

Application Number:	P/FUL/2023/07313
Webpage:	Planning application: P/FUL/2023/07313 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	528 Littlemoor Road Weymouth Dorset DT3 5PA
Proposal:	Proposed 2No New Two Storey Dwellinghouses and Conversion of Existing Coach House to Holiday Let Accommodation
Applicant name:	Lucy Finnemore
Case Officer:	Darren Rogers
Ward Member(s):	Cllr Northam

1.0 Reason for referral:

This application is reported to Committee for determination as a narrow strip of land along the Littlemoor Road site frontage is Dorset Council owned.

2.0 Summary of recommendation:

Refuse on the basis of detrimental to protected trees and ecology.

3.0 Reason for the recommendation:

- The location of the proposed development is considered to be a sustainable one it being within the defined development boundary but the proposal is unacceptable given its adverse impact on protected trees and ecology matters.
- The proposals in terms of their design and general visual impact are considered satisfactory.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no other material considerations which would warrant refusal of this application other than the adverse impact on trees and ecology.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposal lies within the defined development boundary of Weymouth as set out in the adopted local plan.
Scale, design, impact on character and appearance	The general scale design and impact on the character and appearance of the area are considered acceptable except for the adverse impact on protected trees and ecology.
Impact on the living conditions of the occupants and neighbouring properties	There is not considered to be any significant harm to neighbouring residential amenity.

Impact on landscape or heritage assets	There are no adverse impacts on any wider landscape or heritage assets.
Flood risk and drainage	There are no flood risk or drainage issues arising.
Highway impacts, safety, access and parking	There are no adverse highway safety implications arising.
Impact on trees	The proposed development would have an adverse impact on protected trees at this site.
Biodiversity	At the time of the report the proposal is unsatisfactory in relation to ecology matters.

5.0 Description of Site

- 5.1 The application site relates to a two-storey detached dwelling situated in extensive grounds on the north side of Littlemoor Road just to the east of Dorchester Road.
- 5.2 The site is characterised by a high feature stonewall circa 70m in length fronting Littlemoor Road which encloses the existing site itself with a single access point on the site frontage serving the one dwelling. The site lies within the defined development boundary (DDB) for Weymouth.

6.0 Description of Development

- 6.1 It is proposed to erect 2 new two storey dwellinghouses and convert the existing coach house to holiday let accommodation. The existing vehicular access serving the one dwelling would be widened in order to provide a new revised access to serve the existing dwelling as well as the proposed dwelling and the converted coach house. A new vehicular access would be provided along the eastern site frontage to serve a new dwelling to the east of the existing house.
- 6.2 Both of the new dwellings would be two storey detached 4 bedroomed accommodation with walls constructed of facing brickwork with vertically hung tile cladding, plain roof tiles with windows and doors in uPVC white. The proposed coach house would comprise of a lounge/kitchen/diner on the ground floor with a single bedroom and bathroom above and it would incorporate a roof light on the rear northern elevation.
- 6.3 As outlined above the existing access that serves the existing dwelling would be slightly altered to the west in order to provide a new driveway to the new detached dwelling and coach house holiday accommodation as well as providing access to the existing dwelling. In addition, a new vehicular access to the eastern frontage would be provided in a similar manner to the existing vehicular access and this would provide access to the proposed dwelling to the east of the existing dwelling.

7.0 Relevant Planning History

87/00401/OUT - Decision: GRA - Decision Date: 23/07/198
Demolition of existing workshop buildings and erection of one bungalow

8.0 List of Constraints

Defined Development Boundary; Weymouth (Broadway Suburban Area)
Landscape Character; Weymouth Urban Area

Neighbourhood Plan - Emerging; Name: Weymouth NP; Status Reg 14 consultation completed Dorset Council Land (Freehold): Land for road improvement at 528A Littlemoor Road, Weymouth

9.0 Consultations

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

Consultees

1. **DC - Rights of Way Officer** – none received
2. **DC - Highways** – No objections subject to condition and informatives.
3. **DC - Dorset Waste Team** – None received
4. **National Grid Plant Protection** - There are no National Grid Electricity Transmission assets affected in this area.
5. **Weymouth Town Council** - The Council has no objection to the proposals.
6. **Ward members - Upwey and Broadwey** – None received
7. **DC - Building Control Weymouth Team** – None received
10. **DC - Asset & Property**– No comments received
11. **Dorset Fire & Rescue Service** - In the event that planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate. The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:
 - Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010.
 - Recommendations to improve safety and reduce property loss in the event of fire.
12. **Tree Officer** - Implementation of the proposed development would lead to the loss of mature trees. These trees provide a good level of amenity and their loss would be detrimental to the area's character.

Representations received

Weymouth Civic Society – *We note that there are trees, shrubs and other vegetation recorded on this site, which we trust will be fully taken into account in determining the planning application. We would wish to be assured that they would not be seriously impacted by the proposed development. The application form states that there are no trees or hedges on the site, contrary to the Ecological*

Appraisal information, and furthermore there is no tree survey, as required, shown with this application on the Council's website.

Total - Objections	Total - No Objections	Total - Comments
0	0	1

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM3. - The Retention Of Local Community Buildings And Structures
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The Provision of Utilities Services Infrastructure

Material Considerations

Emerging Dorset Council Local Plan:

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);
- 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 relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five year supply. In the West Dorset, Weymouth & Portland area, the published supply position of 5.28 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.

Emerging Neighbourhood Plans

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

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 making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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

Para 136 advises that “trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure thatexisting trees are retained wherever possible.

- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Document/Guidance

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Supplementary Planning Documents/Guidance For West Dorset Area:

Landscape Character Assessment (Weymouth & Portland)

Urban Design (2002)

Conservation Area Appraisals:

None

Village design statements:

None

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

It is considered that the proposed development would not adversely impact on persons with protected characteristics. The development would need to meet the requirements of Building Regulations as regards access for persons with restricted mobility.

14.0 Financial benefits

Material considerations:

Employment created during the construction phase

Small element of employment created through servicing of holiday let

Revenue to the economy

Holiday makers support of local businesses

Non material considerations

Community Infrastructure Levy - In accordance with West Dorset CIL Charging Schedule and CIL Regulations.

Business rates from holiday accommodation unit.

15.0 Environmental/Climate Change Implications

- 15.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.
- 15.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process. This has to be balanced against the benefits of providing additional housing in reasonably close proximity to the services and facilities of Weymouth town centre and should be offset against factors including the provision of electric car charging, low carbon energy and the new dwellings being reasonably energy efficient as required by Building Regulations.
- 15.3 The applicant’s agent has submitted a sustainability statement which explains that

“The fabric of the buildings will reduce energy consumption via the use of brick and block construction with cavity wall to achieve 0.18 U value. A space heating demand of less than 15 kWh/m2 /yr will be aimed for. An air source heat pump will be installed to each new dwellinghouse. Electric vehicle charging points and associated infrastructure will be installed to each new dwellinghouse Passive ventilation through informed design of fenestration will reduce the risk of overheating. All materials to be used on site will be locally produced and sourced to

minimise carbon footprint. No demolition is proposed on site. The construction company used to undertake the works will be registered with the Considerate Construction Scheme. The client will be preparing and adhering to a Site Waste Management Plan (SWMP) as a way of reducing and managing construction waste. The SWMP will include information on sustainable procurement measures used to minimise the generation of waste during the construction process and the types and quantities of waste that will be generated during the demolition and construction phases and the measures to ensure that the waste is managed in accordance with the waste hierarchy. Sufficient space and safe and convenient access for waste recycling will be provided on site via the installation of a new covered bin store. Water consumption within each new dwelling will be minimised. Water efficiency in the new dwellings shall not exceed 110 litres/person/day. Hot water supply temperature to all baths in a new dwellings will be limited to 48°C. Removal of mature vegetation and trees will be minimised with a focus on retention and protection. A new soakaway will be designed in accordance with Approved Document H & BRE Digest 365, the design allows an increase of 30% for climate change. The proposed hardstanding areas shall be laid with a cross fall so all rainwater shall be directed into the ground locally and within the site boundaries. Provide a silt trap to the surface water drainage line so that the silt and debris can be removed before it can enter the soakaway. The silt trap shall be cleared weekly until the development is completed after which a three monthly inspection rota shall be followed. Additional trees and vegetation will be planted on site through a designed landscaping plan. Triple glazed windows will be installed and cross ventilations provided to the open plan ground floor layout through window design. Public transport links exist outside the site with public footpaths. A new cycle store will be provided to serve the new dwellings”.

16.0 Planning Assessment

16.1 Planning Policy

- 16.2 The site lies within the defined development boundary (DDB) of Weymouth where the adopted Local Plan confirms that development or redevelopment proposals within the DDBs will be supported, as per Policy SUS2 of the Local Plan subject to other material planning considerations and compliance with the other policies in the Local Plan.
- 16.3 The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply. In the West Dorset, Weymouth & Portland area, the published supply position of 5.28 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.
- 16.4 In any event notwithstanding this housing land supply position, any additional housing development proposals within a DDB are to be welcomed provided that they are acceptable in planning terms. That assessment is set out below.

16.5 Impact on Character and Appearance of the area

16.6 National Policy as set out in the NPPF places greater emphasis on good design. Para 135 (f) of Section 12 Achieving well-designed places of the NPPF states that (my emphasis in bold and underlined);

Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

16.7 Para 135 of the NPPF is essentially reflected in Policies ENV10, 11, and 12 of the adopted Local Plan

16.8 Policy ENV15 (Efficient And Appropriate Use Of Land) of the adopted Local Plan explains that:

i) Development should optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character

16.9 The impact on the character and appearance of the area and this site in particular would ordinarily be considered acceptable. The existing site comprises of a large two storey detached house with a coach type brick built outbuilding set in extensive grounds and which provides a Sylvan setting. Given Policy ENV15 of the adopted local plan which seeks to ensure an efficient and appropriate use of land, particularly within defined development boundary areas, the proposal for two detached two storey dwellings either side of the main existing dwelling and the conversion of the coach house to a small unit of holiday accommodation is considered acceptable in principle. As such the proposed dwellings as currently

indicated would not appear unduly cramped or squeezed onto the application site and as a result the proposal would under normal circumstances be considered acceptable and in accordance with Policies ENV10, 11, 12 & 15 of the Local Plan, except for the issues associated with Tree and Ecology impacts which are set out in paras 16.19 & 16.25 below

16.10 In addition the proposed vehicular access to the site which would comprise the slight alteration of the existing 'western' access along the site frontage and a proposed new vehicle access to the 'eastern' frontage is also considered acceptable in design and townscape terms. While the proposals would see part of the removal of the existing wall frontage along the 'eastern' part, this would then mirror the 'western' access and therefore this symmetry is considered to be an appropriate response to the proposals.

16.11 Impact on Neighbours Amenity

16.12 Para 135 (f) of the NPPF and ENV16 of the adopted Local Plan deals with the issue of amenity impacts. In this regard it is considered that there would be no adverse impact on the amenity of neighbouring occupiers. By reason of the siting of the new dwelling to the east of the existing dwelling, there would be no adverse impact on the adjacent dwelling at 528a Littlemoor Road. Likewise, the proposed dwelling to the West of the existing dwelling would have no adverse impact on the existing dwelling at 528 nor on the amenity of the occupiers of the holiday accommodation at the coach house nor the occupiers of properties at 530 Littlemoor Road and 570 Dorchester Road at the rear. There would be no demonstrable overlooking of neighbouring properties sufficient to warrant refusal of planning permission.

16.13 The proposals also make good use of the coach house building adjacent to 530 Littlemoor Road. This accommodation would provide a lounge, kitchen and diner on the ground floor, with a master bedroom and bathroom above, lit by a roof light in the rear roof plane. It would provide accommodation for those wishing to use the unit for holiday accommodation purposes, and it is not considered that it would have an adverse impact on the amenity of the neighbouring occupier at 530 Littlemoor Road nor on 570 Dorchester Road at the rear. The submitted plans however do not show any external amenity space for this unit but those on holiday are likely not to require such space given their likely visits exploring the Dorset area whilst on holiday. In itself however it would not provide an acceptable unit of unrestricted residential accommodation and hence despite it being located within the defined development boundary it should be restricted by condition (if approved) to that of holiday accommodation only, along with a register being kept by owners of the names and addresses of those on holiday in order to prevent its use as an unrestricted unit of residential accommodation.

16.14 Given the above, the proposal is considered to be acceptable as regards the impact on the amenity of neighbouring occupiers and future occupiers of the proposed accommodation.

16.15 Highways

16.16 As regards this current application there are no highway objections to the proposal subject to conditions and informative notes. The highways officer comments that:

“the development proposal is located on Littlemoor Road which is a C class road with Dorchester Road to the west and A354 further east. The existing vehicular access will be retained but adjusted to allow for the additional dwelling with the holiday let and a new vehicular access is proposed for the other dwelling, visibility splays in-situ are acceptable. There is capacity to park and turn on site in a forward gear. The parking level is acceptable for each dwelling and the holiday let appears to have parking for around 4 car spaces. As per the submitted drawing there are no gates which would allow free flow of access for the holiday let but if gates are required for the residential dwellings, an amended drawing will be required and should be placed deeper into the site area as not to impact the adjacent public highway. There are sustainable transport links locally and the applicant states that they will provide on-site cycle store facility for guests and EV charging. There is no segregated pedestrian path or access, but we would expect drivers to drive with due care and give way on a shared surface and the alignment lends itself to low speed. The LPA may need to consider latest Fire Tender access provision”.

- 16.17 The Highway Authority therefore has no objection, subject to the following conditions and informative notes:

“Vehicle access construction

*Before the development is occupied or utilised the first 5 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 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.

INFORMATIVE NOTE: Dorset Highways

*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.*

Turning/manoeuvring and parking construction

*Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number **22156-00-06** must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.*

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

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.

Access gradient 1 in 12

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

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

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”.

16.18 Given the above it is considered that Policies COM7 and COM9 of the adopted local plan are met.

16.19 Nature Conservation/Biodiversity/Ecology

16.20 A Biodiversity checklist has been submitted and an ecological report. However, the Councils Natural Environment Team (NET) has not issued a Certificate of Approval to the Biodiversity Plan as the ecology report has the results of a bat emergence survey and NET have requested a response about the potential loss of access points on the main house due to the renovation works and whether this constitutes “obstructing access to a bats resting place or sheltering place” and therefore requires a license. The NET team has also questioned the ecology report as regards reptiles, where the report says that it may be possible to translocate slow worms into areas of retained habitat but this has not been finalised to ensure that a suitable receptor area for the size of population can be secured on site and if not, then off site translocation may be required. The applicant’s ecologist has been asked to update the ecology report with reptile mitigation proposals but this has not been resolved. The report also identifies that there will be a loss of significant amounts of habitat including grassland, scrub and trees and no mitigation is proposed.

16.21 Works to renovate the existing house form no part of the current application proposals which relate to the erection of 2 new dwellings either side of the house and the conversion of the existing coach house to holiday let accommodation. However, the Councils NET team remain unconvinced that the above ecology issues and their impact on the proposed scheme ‘as a whole’ have been satisfied. As such the NET team have not therefore been able to formally review the ecology report and issue a Certificate of Approval under the established Biodiversity Protocol given that at the time of writing the submitted ecological report has not been updated in accordance with NET’s requirements.

16.22 Although the Council is not able to refuse planning permission because the NET team has not 'signed off' the ecology report nor issued a Certificate of Approval under our Biodiversity Protocol, the NPPF at paragraph 180 is clear and states that (my emphasis in bold) :

“Planningdecisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Policy ENV2 of the adopted Local Plan has similar objectives to the above mentioned NPPF. As such given the lack of information and clarity over mitigation it cannot be ascertained at this stage that ecology matters are fully satisfied and therefore the proposal would be unacceptable being contrary to Policy ENV2 of the adopted local plan and paragraph 180 of the NPPF.

16.23 Flood risk

16.24 The application site is located within flood risk zone 1 an area with a low probability of flooding and is not affected by any surface water or groundwater flood risk. As such no flood risk assessment is required and there are no issues as regards flood risks associated with this site.

16.25 Trees

16.26 The Council's Tree Officer was originally consulted and made the following comments:

“The development site currently comprises of a large, detached house within a generous sized garden. Within and adjacent to the site boundaries are large, mature trees comprising of Oak, Plane, Norway Maple, Horse chestnut, Yew, Cherry and Pine, to the rear of the site is an Apple orchard.

This application seeks to sub-divide the plot and construct two detached dwellings.

The existing access will be widened and a further access to the east of the site will be created. Creation of these accesses and realigned driveway will require the removal of several trees from the front boundary and internal to the site.

Construction of the proposed dwellings will require the removal of a mature Oak along with more modest sized Yew, Cherry and Apple.

The property is not within a conservation area and is not affected by TPO.

An AIA has not been submitted in support of this application.

Given the above implementation of the proposed development it would lead to the loss of mature trees. These trees provide a good level of amenity and their loss would be detrimental to the area's character”.

16.27 Since making those comments the Council's Tree Officer has again visited the site and given the mature trees that exist on the site, it has been subject to the imposition of a Tree Preservation Order. Those trees that are now subject to a TPO, comprise of a number of trees fronting Littlemoor Road which the eastern proposed vehicular access would have a direct impact on, and the proposed dwelling to the east of the existing main dwelling would be sited immediately on a tree also subject to the TPO and essentially would necessitate its removal.

16.28 Policy ENV10 of the adopted local plan criteria (ii) states:

“ii) Development will provide for the future retention and protection of trees and other features that contribute to an area's distinctive character. Such features may not always be designated or otherwise formally recognised.

In addition, paragraph 136 of the NPPF states:

“136. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users”

16.29 Given the above it is considered that the proposed development would have a detrimental and adverse impact on existing trees contrary to Policy ENV10 of the adopted local plan and para 136 of the NPPF.

17 Conclusions

17.1 The proposed development despite being located within the defined development boundary of Weymouth where the principle of new residential development is acceptable would adversely impact on the character and appearance of the area by reason of the loss of protected trees which make a positive contribution to and provide a sylvan character and appearance of the application site.

17.2 The proposal is also considered to be unacceptable in relation to ecology matters as it has not been demonstrated that the development would have an acceptable impact on biodiversity. As such the proposal is contrary to Policies ENV2 and ENV10 of the adopted local plan and the NPPF.

18.0 Recommendation

18.1 Refusal is recommended on the following grounds:

1. The proposed development despite being located within the defined development boundary of Weymouth where the principle of new residential development is acceptable, would adversely impact on the character and appearance of the area by reason of the loss of protected trees which make a positive contribution to, and provide a sylvan character and appearance of the application site. As such the proposed development would be contrary to Policy ENV10 of the adopted West Dorset and Weymouth & Portland Local Plan 2015 and paragraph 136 of the National Planning Policy Framework (Dec 2023).
2. The proposal is considered to be unacceptable in relation to Nature Conservation matters and biodiversity in that the submitted ecology report does not fully detail means of mitigation for the issues identified including the impact on protected species, reptiles and the loss of habitat. As such it cannot be ascertained that ecology matters are fully satisfied and that the development would not adversely impact on biodiversity and the development is therefore contrary to Policy ENV2 of the adopted West Dorset and Weymouth & Portland Local Plan 2015, and paragraph 180 of the National Planning Policy Framework (Dec 2023).