

Western & Southern Area Planning Committee

07 September 2023

Decision List

Application: P/FUL/2022/07710

Site Address: Land And Buildings Known As Newlands Farm Coldharbour
Chickerell

Proposal: Part full and part retrospective application for the change of use of land and buildings from agricultural use to storage (B8) and the siting of up to 43 storage containers.

Recommendation: Grant subject to conditions.

Decision: That the application be granted subject to the following conditions.

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

Location plan 3114/01

Site and location plans 3114/02 G

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

2. The use of the building and land hereby approved shall be only for purposes restricted to uses within Class B8 Storage & Distribution of the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A maximum of 43 storage containers shall be sited on the land in accordance with the positions and footprints shown on drawing no. 3114/02F and there shall be no stacking of storage containers on top of each other (double stacking).

Reason: To ensure the authorised use is clearly defined for the avoidance of doubt.

3. No vehicles shall access nor leave the site and no activity shall take place in connection with the storage (class B8) use outside the hours of 07.30 to 18.00 hours on Mondays to Fridays, and outside the hours of 08.00 to 18.00 hours on Saturdays and Sundays. No vehicles shall access nor leave the site and no activity shall take place in connection with the skip hire use outside the hours of 08.00 to 17.00 on Mondays to Fridays. Neither uses shall be operational on Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

4. Within 3 months of the date of this permission the areas shown on plan 3114/02 G for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

5. Within 3 months of the date of this permission the first 10.00 metres of the vehicle access, measured from the rear edge of the highway and 4.0 metres kerbing each side of the access (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.

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 and maintaining structural integrity on the edge of the highway.

6. Within 3 months of the date of this permission the visibility splay areas as shown on Drawing Number 3114/02 G must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

7. The soft landscaping works detailed on approved drawing 3114/02 G must be carried out in full during the first planting season (commencing November 2023) and completed by December 31/12/2023. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

8. Prior to November 2023 a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority and shall include maintenance schedules for the landscape areas. The subsequent management of the development's landscaping shall accord with the approved plan.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of communal, public, nature conservation or historical significance.

9. The storage of skips shall only occur in the area hatched green on drawing no. 3114/02 G.

Reason: In the interests of visual amenity.

Informative:

NPPF

Highways Informative

EA Informative

Application: P/OUT/2021/05309

Site Address: Land Adjacent Broadmead, Broadmayne

Proposal: Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only).

Recommendation: Further to the resolution of the 20 July Western and Southern Area Planning Committee, the planning obligations and conditions detailed within this report are considered necessary to make the development acceptable in planning terms.

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 S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to be intermediate affordable housing.
2. Provision of a Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management of the LAP, any allotments and any other publicly accessible open spaces in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
 - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
 - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;

- iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;
 - iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
 - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution.
 5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings. If legislation comes into force which no longer requires the proposed mitigation to be secured, members delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to amend and/or remove this planning obligation prior to completion of the S106 Agreement(s) in consultation with the Chair of the Western and Southern Planning Committee. In the event that the Section 106 Agreements are completed prior to new legislation being enacted the Section 106 Agreements shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.

And the conditions set out below.

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 9 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:

Decision:

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 S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to intermediate affordable housing.

2. Provision of a Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management of the LAP, any allotments and any other publicly accessible open spaces in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
 - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
 - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
 - iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;
 - iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
 - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan.
5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings. If legislation comes into force which no longer requires the proposed mitigation to be secured, members delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to amend and/or remove this planning obligation prior to completion of the S106 Agreement(s) in consultation with the Chair of the Western and Southern Planning Committee. In the event that the Section 106 Agreements are completed prior to new legislation being enacted the Section 106 Agreements shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.

And subject to the planning conditions below:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan P0001

- Proposed Broadmead Site Access General Arrangement 23054-04-6 Rev B
- Proposed Broadmead Site Access Rectory Road Junction Alterations and Footway Works 23054-04-7 Rev B

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

Approval of Reserved Matters

2. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, 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.

Timescales – Reserved Matters

3. Application(s) for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

Timescales – Commencement of Development

4. 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).

Access, Highway Layout, Turning and Parking Areas

5. Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

Visibility Splays

6. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

Construction Traffic Management Plan

7. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the 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 his 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

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

8. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) 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) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs
The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

Landscape and Ecological Management Plan

9. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Landscape and Ecological Management Plan (LEMP) dated 8 February 2022 and certified by the Dorset Council Natural Environment Team on 16 March 2022 must be strictly adhered to during the carrying out of the development.

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

- a) the mitigation, compensation and enhancement/net gain measures detailed in the approved LEMP have been completed in full, unless any modifications to the approved LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority; and
- b) evidence of compliance has been supplied to the Local Planning Authority.

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

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

Samples of Materials

10. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) 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.

Surface Water Management Scheme

11. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for

implementation, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details and timetable.

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

Surface Water Maintenance and Management

12. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. 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. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

Land Contamination

13. 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 any necessary remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) where necessary, a detailed phasing scheme for the development and remedial works (including a time scale). 5) where necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, 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 works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

14. Prior to the first occupation of the development a verification report to confirm that the development is fit for purpose following any 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.

15. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out within the approved timescale. 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.

Archaeology

16. No works shall take place until the applicant has carried out a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To safeguard and/or record the archaeological interest on and around the site.

Arboricultural Method Statement

17. Prior to the commencement of any development hereby approved a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

Minerals Safeguarding

18. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during site preparation/construction works shall be submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:
 - a. A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;

- b. An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
- c. A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

Lighting Strategy

19. Prior to commencement of work on the site, a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. 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)

Cycle Parking

20. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved facilities shall be installed and maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

Water Usage

21. Details of measures to limit the water use of the dwelling(s) in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in Poole Harbour catchment in the interests of protected habitats.

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 a agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to affordable housing, play space, off-site highway improvement works, SANG provision and off-site nutrient neutrality mitigation.

3. 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.

4. Informative: 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

5. 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.

6. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the

development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

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 completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 2 In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 3 In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 4 In the absence of a completed Section 106 legal agreement to secure a Local Area for Play (LAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 5 In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).

Application: P/FUL/2021/05255

Site Address: Land Adjacent Broadmead, Broadmayne

Proposal: Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road

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 with the following heads of terms:

1) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

And subject to the planning 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 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 the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) the proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

Decision:

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 with the following heads of terms:

- 1) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

Planning conditions:

Time Limit

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

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

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (ref: 21031-P001 Rev A)
 - Indicative Site Layout Proposal (ref: 21031-003 Rev D)
 - Phase 1 SANG: Soft Landscape Proposals (ref: edp7097_d016e)
 - Phase 2 SANG: Soft Landscape Proposals (ref: edp7097_d013f)

- Proposed Broadmead Site Access General Arrangement (ref: 23054-04-6 Rev B)

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

Arboricultural Method Statement

3. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:
- i) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
 - ii) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
 - iii) a schedule of tree work conforming to BS3998;
 - iv) details of the area for storage of materials, concrete mixing and any bonfires;
 - v) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
 - vi) details of any no-dig specification for all works within the root protection area for retained trees;
 - vii) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

Access details

4. A scheme showing precise details of the access from the A352 must be submitted to and approved in writing by the Local Planning Authority prior to use of the access commencing for construction purposes. Thereafter the access shall be constructed in accordance with the approved details.

Reason: To ensure that a suitable vehicular access is provided.

Haul road details

5. A scheme showing precise details of the haul road identified on Phase 1 SANG: Soft Landscape Proposals drawing (ref: edp7097_d016e) and programme for use must be submitted to and approved in writing by the Local Planning Authority prior to construction of the haul road and use of the haul road commencing for construction purposes associated with the linked residential development to the south (ref: P/OUT/2021/05309). Thereafter the haul road shall be constructed in accordance with the approved details and maintained for the duration of the specified programme. Thereafter the haul road shall be removed.

Reason: To ensure that a suitable vehicular access is provided.

Vehicle Access Construction

6. Before the development is first utilised the first 20 metres of the vehicle access from Broadmead, 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 which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

Visibility Splays

7. Before the development hereby approved is first utilised the relevant visibility splay areas as shown on drawing 23054-04-6 Rev B must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

Minerals

8. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during any site reparation/construction works shall be submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:
 - i) A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
 - ii) An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
 - iii) A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

Archaeological Method Statement

9. No works shall take place until an Archaeological Method Statement identifying how the D-shaped enclosure (No. 1) and possible barrow (No. 2) identified at drawing KTD-DJS-Fig11 and KTD-DJS-Fig14 of the Archaeology and Heritage Assessment dated November 2021 (ref: edp7097_r002d) would be protected during the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall proceed in strict accordance with the approved Archaeological Method Statement.

Reason: To safeguard potential archaeological interests on the site.

Informatives

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309).
2. 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.

3. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Development, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

4. 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.

5. Informative: Contact Dorset Highways

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, to ensure that the appropriate licence(s) and or permission(s) are obtained.

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 the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) the proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

Application: P/OUT/2022/00852

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)

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.

Decision:

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

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

1. 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

2. 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.

3. The scale of buildings shall comply with the maximum storey heights shown on drawing 9464-P1 Rev K Parameters Plan and the following maximum AOD heights:

- Apartment Block 1A: 24.655m AOD
- Apartment Block 1B: 22.050m AOD
- Apartment Block 1C: 18.280m AOD
- Apartment Block 2A: 22.200m AOD
- Apartment Block 2B: 22.200m AOD
- Townhouses: 16.185m AOD
- Offices/Light Industrial Building: 16.345m AOD
- Care Home: 15.320m AOD

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

4. 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

5. 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

6. 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).

7. 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

8. 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

9. 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.

10. 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; together with a Car Parking Management Plan identifying the designation of parking spaces 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.

11. 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

12. 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.

13. 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

14. 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 to 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 of 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.

15. 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.

16. 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

17. 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.

18. 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

19. 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

20. 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

21. 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:
1. construction vehicle details (number, size, type and frequency of movement)
 2. a programme of construction works and anticipated deliveries

3. timings of deliveries so as to avoid, where possible, peak traffic periods
4. a framework for managing abnormal loads
5. contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
6. wheel cleaning facilities
7. vehicle cleaning facilities
8. 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
9. a scheme of appropriate signing of vehicle route to the site
10. a route plan for all contractors and suppliers to be advised on
11. temporary traffic management measures where necessary
12. 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

22. 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:
 1. Risk assessment of potentially damaging construction activities.
 2. Identification of "*biodiversity protection zones*".
 3. 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)).
 4. The location and timing of sensitive works to avoid harm to biodiversity features.
 5. 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.
 6. 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.

7. The times during construction when specialist ecologists need to be present on site to oversee works.
8. Responsible persons and lines of communication.
9. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
10. Use of protective fences, exclusion barriers and warning signs.
11. 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

23. 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

24. 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

25. 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

26. 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

27. 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

28. 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

29. 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

30. 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

31. 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

32. 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

33. 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).

Application: P/FUL/2022/06311

Site Address: West Bay Holiday Park Forty Foot Way West Bay DT6 4HB

Proposal: New converted shipping container catering unit

Recommendation: Grant subject to conditions.

Decision: That the application be granted subject to the following conditions.

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
PR001.21.OS Location Plan
PR001.21.BLOCK A Block Plan
PR001 21 P04 C Proposed Plan
PR001 21 P05 C Proposed Elevation A
PR001 21 P06 C Proposed Elevation B
PR001 21 P07 B Site Plan

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

3. The development shall be carried out in accordance with the submitted flood risk assessment (dated 20 January 2023, produced by Avison Young, Reference 01C300055) including the following mitigation measures:

- Floor levels to be set at least 170mm above existing ground level.
- The unit shall be securely fixed to the ground to prevent movement/flotation during a flood.

These mitigation measures shall be fully implemented prior to the first use of the unit and shall subsequently maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

4. The filtration system detailed in the Specification and EMAQ report dated 30/08/2022 shall be installed and operational prior to the first use of the unit. The system shall be retained thereafter and maintained in accordance with the manufacturer's specifications. No additional extraction or ventilation equipment shall be installed on the unit.

Reason: to prevent harmful emission of odours and noise from the unit.

5. The catering unit hereby approved shall not be open to the public outside of the hours of 12:00 (midday) to 00:00 (midnight) daily.

Reason: to prevent harmful impacts from noise and disturbance from the use of the unit.

6. Prior to the first use of the catering unit, a waste bin for use by the public shall be provided on the site in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To minimise the proliferation of litter associated with the development.

Informative Notes:

1. We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

- Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>
- British Standard 85500 – Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

2. 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.

Application: P/FUL/2023/00384

Site Address: Highlands End Holiday Park Highlands End Eype DT6 6AR

Proposal: Installation 300 ground mounted photovoltaic (Solar Panels) to provide carbon free electricity for Park.

Recommendation: Refuse

Decision: Deferred for a committee site visit.

Application: P/FUL/2022/06870

Site Address: Meadow Barn Care Farm Land West Of Seaview Farm Ash Lane Salwayash Dorset DT6 5JA

Proposal: Siting of a temporary rural worker's dwelling, erect extension to existing barn and change of use of land and buildings to a mixed use of agriculture and community education facility.

Recommendation: Refuse

Decision:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to conditions to cover the following points, with the detailed wording of the conditions having first been agreed with the Chairman of the Southern and Western Planning Committee:

1. 3 years for commencement.

2. Approved plans list.
3. Limitations to the occupation of the mobile home.
4. Temporary permission.
5. Materials.
6. Willow planting.
7. Provision of access and hardstanding.