

Officer Report

Application Number:	P/FUL/2023/04322
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Weymouth Harbour Weymouth Dorset DT4 8AJ
Proposal:	Removal and reinstatement of railing to Harbour Wall 4 to facilitate permitted development works to Repair, refurbish, and maintain harbour Walls 4 and 4i including raising of the capping beam to improve level of flood protection.
Applicant name:	Dorset Council
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Hope and Cllr Taylor

1.0 In accordance with the Council's constitution this application is being referred to the Planning Committee as Dorset Council is both the applicant and landowner.

2.0 Summary of recommendation: GRANT Subject to conditions

3.0 Reason for the recommendation: The proposals are acceptable in principle and are necessary to facilitate essential repairs to Weymouth's Harbour wall and flood defences. Once complete, the works would not result in harm to the significance of heritage assets and would maintain the area's character. There would not be any unacceptable impacts in terms of flood risk or highways. The proposals are therefore considered to comply with relevant policies of the neighbourhood plan and National Planning Policy Framework.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The works are acceptable in principle as they are within the defined development boundary and would maintain the character of the area.
Character and impact on heritage assets	The proposals would maintain the character of the area and would not result in harm to heritage assets.
Flood Risk	The proposals would not result in increased risk of flooding or increase the population at risk of flooding.
Highways	Highways impacts would be limited to the construction period and, with appropriate management would not result in unacceptable impacts.

5.0 Description of Site

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- 5.1 The application site comprises part of Weymouth's Harbour Wall. The harbour has several kilometres of harbour wall. This application relates specifically to sections of the harbour wall known as Wall 4 and 4i which are located on the southern side of the inner harbour on north quay. The total length of both sections of the wall is approximately 235m and extends from Town Bridge to Westwey Road.
- 5.2 Wall 4 comprises the first 85m from Town Bridge at the eastern end of the site and comprises a combination of reinforced concrete panels with intermediate reinforced concrete king posts. Wall 4i is a stone masonry wall extending approximately 250m beyond wall 4.
- 5.3 The walls are topped with painted metal railings which comprise green painted stanchions and white horizontal railings. The railings closest to town bridge are approximately 1.3m high with ornamented octagonal stanchions and smaller intermediate stanchions. The remainder of the railings are lower, approximately 0.9m high, and are simpler in their design comprising simple cylindrical stanchions.

6.0 Description of Development

- 6.1 The proposed development comprises the removal of existing railings for part of the Weymouth harbour wall and their reinstatement, set further inland with additional capping stone to provide improved flood defences. The works are required in order to facilitate urgent repairs to the harbour wall.
- 6.2 As originally submitted, the application included the works of repair to the harbour wall as well as the removal and reinstatement of railings in a separate part of the wall. However it has been subsequently confirmed that those works may be carried out under available permitted development rights and the application has therefore been amended to include only those parts of the works which require express planning consent.
- 6.3 The works for the repair of the wall itself are considered to fall under Schedule 2, Part 8 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended). That allows for development on operation land by statutory undertakers in respect of dock, pier harbour, water transport or canal or inland navigation undertakings, required-
 - a) For the purposes of shipping,
 - b) In connection with the embarking, disembarking, loading discharging or transport of passengers, livestock or goods ad a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking, or
 - c) In connection with the provision of services and facilities.
- 6.4 The works to the remaining railings are considered to comprise permitted development as due to the size of the smaller railings, their removal is not considered to comprise 'relevant demolition' in the conservation area, and being less than 1 metre they can be reinstated under permitted development rights for the erection of gates, fences walls and other means of enclosure under Schedule 2, Part

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2 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

7.0 Relevant Planning History

7.1 There is no relevant planning history for the site.

8.0 List of Constraints

- TOWN BRIDGE listed building grade G2. HE Reference: 1313402 - Distance: 0
- Grade: II Listed Building: OLD HARBOUR HOUSE List Entry: 1148095.0; - Distance: 23.6
- Weymouth Town Centre Conservation Area
- Town Centre Areas; Weymouth
- WEY7; Westwey Road and North Quay Area; Westwey Road and North Quay Area - Distance: 0
- WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre - Distance: 0
- Defined Development Boundary; Weymouth
- Landscape Character; Urban Area; Weymouth Urban Area
- Legal Agreements S106
- Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0
- Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0
- Dorset Council Land (Freehold)
- RAMSAR: Chesil Beach & the Fleet ; - Distance: 2507.28
- Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 2487.41
- Site of Special Scientific Interest (SSSI) impact risk zone;
- Main River Consultation Zone
- FLD - Flood Zone 3 - Distance: 0
- FLD - Flood Zone 2 - Distance: 0

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9.0 Consultations

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

Consultees

1. **Highways** – No objection subject to condition to secure a construction method statement.
2. **Conservation Officers** – No comments received from conservation officers. County Archaeologist to indicate that a proper record of any stonework affected by the works should be made.
3. **Environment Agency** – No objection. Recommendations made in respect of percolation of water through lower sections of wall, surface water management and biodiversity.
4. **Weymouth Town Council** – Support but raise concern in respect of level of detail for the railings.
5. **Asset & Property** – No comments received.
6. **Ward councillors** – No comments received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	2

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

9.2 In addition to the consultee responses summarised above, two comments have been received from third parties noting the potential for archaeological remains and interest to be identified through the works.

10.0 Duties

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

10.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.3 Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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11.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

11.1 So far as this application is concerned, the following policies are considered to be of relevance:

- INT1 - Presumption in favour of sustainable development
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- SUS2 - Distribution of development
- WEY1 - Weymouth town centre strategy
- WEY7 - Westwey road and North Quay area
- COM7 - Creating a safe and efficient transport network.

Weymouth neighbourhood plan

11.2 The Weymouth Neighbourhood Plan is currently in preparation with consultation being carried out on a pre submission version of the plan until December 2023. As the plan has not yet been through examination it can only be afforded very limited weight in the decision making process.

National Planning Policy Framework:

11.3 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 6 'Building a strong, competitive economy',
- 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.

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

National Planning Practice Guidance

Other material considerations

- **Weymouth Town Centre Conservation Area Character Appraisal.** The site is located within the Old Weymouth sub area. Attractive stone and metal bollards are noted as features which contribute to the character of the area.
- **Weymouth Town Centre Masterplan 2015.**

12.0 Human rights

- Article 6 - Right to a fair trial.
- Article 8 - Right to respect for private and family life and home.
- The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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13.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. Considering the scale and nature of the proposals it is not considered that they would have implications for persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
None	

15.0 Environmental Implications

15.1 There would be some additional CO₂ emissions as a result of the works. However the works are necessary to facilitate urgent repairs and upgrades to the harbour wall which will improve its performance in the context of rising sea levels. In re-using the existing railings the works would contribute to minimising the use of natural resources.

16.0 Planning Assessment

16.1 As set out in section 6 of this report although the initial supporting documentation and drawings refer to the full extent of works to the wall including all of the repairs to the wall and the works to the full length of the railings, as these works can be carried out under permitted development rights the extent of the application has been reduced to cover only those works which fall outside of permitted development, which are the removal and reinstatement of handrails for part of the length of the sea wall.

Principle of development

16.2 The site, being located within the defined development boundary of Weymouth is in a location where new development is generally considered to be acceptable subject to compliance with other relevant development plan policies. The site also falls within the Weymouth Town Centre Area where policy WEY1 sets a number of aims including retaining and enhancing the area’s character, having an attractive public realm and appropriately managing flood risk. The reinstatement of the railings will ensure that the established character of this part of the waterfront is maintained.

16.3 The site falls within the Westwey Road and North Quay area to which policy WEY7 applies. That establishes the area as a focus for mixed use redevelopment. It also establishes an expectation that North Quay, which lies immediately to the south of the site, will be redeveloped in such a way that maintains an attractive frontage to the harbour. Although the proposals do not directly relate to the redevelopment of North Quay, the harbour wall and railings are a key aspect of the frontage to the harbour so the appropriate reinstatement is beneficial in achieving this policy objective.

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Character and impact upon heritage assets

- 16.4 The proposal involves removing the existing railings to facilitate the works to repair and enhance the sea wall before reinstating the railings. The existing railings are to be stored and re-used therefore the overall appearance of them will remain unchanged once the development is completed. On being reinstated it is intended that the handrail will be inset slightly from the edge of the harbour wall. Where the railing is currently mounted directly atop the harbour wall it would, after the completion of the works be inset sitting against the back edge of the wall on the pavement. This would not be a significant change and would not therefore harm the character of the surrounding area.
- 16.5 The site is located within the Weymouth Town Centre Conservation area and is also located within the setting of a number of listed buildings including Town Bridge and Old Harbour House. In terms of the impacts of the development on these designated heritage assets and their special character, the railings are considered to contribute to both the setting of the listed buildings and to the character of the conservation area. The stanchions to the railings have an ornamented octagonal design with lower stanchions which as well as having a practical function provide visual interest and contribute to the overall maritime character of the harbour.
- 16.6 The removal of the railings would therefore result in some harm to the character of the conservation area and the setting of the listed buildings. However that harm would be temporary for the duration of the construction works. Once completed as the same railings and stanchions will be reinstated, the harm would be reversed such that the overall impact of the development would be that there would be no harm to the significance of the town centre conservation area, or to Town Bridge or Old Harbour House through impacts in their setting. A condition is recommended requiring a method statement, including a timetable of works to ensure that the works are carried out in such a way that does not damage the railings and to ensure that they are carried out in a timely manner.
- 16.7 Comments have also been received from the County Archaeologist and interested third parties in respect of the potential for items of archaeological interest to be found during works, in particular to the stonework of the walls. A condition requiring a programme of archaeological work to be secured prior to the commencement of development is therefore recommended. That recommendation was however made in respect of the original scope of the application, before it had been confirmed that a significant proportion of the works could be carried out under permitted development rights. In view of the reduced scope of the application the proposed condition would not pass the test of being relevant to the development being permitted. Therefore it does not meet the requirements of paragraph 56 of the National Planning Policy Framework in respect of the imposition of planning conditions. Nonetheless the level of archaeological interest in the area is recognised and a condition recommending the carrying out of suitable archaeological investigations is proposed.

Flood risk

- 16.8 The site is located within flood zones 2 and 3 and areas of surface water flooding. The nature of the proposals is however such that they would not result in increased flood risk elsewhere or cause additional people to be exposed to flood risk. The

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development, in facilitating works to the harbour wall would contribute to managing flood risk within the town.

Highways

- 16.9 The proposals would not result in additional access to the highway or any change to vehicle movements once complete. There would however be traffic implications during construction from vehicle movements as well as storage of materials and development activities which would to a degree encroach on the pavement. As such a construction management plan has been requested. However, as is the case with the archaeological comments, the comments were made in respect of the more extensive works which are confirmed as permitted development. Given that the works now only involve the removal and reinstatement of a handrail, it is not considered that the construction management plan condition would meet the test of being directly related to the development.

17.0 Conclusion

The proposals are acceptable in principle and are necessary to facilitate essential repairs to Weymouth's Harbour wall and flood defences. Once complete, the works would not result in harm to the significance of heritage assets and would maintain the area's character. There would not be any unacceptable impacts in terms of flood risk or highways. The proposals are therefore considered to comply with relevant policies of the neighbourhood plan and National Planning Policy Framework.

18.0 Recommendation

Approve 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:
70093483-WSP-00-XX-DR-CV-0003 P01 Proposed General Arrangement Plan
70093483-WSP-00-XX-DR-CV-0002 P01 Site Location Plan
70093483-WSP-00-XX-DR-CV-0001 P01 Wall 4 and 4i Location Plan
70093483-WSP-00-XX-DR-CV-0102 P01 Wall 4 Elevation after refurbishment
70093483-WSP-00-XX-DR-CV-0103 P01 Wall 4 New handrail alignment
70093483-WSP-00-XX-DR-CV-0202 P01 Wall 4i Elevation after refurbishment
70093483-WSP-00-XX-DR-CV-0203 P01 Wall 4i Handrail alignment
70093483-WSP-00-XX-DR-CV-0102 P02 Wall 4 Elevation after refurbishment

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

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3. Prior to the commencement of development, a method statement for the removal, storage and reinstatement of the railings and stanchions shall be submitted to and agreed in writing with the local planning authority. The method statement shall include a timetable for the completion of the works. The development shall be carried out strictly in accordance with such details as are agreed.

Reason: To ensure that there would not be any long term harm to the character of the Weymouth Town Centre Conservation Area or the setting of neighbouring listed buildings. This detail is required prior to the commencement of development as the method statement needs to cover all phases of the work.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating 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. The applicant's attention is drawn to the letter from the Environment Agency dated 10 October 2023 in respect of this application.
3. The applicant's attention is drawn to the comments of the County Archaeologist, dated 4 October 2023 with regard to the potential for features of archaeological interest to be revealed when carrying out works to the harbour wall. It is recommended that a suitable programme of archaeological investigation is discussed with the county archaeologist to ensure that features of archaeological interest potentially affected by the works are recorded.

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