

Application number:	P/FUL/2024/04683
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Bus Shelter Dorset Mount Pleasant Park And Ride Link Road To Park And Ride Weymouth DT3 5GD
Proposal:	Relocate temporary wooden workshop to allow erection of additional cabin for use as reception/meeting room.
Applicant name:	Mr David Stone
Case officer:	Steve Tapscott
Ward members:	Cllr Bell and Cllr Bown

1. In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council is the landowner.

2. Summary of recommendation:

2.1 GRANT, subject to conditions.

3. Reason for the recommendation:

- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The site already benefits from a temporary consent for the use. This development would ensure a more efficient use of the site.
- There are no material considerations that would warrant refusal of this application.

4. Key planning issues

Issue	Conclusion
Principle of development	Acceptable on grounds that the timeframes for the development would tie into the existing temporary consent.
Scale, design, impact on character and appearance	The development would relate to existing structures on the site, such that, subject to a temporary consent, no material harm is identified.
Impact on the living conditions of the occupants and neighbouring properties	No harm is identified.
Highway impacts, safety, access and parking	No objections are raised by the Local Highway Authority.
Ecology, Biodiversity Net Gain and impacts on Chesil and the Fleet SAC.	No objections are raised by the Natural Environment Team. BNG is not applicable because the amount of development is below

Issue	Conclusion
	the de minimis threshold. No recreational pressures on the SAC would arise because no additional overnight accommodation is proposed.
Contaminated land	Risks are considered to be acceptable.

5. Description of site

- 5.1 The Mount Pleasant Park and Ride carpark is situated on the edge of Weymouth's defined development boundary, to the east of the Mount Pleasant Business Park and to the north of playing fields at Weymouth Rugby Club. The Lorton Valley Nature Park lies to the north and east.
- 5.2 Vehicular access to the park and ride is via Mercery Road, which connects to the A354 Weymouth Relief Road. Mercery Road also provides access to the Mount Pleasant Business Park.
- 5.3 The carpark measures approximately 1.3ha in size, and there is also a gravelled overflow parking area of approximately 1.6ha to the south. The application site lies to the west of the gravelled area.
- 5.4 At its nearest point, the application site is approximately 25m from the Jurassic Cycle Trail, approximately 90m from Mount Pleasant Business Park, approximately 120m from the Lorton Valley Nature Park and approximately 140m from the playing fields. The nearest residential properties are more than 300m away.

6. Description of development

- 6.1 In February 2021, temporary planning permission was granted to station mobile accommodation units for rough sleepers at the site, along with associated facilities, including a kitchen, workshop, learning centre and social space.
- 6.2 This application seeks temporary consent to extend the site boundary by 1m to the east and install a new reception cabin. An existing workshop, converted bus (used for storage and breakout space), bins and cycle storage would be relocated.
- 6.3 A temporary planning permission is sought, to tie in with the extant consent.

7. Relevant planning history

- 7.1 Planning permission was granted in February 2021 under ref. WP/20/00814/FUL for the '*temporary use of land for the stationing of mobile accommodation units for rough sleepers and associated facilities with subsequent reversion to use of site for park and ride parking.*' The committee report details how the principle of development was accepted on the basis of Policy HOUS2 (Affordable Housing Exception Sites) of the local plan. The approved plans show development within the northern 2/3 of the site, labelled as phase 1. The southern 1/3 is marked on the plans as phase 2 for additional micro studio flats, which the committee report noted would come forward, subject to funding.

- 7.2 The permission is time limited until 31st January 2028, whereupon condition 5 says the use shall cease. Condition 6 then requires the site to be cleared within three months of the use ceasing.
- 7.3 Other relevant conditions include requiring the physical layout of the site to align to the approved site plan and for no accommodation unit or other facility to be stacked on top of another. This was on grounds of visual amenity.
- 7.4 A pre-commencement planning condition required the submission of a landfill gas investigation and assessment report. This condition was discharged in September 2021.
- 7.5 A further condition required the implementation of biodiversity mitigation and net gain measures, as set out in an approved biodiversity plan.
- 7.6 In September 2021, application ref. P/NMA/2021/02984 to change the orientation of the units and amalgamate lounge and kitchen areas was approved. The amended layout reflects the existing site plan submitted with this current, live application. Of note is that it includes a pumping station and electricity cabinet within a soft landscaping area to the north of the site, with connections being undergrounded along the adjacent service road. Whilst that application was approved, this pumping station, cabinet and connections are outside the red line of the application site and are on third-party land, which is part of the identified ecological network.
- 7.7 Most recently, a further non-material amendment was approved in May 2024 under ref. P/NMA/2024/02014. This has allowed for the reconfiguration of the five units of accommodation in phase 2 of the original temporary planning permission.

8. Constraints

- 8.1 The site lies beyond, but adjacent to, Weymouth's Defined Development Boundary. It is therefore washed over by the countryside for planning purposes.
- 8.2 The site itself is not covered by any nature conservation constraints, but Lodmoor nature reserve to the north and east is a SSSI, and all the land surrounding the park and ride is recognised by the Dorset Environmental Records Centre as an existing ecological network. The site is also within the Chesil and Fleet SAC 5km recreational buffer.
- 8.3 The park and ride is part of a former landfill site, and constraints mapping lists a radon risk of class 2: 1 - 3%.

9. Consultations

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

Consultees

Wessex Water: no comments received.

Dorset Wildlife Trust: no comments received.

Highways: initial comment to defer, as the plans did not show any proposed staff parking or cycle parking. This was revised to no objection, following the receipt of revised plans.

Env. Services – Protection: comment that the application should be referred to the Council's contaminated land consultant for review.

Asset & Property: no comments received.

Natural Environment Team: *'no comment.'*

Building Control Weymouth Team: comments that the works are exempt from Building Regulations, and control instead falls under Licencing.

Weymouth Town Council: no objection.

Cllr Matt Bell: no comments received.

Cllr Louise Bown: no comments received.

Representations received

9.2 None.

10. 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.

11. Relevant policies

Development plan

West Dorset, Weymouth and Portland Local Plan (2015)

- INT1: Presumption in Favour of Sustainable Development
- ENV1: Landscape, Seascape and Sites of Other Geological Interest
- ENV2: Wildlife and Habitats
- ENV9: Pollution and Contaminated Land
- ENV10: The Landscape and Townscape Setting
- ENV12: The Design and Positioning of Buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS2: Distribution of Development
- COM7: Creating a Safe and Efficient Transport Network
- COM9: Parking Provision

Material considerations

Emerging Dorset Local Plan

11.1 In accordance with paragraph 48 of the NPPF, this emerging plan is at too early a stage to carry any weight in decision making.

Emerging Weymouth Neighbourhood Plan

11.2 In accordance with paragraph 48 of the NPPF, this emerging plan is at too early a stage to carry any weight in decision making.

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.

11.4 Other relevant NPPF sections include:

- Section 4: ‘Decision making’: paragraph 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 should 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.’

- Section 14: ‘meeting the challenges of climate change, flooding and coastal change.’
- Paragraphs 185-188 set out how biodiversity is to be protected and net gains for biodiversity are encouraged.

Other material considerations

- 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).
- Dorset Council Homelessness and Rough Sleeping Strategy 2021 to 2026 (2021).

12. 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. 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.
- 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. This application would not directly affect anyone with protected characteristics.

14. Financial benefits

- 14.1 For the purposes of section 70(4) of the Town and Country Planning Act 1990, a 'local finance consideration' means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 14.2 The application proposes a use of land rather than the erection or alteration of a building, such that the proposal is not subject to the Community Infrastructure Levy.
- 14.3 The committee report relating to the original temporary planning permission explains that, although accessed by Dorset Council, the Government funding available through the Next Steps Accommodation Programme was awarded to the applicant, not a relevant authority, so this did not constitute a local finance consideration for the purpose of section 70.

15. Environmental implications

- 15.1 The workshop proposed for repositioning and the proposed new reception room are unlikely to be highly energy efficient. However, that is the nature of these structures and this is an application for temporary consent.

16. Planning assessment

Principle of development

- 16.1 The application site is located beyond Weymouth's defined development boundary, meaning it is in the countryside for planning purposes. As set out in the case officer's report relating to the extant temporary consent, policies SUS2 and HOUS2 of the local plan allow for small-scale exception sites to meet identified housing needs. This proposed development would tie in with the current use of the site.
- 16.2 The development would fall largely within the existing consented site area, apart from a c.1m enlargement of the site in an easterly direction. This

enlargement would use an existing area of hardstanding and would constitute a minimal change in the context of this substantial wider park and ride site.

- 16.3 The applicant has confirmed that they seek consent for the proposals on a temporary basis, to reflect the timeframes of the current permission, i.e. until 31st January 2028. A planning condition could reasonably ensure the use ceases by this point in time, along with a condition requiring the return of the land to its pre-development state. This would be consistent with the original consent. In addition, a further condition would be reasonable to ensure that the proposed new reception building is only used for that purpose, rather than as additional habitable accommodation, for example.
- 16.4 Taking the above in the round, whilst this would not ordinarily be an acceptable location for development relating to a residential use of land, its temporary nature to tie in with the existing consent and the fact it would improve the living conditions of the occupants weigh in its favour and the principle of development is accepted. The proposal thus aligns to policies SUS2 and HOUS2 of the local plan.

Scale, design, impact on character and appearance

- 16.5 The development would involve a minor reconfiguration of the current layout, with the bus and laundry block moving less than 1m further north and east (into the extended area of the site) and the new reception cabin placed to the north. This reception cabin would have the appearance of a small mobile home, around 9.3m long, 2.8m wide and 2.8m high. This would be smaller than the adjacent bus and living accommodation, such that it would assimilate with the scale of development in the complex. The horizontal plastic cladding in grey would also be acceptable for the context.
- 16.6 The existing workshop would be repositioned to the north as part of the proposals. Again, this low-key building of around 5m long, 2m wide and 2.6m high gives no cause for concern in terms of its scale or design.
- 16.7 Overall, the proposed plans show little discernible difference compared with the existing appearance of the site. The c.1m extension to the site area would be barely detectable, given the substantial size of the wider park and ride.
- 16.8 In light of the above, and the fact the development would be temporary, no adverse impacts on local character are identified. The proposal therefore accords with policies ENV1, ENV10 and ENV12 of the local plan.

Impact on the living conditions of the occupants and neighbouring properties

- 16.9 The substantial distance from the nearest residential properties is sufficient to mitigate against any amenity impacts.
- 16.10 No material changes would arise in terms of the living conditions of occupiers of the site.
- 16.11 Dorset Police's architectural liaison officer was not consulted as part of this application, as it would not result in any further intensification of the use of the site. It is worth noting that Dorset Police raised no objections when consulted as part of the extant consent.
- 16.12 The proposal therefore accords with Policy ENV16 of the local plan.

Highway impacts, safety, access and parking

- 16.13 The small extension to the site would encroach slightly on an existing area of hardstanding. However, it would not impact on the adjacent service road, and it would not prejudice the wider use of the park and ride site. No objections are raised from Highways in terms of safety, access or parking.
- 16.14 The proposal therefore accords with Policy COM7 of the local plan.

Ecology, Biodiversity Net Gain and impacts on Chesil and the Fleet

- 16.15 The Natural Environment Team has supplied a 'no comment' response to the application, making it implicit that there are no ecological concerns.
- 16.16 Nevertheless, given how the existing site is included within the application red line, a condition requiring the continued compliance with the previously approved biodiversity mitigation and net gain measures is reasonable.
- 16.17 The proposal falls within the *de minimis* definition in respect of Biodiversity Net Gain, such that it does not apply.
- 16.18 The development would not intensify the amount of overnight accommodation beyond the existing temporary consent, such that recreational impacts on the Chesil and the Fleet are not relevant to this application.
- 16.19 The proposal therefore accords with Policy ENV2 of the local plan.

Contaminated land

- 16.20 Policy ENV9 of the local plan says that:

'Planning permission for development on or adjoining land that is suspected to be contaminated will not be granted unless it can be demonstrated that there is no unacceptable risk to future occupiers of the development.'

- 16.21 At the national level, paragraph 189 of the NPPF requires a site to be suitable for its proposed use, taking account of *'any risks arising from... contamination.'* Paragraph 190 goes on to confirm that where a site is affected by contamination, the *'responsibility for securing a safe development rests with the developer and/or landowner.'*
- 16.22 A condition attached to the extant temporary consent required the submission of a contaminated land report. This was submitted to the Council and was accepted under the discharge of conditions process. It concluded that the development was acceptable.
- 16.23 The applicant has approached the report's author in respect of this fresh proposal. They have stated that the proposal is acceptable, *'provided the structure is demountable and invasive works to the ground are minimal and unlikely to disturb underlying historic waste strata.'*
- 16.24 The author represents a firm called WPA Consulting, which is coincidentally the same firm the Council uses to assess contaminated land issues associated with planning applications. Therefore, a degree of caution must be taken with this comment because of the potential conflict of interest. However, from a pragmatic standpoint, it must be borne in mind how the proposal represents a minor land take, along with the crucial fact that the applicant has confirmed in writing that the temporary buildings would be demountable and no groundworks at all would occur. Everything would therefore sit on top of

the existing hard surfacing, and there would be no ground penetration to risk breaking the seal over the former landfill site.

- 16.25 The Council's Public Protection team has declined to confirm whether this is acceptable, maintaining that the situation needs to be reviewed by a contaminated land consultant.
- 16.26 Bearing in mind the policy requirement for the Council, in its role as the Local Planning Authority, to be satisfied there is '*no unacceptable risk*,' there are several material factors pointing towards that being the case:
- The former contaminated land report provides a strong degree of comfort, as it concluded that the use of the land is acceptable on the rest of the application site;
 - The proposed site extension is very minor, affecting just a metre-wide strip of land;
 - The proposal is temporary in nature; and
 - It is within the Council's gift to add a planning condition to prohibit any groundworks.
- 16.27 In light of these factors, notwithstanding Public Protection's position, the risk is not considered to be unacceptable.
- 16.28 Given how the existing site is included within the application red line, a condition requiring the continued compliance with the approved Contaminated Land & Ground Gas Risk Assessment is reasonable.
- 16.29 The proposal therefore accords with Policy ENV9 of the local plan.

17. Conclusion

- 17.1 The proposed development complies with the development plan as a whole and there are no material considerations indicating that planning permission should be refused.

18. Recommendation

- 18.1 **Grant**, 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:

- Location plan dated 04/09/24
- Proposed site plan Sheet 2B
- East elevations Sheet 3A
- North elevations Sheet 4A
- West elevations Sheet 5A
- South elevations Sheet 6A

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

3. The use of the land and structures shall be as shown on the approved site plan, and there shall be no additional overnight accommodation beyond that approved under permission WP/20/00814/FUL. No accommodation unit or other facility shall be stationed on top of another accommodation unit or facility.

Reason: In accordance with the application proposal; to regulate the use of the application site in the interests of visual amenity; and to ensure no net increase in overnight accommodation, as a net increase may require Chesil and the Fleet SAC recreation mitigation.

4. The occupation of the site shall continue to be in accordance with the Tier 1 & 2 Contaminated Land & Ground Gas Risk Assessment V1, dated May 2021 and discharged under condition 3 of planning permission ref. WP/20/00814/FUL.

Reason: To ensure that appropriate risk mitigation and avoidance measures are implemented and maintained.

5. The development shall be undertaken in accordance with the agreed biodiversity mitigation and net gain measures under condition 4 of planning permission ref. WP/20/00814/FUL.

Reason: To ensure the delivery of biodiversity mitigation and net gain measures.

6. Unless permitted to remain under a further grant of planning permission, use of the application site for the stationing of mobile accommodation units and associated ancillary facilities shall cease no later than 31st January 2028.

Reason: To reflect the terms of consent ref. WP/20/00814/FUL.

7. Within 3 months of the permanent cessation of use of the application site, the application site shall be cleared of all structures and associated facilities.

Reason: In the interest of visual amenity and to reflect the terms of consent ref. WP/20/00814/FUL.

Informatives

1. 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. 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. 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 considered to apply.

- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Read more about Biodiversity Net Gain at:

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