

Applications Report for Minor Development and Others

Application Number:	P/RES/2023/03059
Webpage:	Planning application: P/RES/2023/03059 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Land To The Rear Of 34-36A Canberra Road Weymouth
Proposal:	Erection of 4no. dwellings (reserved matters application to determine appearance and landscaping following the grant of Outline planning permission number WP/20/00015/OUT)
Applicant name:	Hamlin Property Developers Ltd
Case Officer:	Jo Langrish-Merritt
Ward Member(s):	Cllr Ferrari, Cllr O'Leary

1.0 Recommendation

The application relates to land that is in Dorset Council ownership and the application is therefore being reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

Grant subject to conditions.

3.0 Reason for the recommendation:

The proposed development would be located within the development boundary of Weymouth and therefore the development of 4 dwellings in this location is deemed to be acceptable. The access, scale and layout were fully reviewed as part of the outline application (WP/20/00015/OUT) and were deemed satisfactory. The appearance and landscaping were reserved matters. The overall appearance of the development along with the proposed landscaping are considered to be acceptable. The impact on residential amenity, biodiversity and flood risk are also all considered to be acceptable. The proposal, subject to conditions, is therefore considered to be in accordance with the West Dorset and Weymouth Local Plan as a whole.

4.0 Key planning issues

Issue	Conclusion
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Principle of development	The proposed development would be located within the Defined Development Boundary and as such the principle of development is acceptable.
Impact on visual amenity	The proposed development would be in keeping with the scale proportions and overall design of the wider housing estate.
Impact on residential amenity	The dwellings have been designed to be side on to the existing dwellings thereby preventing any loss of privacy. Furthermore, the proposed dwellings would be considered to be an acceptable distance to prevent an overbearing impact.
Impact on biodiversity and trees	The existing trees and vegetation which would have to be removed prior to the development, make a limited contribution to the character of the wider area as such the proposed development along with the suggested planting scheme is considered to have an acceptable impact.
Impact on highways	A parking space per dwelling has been proposed along with 3 visitor spaces. Given the sustainable location of the dwellings the parking and access arrangements are considered to be acceptable.

5.0 Description of Site

The application site comprises land to the rear of 36 Canberra Road, Weymouth. The application site forms part of Littlemoor. The dwellings which surround the site are predominantly two storey terraced dwellings almost all of which were constructed in the 1980s and display a high degree of uniformity in regard to design, scale and use of materials.

The application site is covered in vegetation, which includes a mix of shrubs and low quality trees that display little sign of regular maintenance; none of the trees are protected by a Tree Preservation Order. The site is accessed via Darwin Close and across a car park which serves the nearby existing dwellings.

The site is within the defined development boundary (DDB) of Weymouth.

6.0 Description of Development

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The proposed development is for the erection of 4no. dwellings (reserved matters application to determine appearance and landscaping following the grant of Outline planning permission number WP/20/00015/OUT).

7.0 Relevant Planning History

07/00529/FUL - Decision: WIT - Decision Date: 28/09/2007

Conversion and extension to form 4 flats

07/00758/FUL - Decision: GRA - Decision Date: 23/11/2007

Conversion and extension to form 4 flats (resubmission)

WP/15/00570/OUT - Decision: WIT - Decision Date: 13/04/2016

Erect two houses at rear (accessed off Darwin Close)

WP/19/00234/OUT - Decision: GRA - Decision Date: 15/10/2019

Erection of 2 dwellings (Outline)

WP/20/00015/OUT - Decision: GRA - Decision Date: 27/05/2020

Outline application for the erection of 4no. dwellings

8.0 List of Constraints

Landscape Chara; Urban Area; Weymouth Urban Area

Defined Development Boundary; Weymouth (Littlemoor Suburban Area)

Boundary; West Dorset District Boundary; West Dorset

Weymouth and Portland District Boundary; Weymouth and Portland

NPLA - Type: Neighbourhood Area; Name: Weymouth

High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar);

Risk of Surface Water Flooding Extent 1 in 1000

Dorset Council Land (Freehold): DT47255 - Reference 60224

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Area of Outstanding Natural Beauty (AONB): Dorset;

Site of Special Scientific Interest (SSSI) impact risk zone;

Radon: Class: 1 - 3%

ONR portland_12km_zone

9.0 Consultations

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

Consultees

1. Ward Members

No comments

2. Weymouth Town Council

No objection

3. Highways Officer

The applicant is reminded to give due regard to Inclusive Mobility complying with the Equalities Act. The Highway Authority has NO OBJECTION, subject to the same conditions previously imposed upon the Outline approval and additionally the following condition.

Cycle parking scheme to be submitted

The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

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

INFORMATIVE NOTE: Electric vehicle charging points The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

4. Waste Management

No objections

5. Aboricultural Officer

There are no Dorset Council maintained trees in this location.

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6. NET

The Natural Environment Team (NET) had reviewed the Biodiversity plan and ecological report and requested additional provisions for bats and confirmation regarding additional grassland creation in accordance with DBAP net gain requirements. The Biodiversity plan was subsequently amended and NET are satisfied with the amendments and have certified the plan.

7. Third Parties

No Third-Party representations have been received.

10.0 Relevant Policies

Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1- Presumption in Favour of Sustainable Development
- ENV1 - Landscape, Seascape And Sites Of Geological Interest
- ENV2 - Wildlife and habitats
- ENV5 – Flood Risk
- ENV 10 – The Landscape and Townscape Setting
- ENV12 – The design and positioning of buildings
- ENV15 – Efficient and appropriate use of land
- ENV16 – Amenity
- SUS1 – The level of economic and housing growth
- SUS2 – Distribution of development
- HOUS1 – Affordable Housing
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development
- COM10 – The provision of utilities service infrastructure

Neighbourhood Plans

Weymouth Neighbourhood Plan

Other Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Supplementary Planning Document/Guidance

Landscape Character Assessment (Weymouth & Portland)

Urban Design (2002)

DCC Parking Standards

West Dorset, Weymouth and Portland Community Infrastructure Levies 2016

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

National Planning Policy Framework:

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

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing

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buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. There is ramped access to two of the properties with only a shallow step to the others. All properties have level access on to the rear gardens. As such given that this is such a small development and 50% of the units have level access this is considered to provide sufficient opportunities for inclusive mobility for less mobile persons

13.0 Financial benefits

Material considerations:

Employment created during the construction phase

Non material considerations:

None relevant

14.0 Climate Implications

The site is in a sustainable location within an existing well established residential area. It is therefore likely that the occupiers or any visitors will walk or use public transport to access the site. The properties have been designed to include moderate levels of glazing while maintaining a highly insulated building fabric.

15.0 Planning Assessment

Principle of development

The site is located within the defined development boundary for Weymouth and therefore the development in this location is considered to be sustainable, in accordance with Policies INT1 and SUS2.

The principle of developing the site for housing has already been established with the granting of outline permission in 2020 (WP/20/00015/OUT) where the matters of scale, layout and access were considered and approved. Having established the principle of development as being sustainable and in accordance with national policy, the other material considerations of landscaping and appearance are considered as part of this reserved matters application and are explored further below.

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Impact on visual amenity

Policy ENV1 of the West Dorset, Weymouth & Portland Plan states that the area's exceptional landscapes and seascapes and geological interest will be protected, and development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Policy ENV10 states that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. ENV12 requires development that achieves a high quality of sustainable and inclusive design. ENV15 makes clear that development should optimise the potential of the site and make efficient use of land.

The proposed development would form a row of 4 terraced houses in a staggered formation. The dwellings are of a modest scale and proportion with simple lean-to porch canopies. The proposed dwellings would reflect the character and appearance of the dwellings in the western end of Canberra Close and Darwin Close. The dwellings would be constructed using yellow/buff bricks and interlocking concrete tiles again this would reflect the character of the existing wider estate.

The existing trees and vegetation, which would have to be removed prior to the development, make a limited contribution to the character of the wider area, with the trees being set to the rear of existing houses and having visibility that is largely limited to the homes which immediately overlook the site. The trees and vegetation are of poor quality and the grounds in which they are set are open with evidence of small-scale fly tipping. The proposed scheme includes the provision of a variety of practical ornamental shrubs and perennial planting with native wildlife friendly species at the rear of each property along with some additional planting along the eastern boundary. As two trees are to be removed the planting also includes a number of replacement trees such as hazel. To the western side of the properties an area of Wildflower grassland rich in wildflowers will be created. The addition of these areas of planting will act to both soften the overall appearance of the scheme and provide areas for wildlife and biodiversity. Subject to a successful hard and soft landscaping scheme, it is considered the erection of the four dwellings at the site would not cause harm to the visual appearance of the area and so would accord with Policies ENV1, ENV10, ENV12 and ENV15 of the of the Local Plan.

Impact on residential amenity

ENV16 of the West Dorset, Weymouth & Portland Local Plan seeks to ensure that developments would protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants.

The proposed dwellings have been designed to be with their gables facing the existing properties along Canberra Road and Rockhampton Close which have an east west orientation whereas the proposed dwellings would have a north south orientation. The side elevations would be blank to avoid any overlooking. As such there is not considered to be any loss of privacy. The closest neighbouring property would be approximately 10m on the eastern side and 14m on the western side from the proposed development. There is also a change in ground levels across the site with the ground falling away to the north. Given the

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distance and the change in ground level the proposal is not considered to have an overbearing or overshadowing impact on neighbouring properties.

Impact on biodiversity and trees

As previously mentioned, the existing trees and vegetation which would have to be removed prior to the development, make a limited contribution to the character of the wider area, with the trees being set to the rear of existing houses and having visibility that is largely limited to the homes which immediately overlook the site. The trees and vegetation are of poor quality and the grounds in which they are set are open with evidence of small-scale fly tipping. Subject to a successful hard and soft landscaping scheme, it is considered that the erection of the four dwellings at the site would not cause harm to the visual appearance of the area and so would accord with Policies ENV1, ENV10 and ENV12.

An ecological survey and biodiversity plan had been provided with the application which made recommendations to help ensure that wildlife and important ecological features are protected during the course of works and ecological enhancements are provided such as sparrow boxes. The Natural Environment Team had reviewed the Biodiversity plan and ecological report and requested additional provisions for bats and confirmation regarding additional grassland creation in accordance with DBAP net gain requirements. These amendments were subsequently made and the biodiversity plan and its recommendations has been assessed and certified by the Council Natural Environment Team.

Highways

Parking and vehicular access is to be provided from the existing access and parking area. One parking space is to be provided for each of the new dwellings along with 3 visitor parking spaces. Given the sustainable location of the site and as there are existing bus and transport links close by the proposed highways and parking arrangements are considered to be acceptable.

Clarification was sought from the Highways Team regarding their comments about inclusive mobility. They have confirmed that there is a duty of care under the Equalities Act to have due regard for people with protected characteristics. The site is accessed from the public highway across a manoeuvring aisle for the car park leading to the site, as shown within the red line of the application area. As such, in general, a footway provision around the outside of the existing parking court may be beneficial.

Whilst it is recognised that inclusive mobility is an important consideration the matters of access and layout were determined at outline stage as part of (WP/20/00015/OUT). Therefore, whilst the Highways Authority's comments are noted and the applicant will be advised of their duty under the Public Sector Equalities Duty and Highway safety however no further considerations or conditions relating to that matter can now be sought at the reserved matters stage given that only landscaping and appearance are being considered. Furthermore, whilst the Highway Authority have recognised the importance of inclusive mobility for site, they continue to raise no objections to the proposals.

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In addition to the above the Highway Authority's request for a cycle parking provision on site is acknowledged but the issues of layout were considered at the outline stages and as such we cannot seek to condition the provision of cycle parking on site as part of this reserved matters application. Notwithstanding that the site is within a sustainable location with ample access to public transport and an informative note will be added to the permission reminding the applicant of the importance of providing cycle parking provisions on site

An informative note will be added to the permission informing the applicant that responsibility for maintenance of the parking and turning area will remain with the developer, residents or housing company.

Flood Risk

The site is located within flood zone 1 and as such is at low risk of fluvial flooding. However, consideration must also be given to surface water flooding and the proposals are accompanied by a drainage scheme. The scheme has been designed to include an increase in finished floor level above external levels to prevent flood ingress, electrical sockets are 600mm above finished floor levels to increase flood resilience and sustainable drainage has been provided which allows for flood events. Furthermore, there is to be no overnight accommodation at ground floor. As such these mitigation measures are considered to improve the flood resilience of the properties in the event of a flood and would not increase the risk of flooding elsewhere in accordance with policy ENV5 of the West Dorset Weymouth and Portland Local Plan and section 14 of the NPPF.

16. Conclusions

The proposed development would be located within the development boundary of Weymouth and therefore the development of 4 dwellings in this location is deemed to be acceptable. The access, scale and layout were fully reviewed and were deemed satisfactory at the outline stage. The appearance and landscaping are considered to be acceptable and would be in keeping with the character of the wider area. The impact on residential amenity, biodiversity and flood risk are also all considered to be acceptable. The outline application subject to conditions is therefore considered to be in accordance with the West Dorset and Weymouth Local Plan.

17.0 Recommendation

Grant subject to 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.

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

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

Location plan and site plan 20.01 RevC

Site Plan floor plan and elevations 16/241/001

Drainage scheme 2305/77/001 RevA

3. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been 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.

4. The soft landscaping works detailed on approved drawing 16/241/001 must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. 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.

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) (ref. DBAP23238NH) certified by the Dorset Council Natural Environment Team on 20th September 2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) 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.

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

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

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

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

3. INFORMATIVE NOTE: Electric vehicle charging points The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

4. INFORMATIVE NOTE: Biodiversity plan

The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan or LEMP to Dorset Natural Environment Team in order to comply fully with requirements of condition 6.

5. INFORMATIVE NOTE: Cycle Provision

The applicant is reminded that appropriate cycle parking provision should be made within the application site to encourage sustainable modes of transport. The proposed cycle parking provision must be constructed to a suitable standard, prior to the development being occupied, maintained thereafter and kept free from obstruction.