public art shall be provided in accordance with the approved timetable and retained and maintained for the lifetime of the development.

Reason: To mitigate impacts on the World Heritage Site and respond to the unique history of the site in accordance with Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015)

Biodiversity

26. 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 18 August 2023 must be implemented in accordance with any specified timetable and completed in full for the relevant phase (including the submission of compliance measures to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

27. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior commencement of development. The content of the LEMP shall include:
- a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery and a timetable for its implementation.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

World Heritage Site

28. Prior to construction above damp proof course level details of publicly accessible World Heritage Site geological heritage interpretation measures and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures shall be implemented in accordance with the approved timetable and maintained for the lifetime of the development.

Reason: To mitigate impacts on the World Heritage Site and respond to the unique history of the site in accordance with Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015)

External Lighting

29. Prior to construction above damp proof course level a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill and accords with the Institute of Lighting Professionals Guidance Note 08/18, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter there shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity and the character of the area.

Cliff Stabilisation

30. Prior to commencement of development a detailed scheme for cliff stabilisation and protection works taking account of both land stability, ecological considerations (to include proposals for its ongoing management) and the Dorset and East Devon Coast World Heritage Site shall be submitted to and approved in writing by the Local

Planning Authority. The development will be completed in accordance with the agreed details prior to the occupation of the site and thereafter the cliff face shall be permanently maintained in accordance with the agreed management proposals.

Reason: To ensure appropriate stability of the cliff, improve nature conservation within the SSSI and avoid harm to the Dorset and East Devon Coast World Heritage Site.

Foul Sewer

31. As part of any reserved matters application, a scheme to dispose of foul drainage, including connection to the public foul sewer network, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved and maintained for the lifetime of the development.

Reason: To ensure that the development can be adequately serviced and ensure enhancement of the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution in accordance with Para. 174 of the NPPF.

Water Efficiency

32. No development hereby approved shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day for all residential development. The scheme shall be implemented in accordance with the agreed details.

Reason: Under the latest 2021 classifications, this area has been identified as under, or likely to be under, serious water stress. To contribute to sustainable development as well as meeting the demands of climate change and the climate emergency.

Noise

33. Before installation of plant or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measures shall be fully implemented before the first use of plant or similar equipment and permanently retained thereafter.

Reason: In order to protect the amenity of nearby residential properties.

Odour

34. Prior to the first operation of the restaurant hereby approved commencing, details of odour suppression measures to avoid significant adverse impacts on residential

amenity shall be submitted to and approved in writing by the Local Planning Authority. The approved measure shall be installed before the first operation of the restaurant and thereafter the odour suppression measures shall be maintained for the lifetime of the restaurant.

Reason: In order to protect the amenity of nearby residential properties.

Informatives:

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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to affordable housing off-site contribution, waterfront pedestrian/cycle route, public WCs and changing facilities and Travel Plans and Travel Plan Coordinator.

3. Informative: If the new road layout 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.

4. Informative: The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

5. Informative: 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.

6. Informative: The highway improvement(s) referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Development team. They can be reached by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.
7. Informative: The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-fordevelopers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474 or by email at bincharges@dorsetcouncil.gov.uk.
8. Informative: The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities meet with their requirements. Contact businesswaste@dorsetcouncil.gov.uk for more information.
9. Informative: The applicant is advised to apply to any relevant body for permission to discharge surface water to Weymouth Harbour (if required)
10. Informative: If the applicant wishes to offer for adoption any highways drainage to Dorset Council, they should contact Dorset Council's Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet the Council's design requirements.
11. Informative: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.
12. Informative: Street Naming and Numbering
The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering

13. Informative: It should be noted that the outcome of the updated detailed design coastal flood modelling will influence/support any reserved matters detailed designs, including the details required to address parts (b, c and d) of condition 15. Therefore, updated detailed design modelling should be completed prior to finalizing the related design elements.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure an off site contribution of affordable housing the development would be contrary to Policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan (2015).
2. In the absence of a satisfactory completed legal agreement to secure provision of a waterfront pedestrian and cycle route the development would not provide sufficient community benefit contrary to Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015).
3. In the absence of a satisfactory completed legal agreement to secure provision of Public WCs and changing facilities, including provision, public access and management the development would not provide sufficient community benefit contrary to Policy WEY9 of the West Dorset, Weymouth and Portland Local Plan (2015).
4. In the absence of a satisfactory completed legal agreement to secure Travel Plans and Travel Plan Coordinator for 5 years (including induction packs) the impacts of the development on the highway network would not be satisfactorily mitigated in conflict with Policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015).