

Western & Southern Area Planning Committee

03 October 2024

Decision List

Application: P/FUL/2023/06930

Site Address: New Look Site including areas off Chandler Close and Souter Way, Mercery Road, Weymouth, DT3 5FU

Proposal: Construction of a Class E(a) retail unit for the sale of food and non-food goods, associated customer car park, cycle parking, hard and soft landscaping, infrastructure and associated works.

Recommendation:

A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to Grant planning permission, subject to the Secretary of State notifying the authority that he does not intend to issue a direction under Section 77 of the Town and Country Planning Act 1990 and completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure:

- Sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes.

And subject to planning conditions.

B) Refuse permission for the reasons set out below if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 3 April 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

Decision:

A) That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to Grant planning permission, subject to the Secretary of State notifying the authority that he does not intend to issue a direction under Section 77 of the Town and Country Planning Act 1990 and completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure:

- Sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes.

And subject to planning conditions set out below.

Approved Plans

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

23239-0301 P-00 Location Plan

23239-0302 P-07 Proposed - Plan - Site Plan

23239-0310 P-06 Proposed - Plan - Ground Floor Plan

23239-0311 P-04 Proposed - Plan - Roof Plan

23239-0320 P-06 Proposed - Elevations

23239-0325 P-00 Proposed – Elevations – Substation

23239-0330 P-06 Proposed – Sections

1167-3-001 P06 Landscape General Arrangement

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

Time Limit

2. 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).

Retail

3. The net retail sales area of the retail unit hereby approved shall not exceed 3,223sq.m, of which no more than 1,817sq.m shall comprise comparison retail sales floorspace and no more than 1,406sq.m shall comprise convenience retail sales floorspace.

Reason: The application is justified on the basis of the comparison and convenience floorspace stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

4. Within the convenience goods floorspace hereby permitted, the sale of horticultural goods, pharmaceutical goods, greeting cards, and other ancillary product ranges shall be sold from no more than 10% of the net sales area.

Reason: The application is justified on the basis of the provision of goods as stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

5. The comparison retail sales floorspace within the retail unit hereby approved shall be used for the sale and display of the following comparison goods:
 - i. Clothing and footwear, home and garden furniture and furnishings.

The comparison retail sales floorspace shall only be used for the sale of the goods above and shall not be used for the sale and display of any other goods unless ancillary to the above comparison goods and not comprising more than 10% of the comparison retail sales floorspace.

Reason: The application is justified on the basis of the provision of goods as stated. In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

6. With the exception of subdivision of the retail unit hereby approved to create two separate units, the smaller being no less than 1,406sq.m GIA, the unit shall not be sub-divided into smaller units without the prior written consent of the Local Planning Authority.

Reason: In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres.

7. The retail unit hereby permitted shall be used for retail (Use Class E(a)) 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 reenacting that Order.

Reason: In the interests of the vitality and viability of Town Centres, including Weymouth Town Centre, Dorchester Town Centre and nearby Local/Village Centres and in the interests of highway and residential amenity.

Deliveries

8. No deliveries shall be taken at or dispatched from the retail unit hereby approved outside of the following times: 06:00 and 23:00 Monday to Sunday, including Bank Holidays.

Reason: In the interests of neighbouring amenity.

Noise

9. No development shall take place until details including dimensions, materials and positioning of the noise barrier/acoustic fence to be located along the rear of the service yard and along the service yard access road as identified

within the Environmental Noise Assessment (ref. 2322119 prepared by Sharps Redmore and dated 5 January 2024) have been submitted to and agreed by the Local Planning Authority in writing. The agreed noise barrier/acoustic fence shall be erected prior to any development above damp proof course level and shall be permanently retained and maintained as such thereafter.

Reason: In the interests of neighbouring amenity.

10. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 43 dBA between 0700 and 2300 hours and 35 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019. Thereafter the fixed plant and/or machinery shall be operated strictly in accordance with any approved mitigation measures which shall be retained, maintained and operated for the lifetime of the fixed plant and/or machinery.

Reason: In the interests of residential amenity.

External Lighting

11. No external lighting shall be erected on the building hereby approved or within the application site boundary identified on the Location Plan (ref. 23239-0301 P-00) without a detailing lighting scheme having first been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall accord with the External Lighting Report prepared by Insignis (ref. 0113-INSIG-RP-MEP-32 Rev 02 dated 10 November 2023). Thereafter, the development must be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity mitigation.

External Materials

12. There shall be no development above the damp proof course level until details (including colour photographs) of all external facing materials for the walls and roofs of the approved retail unit and substation have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

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

Landscaping and Trees

13. No development shall take place until the tree protection fencing/barriers as shown on the plan Tree Protection Plan (ref. 05016-East-TPP-Phase-3-Rev-A-03.10.2023) has been erected. Thereafter the trees shall be protected in accordance with the tree protection measures as shown on the plans during the course of the construction until such time as the development is completed.

Reason: To ensure the trees are protected.

14. Prior to the commencement of any development hereby approved, above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a timetable for implementation and where appropriate: proposed finished ground levels or contours; means of enclosure; car parking layout; other vehicular and pedestrian access and circulation areas; hard surfacing materials; and minor artefacts and structures (such as furniture, bollards, trolley bays, refuse or other storage units). The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure satisfactory landscaping of the site and to maintain the visual amenity and character of the area.

15. Prior to the commencement of any development hereby approved, above damp course level, full details of soft landscaping and planting shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Any trees, shrubs or plants that die with a period five years from completion of development or are removed and/or become seriously damaged or diseased in that period shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of a similar size and species unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscaping of the site and to maintain the visual amenity and character of the area.

Highways

16. A finalised Travel Plan must be submitted to and approved in writing by the Local Planning Authority in strict accordance with the agreed timescales

presented in Table 8.1 of the Travel Plan prepared by Exigo (Rev A dated September 2024). Thereafter the measures of the agreed Travel Plan shall be implemented upon commencement of the development hereby approved and in line with the provisions and timescales set out within the approved Travel Plan and maintained for the lifetime of the development.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

17. Operations within the service yard shall be carried out strictly in accordance with the approved measures within the Service Management Plan (Rev A received 19 September 2024) for the lifetime of the development.

Reason: In the interests of neighbouring amenity.

18. Before the development is occupied or utilised the areas shown on approved Site Plan (ref. 23239-0302 P-07) 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 for the lifetime of the development.

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

19. The development hereby approved must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved by the Local Planning Authority. The approved scheme must be constructed and made available for use before the 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 Management Plan

20. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be adhered to throughout the construction period. The management plan shall provide for:

- i. Construction vehicle details (number, size, type and frequency of movement)
- ii. A programme of construction works and anticipated deliveries
- iii. Timings of deliveries so as to avoid, where possible, peak traffic periods
- iv. A framework for managing abnormal loads
- v. Contractors' arrangements (compound, storage areas, parking, turning, surfacing and drainage)
- vi. Wheel washing and vehicle wash-down facilities and measures for the disposal of resultant dirty water
- vii. Arrangements for inspection of the highways serving the site (by the developer or its contractor and the Highways Authority) prior to work commencing and at regular, agreed intervals during construction
- viii. A scheme of appropriate signing of vehicle route to the site
- ix. A route plan for all contractors and suppliers to be advised on
 - x. The use and routing of heavy plant and vehicles
 - xi. Temporary traffic management measures where necessary
 - xii. Details of construction lighting
 - xiii. Hours of construction
 - xiv. Location of loading/unloading and storage of plant, waste or debris and construction materials
 - xv. Pollution prevention measures, including related to: oils/chemicals and materials
 - xvi. Noise reduction measures
 - xvii. Dust suppression measures
 - xviii. Details of where contact details will be displayed on site for members of the public and any notifications to adjacent residents
 - xix. Details of waste disposal, including the control and removal of spoil and any hazardous waste that may be found or generated on site. No bonfires shall be held on site at anytime.

Reason: In the interests of biodiversity, residential amenity and to minimise the likely impact of construction traffic on the surrounding highway network, including preventing the possible deposit of loose material on the adjoining highway.

Remediation

21. 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 timescale, shall be submitted to and approved by the Local Planning Authority. 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.

Biodiversity Plan

22. 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 28 February 2022 must be implemented in accordance with any specified timetable and completed in full 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 enhance/provide net gain for impacts on biodiversity.

Surface Water Drainage

23. 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 implementation, 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 submitted details and timetable before the development is completed.

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

24. 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 should 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.

BREEAM

25. The retail unit hereby approved shall be registered with Building Research Establishment (BRE) and shall achieve BREEAM Rating Very Good including water credit WAT02 (water monitoring).

- i. Within six months of the completion of the development, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.
- ii. Within twelve months from the date of first use of the retail unit hereby permitted commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures that have been implemented.

Thereafter the approved measures and technologies to achieve BREEAM Rating Very Good including Water Credit WAT02 shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change, securing sustainable development and achieving high levels of environmental performance.

Sewer Diversion

26. Prior to commencement of development details of the proposed diversion of the existing public sewer as shown on Proposed New Unit Layout Overlay drawing (ref: 2443-EVE-02-XX-T-C-003 Rev C dated 4 September 2024) together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the diversion shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the public sewer is re-routed and the rights of the statutory undertaker are not compromised.

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.

2. Informative: S106 Agreement

This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to sustainable transport measures.

3. Informative: Electrical Vehicle Charging

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: Travel Plan monitoring

The applicant is advised that as part of the continued monitoring of the Travel Plan, they are required to regularly liaise, at regular time periods to be agreed, with Dorset Council's Travel Plan Team (Emma.Andre@dorsetcouncil.gov.uk) for the lifespan of the Travel Plan lifespan. The Travel Plan surveys, and other pertinent information should be submitted to Dorset Council to ensure that continued progress is being made to meet the targets of the Travel Plan.

5. Informative: Construction Management Plan

The CMP should include arrangements for protecting the environment and residents from noise, vibration, dust and site lighting. The CMP should have regard to the following recommendations from Environmental Health:

- a. Hours of construction are to be limited to Monday – Friday 0700 – 1900 Saturday 0800 – 1300, with no noisy activity on Sundays or Bank Holidays. If there are to be any proposed deviations from these hours, please contact Environmental Protection to discuss these.
- b. Start up and movement of vehicles / equipment etc will be limited to 30 minutes prior to the hours of construction only.
- c. To minimise disturbance, broadband alarm or video shall be fitted to works vehicles instead of the conventional beepers when reversing.
- d. Activities which may give rise to dust shall be controlled, as far as practicable, to minimise dust emissions. This must include controlling dust from regularly trafficked road areas. Dust suppression may be achieved using water and locating equipment and machinery, away from residential areas.
- e. At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will

also be provided to Environmental Health in order for contact to be made should complaints be received.

- f. Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Protection must be informed if this occurs.
- g. The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.
- h. Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc, made in as part of the determination of this application.

6. Informative: Wessex Water

The site includes a foul sewer managed by Wessex Water. The necessary diversion must be agreed with Wessex Water prior to the diversion of the foul sewer being carried out.

7. Informative: BREEAM

To reduce potable water consumption in the development through water-efficient components and recycling systems it is recommended that BREEAM Excellent standards are achieved in respect of credits WAT01 (water consumption), WAT03 (water leak detection) and WAT04 (water efficient equipment).

B) Refuse permission for the reason set out below if the legal agreement under section 106 of the Town and County Planning Act 1990 (as amended) is not completed by 3 April 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning of Service Manager for Development Management and Enforcement.

- 1) In the absence of a completed Section 106 legal agreement to secure provision of sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes, the highway impacts of the development would not be appropriately mitigated and would result in severe residual cumulative impacts on the road network in conflict with West Dorset, Weymouth & Portland Local Plan (2015) Policy COM7.

Application: P/RES/2022/04434

Site Address: Land to the north and west of Cockroad Lane Beaminster

Proposal: Application for the approval of layout, scale, appearance and landscaping (condition 2 - 'the reserved matters'), construction traffic management plan (condition 6), attenuation pond details (condition 9), finished floor levels (condition 10), tree protection details (condition 11), ground remediation scheme (condition 12), highway details (condition 17), bridge details (condition 18), electric vehicle charging points (condition 19) and travel plan (condition 20) pursuant to outline planning permission ref. WD/D/19/000613 for the erection of 58 No. dwellings and associated works.

Recommendation: To grant subject to planning conditions.

Decision: That the application be granted subject to the conditions set out below.

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

- 001 P1 Location Plan
- 003 P1 Existing Site Plan
- 004 P10 Proposed Site Layout
- 005 P5 Proposed Streetscapes
- 009 P3 Proposed Electric Vehicle Charging Points
- 010 P3 The Arun Semidetached House Type
- 011 P2 The Arun Terrace House Type
- 012 P3 The Blackwater Detached House Type
- 014 P2 The Cheriton Detached House Type
- 016 P2 The Cranked House Semidetached
- 017 P4 The Itchen Semidetached House Type
- 018 P3 The Itchen Terrace House Type
- 019 P2 The Stour Semidetached House Type
- 021 P2 The Test Semidetached House Type
- 022 P3 Garages Floor Plans and Elevations
- 023 P3 The Cheriton Detached House Type with bay window
- 024 P4 The Stour House + Cranked House Semidetached
- 025 P4 The Cheriton (Brick) Detached House Type
- 026 P1 The Arun Semidetached House Type
- 027 P1 The Arun Semidetached House Type 2

028 P2 The Itchen semi-detached and Cranked House
029 P2 The Test Semi-detached House Type
031 P5 Tenure Plan
032 P3 Refuse Plan
033 P1 The Stour Detached House
034 P1 The Stour Semidetached House Type Render/Stone details
035 P2 The Terrace House Type Floor Plans Plot 1-6
036 P3 The Terrace House Type Elevations Plot 1-6
037 P2 The Cheriton (Brick) Detached House Type
038 P1 1Bed Maisonettes Brick
039 P2 1Bed Maisonettes Stone/Render
IDV-PD1557 B Play-space layout
20402-GAP-XX-XX-DR-S 1000 P02 Watercourse Crossing General Arrangement Plan
20402-GAP-XX-XX-DR-S 1001 P02 Watercourse crossing General arrangement sections
22172-HYD-XX-XX-DR-TP-0001 P02 Site Access General Arrangement
21172-HYD-XX-XX-DR-TP-1002 P05 Refuse Vehicle Swept Paths
21172-HYD-XX-XX-DR-TP-1003 P04 Fire Tender Swept Paths
10415-FPCR-XX-XX-DR-L-0001 P15 General Arrangement Plan
10415-FPCR-XX-XX-DR-L-0002 P15 On-Plot Planting Plan (Sheet 1 of 8)
10415-FPCR-XX-XX-DR-L-0003 P15 On-Plot Planting Plan (Sheet 2 of 8)
10415-FPCR-XX-XX-DR-L-0004 P15 On-Plot Planting Plan (Sheet 3 of 8)
10415-FPCR-XX-XX-DR-L-0005 P15 On-Plot Planting Plan (Sheet 4 of 8)
10415-FPCR-XX-XX-DR-L-0006 P15 On-Plot Planting Plan (Sheet 5 of 8)
10415-FPCR-XX-XX-DR-L-0007 P15 On-Plot Planting Plan (Sheet 6 of 8)
10415-FPCR-XX-XX-DR-L-0008 P15 On-Plot Planting Plan (Sheet 7 of 8)
10415-FPCR-XX-XX-DR-L-0009 P15 On-Plot Planting Plan (Sheet 8 of 8)
20402-GAP-XX-XX-DR-C-9112 P03 FFLs-related to OSBM
006 P1 Indicative PV panels layout
9700 P05 Surface water drainage basin and swale details
007 P5 Site materials plan

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

2. Whilst based on the submitted Proposed Site Materials Plan 007 P5, prior to development above damp-proof course, full details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority, including the erection of sample panels on site for approval. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

3. Prior to development above damp-proof course, full details and samples of all external facing materials for the hard-surfacing areas and roads 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.

Application: P/FUL/2023/07313

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.

Recommendation: Refuse

Decision: That the application be refused for the following reasons.

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).

Application: P/FUL/2024/04204

Site Address: Highlands Greenway Lyme Regis DT7 3EY

Proposal: Erect new dwelling with car port on garden west of Highlands.

Recommendation: Grant subject to conditions.

Decision: That the application be granted subject to the conditions set out below.

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:
 - 01 Location Plan
 - 03 Proposed Site Plan
 - 04 Proposed Ground Floor Plan
 - 05 Proposed First Floor Plan
 - 06 Proposed Elevations
 - 07 Proposed Elevations 1
 - 08 Sections

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

3. The dwelling hereby permitted shall be constructed only as a self-build house within the meaning of Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015. No development shall commence until the name(s) of the individual(s) by whom house(s) is/are to be occupied as their principal residence has/have been provided in writing to the Council. Within 14 days of first entering into occupation of the dwelling, the first occupier shall notify the Local Planning Authority in writing of the date when they entered into occupation. For a period of three years starting on the date when the dwelling is first occupied it shall not be occupied except by the individual(s) so notified to the Council and their dependants and cohabitants except with the express written consent of the Council.

Reason: Exemption from biodiversity net gain has been obtained because the dwelling is a self-build/custom build property.

4. Notwithstanding the details submitted, an up-to-date arboricultural method statement shall be submitted to and approved in writing by the Local Planning

Authority, prior to the commencement of the development. All works shall subsequently be carried out in strict accordance with the approved details. The method statement must provide the following:

- a specification and plan showing the extent and positioning of protective measures including ground protection and fencing to trees during demolition and construction which complies with BS5837:2012;
- a specification for any works associated with the development in the tree protection zones; - the locations suitable for storage of materials, site hut/office, concrete mixing, use of fires and service runs;
- cross sections including existing and proposed levels detailing any changes in levels within tree protection zones on/adjacent to the site;

Reason: This information is required prior to commencement of development in the interests of tree protection

5. 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.

- 6.. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team on 08 February 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:
 - i) the mitigation, compensation and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.
 - ii) evidence of compliance, including photographic evidence, in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority 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 Biodiversity Plan and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

7. The flat roof area of the southern wing of the building hereby approved shall not be used as a balcony, roof terrace/garden or amenity area.

Reason: To protect amenity and privacy.

8. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. 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 in the interest of highway safety.

9. The proposed car port shown on the submitted plans hereby approved once constructed shall be maintained and available for the purpose of parking a motor vehicle. It shall not be converted to a use other than for the purpose of parking a motor vehicle by the provision of doors and/or walled enclosure.

Reason: To ensure that satisfactory on-site parking is provided in a form that allows a vehicle to freely turn within the site curtilage.

10. Prior to commencement of development details of the surface water drainage works and management scheme, including drainage calculations in respect of the existing situation and surface water arising from the development, shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be completed in full before first occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent flood risk.

Informative Notes:

1. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

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.

3. Street Naming and Numbering

The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>

4. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>