

Application number:	P/FUL/2024/07499
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Hardy House Castle Road Portland DT5 1AU
Proposal:	Erection of brick enclosure for electrical supply meters.
Applicant name:	Dorset Council (Assets and Property)
Case officer:	Steve Tapscott
Ward member(s):	Cllr Roper, Cllr Hughes and Cllr Kimber

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

2. Summary of recommendation:

2.1 GRANT, subject to conditions.

3. Reasons 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 proposal is acceptable in terms of design, scale and general visual impacts. The character and appearance of the conservation area would be conserved.
- It is considered that the development would not result in material harm to neighbour amenity.
- There are no material considerations that would warrant refusal of this application.

4. Key planning issues

Issue	Conclusion
Principle of development	Acceptable: the development would serve the lawful use of the wider site as flats.
Scale, design and impacts on local character, including the conservation area and the setting of non-designated heritage assets	Acceptable.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Highways	Acceptable.
Archaeology	Acceptable.

Issue	Conclusion
Geology	Acceptable.
Proximity to a medium pressure gas pipeline	Acceptable.
Trees	Acceptable.
Ecology and Biodiversity Net Gain	Acceptable in respect of ecology; BNG is not applicable.

5. Description of site

- 5.1 The site is located within the Defined Development Boundary of Portland. It comprises a large, Edwardian building, set in spacious grounds. It is currently undergoing renovation works to provide five flats.
- 5.2 The site lies within the Fortuneswell area of Underhill Conservation Area. It is not listed, but it is recorded along with Portland Community Hospital and its grounds, Rodney House and Boscawen House as an 'important building group.' This makes the site and these neighbouring buildings constitute non-designated heritage assets. A large area to the south of the site at Victoria Gardens is recorded in the appraisal as a 'viewshed,' which provides multiple views.
- 5.3 The site sits on elevated land, and despite the stone boundary wall, is conspicuous in public views from Castle Road. It is set back from the highway behind an open front garden area and parking/turning space. A large garden is situated to the rear.
- 5.4 Until recently, a large shed was positioned to the north of the building, on an area of hard surfacing between the building and the boundary fence. Third-party trees that are protected by the conservation area status are located on the other side of the fence, within the hospital grounds.

6. Description of development

- 6.1 The application seeks full planning permission to erect a brick enclosure for electricity meters, measuring around 2.3m wide, 1.1m deep and 2.6m high. It would be situated on an existing area of hard surfacing to the north of the building.
- 6.2 The submitted plans show a 1.8m close-boarded fence partially within the application red line.

7. Relevant planning history

- 7.1 The site was previously used as a youth hostel, further to consent ref. 98/00623/COU, which was granted in 1999 and allowed for the '*conversion and extension of former MoD Police Station into youth hostel.*'
- 7.2 In November 2023, consent was granted by committee under ref. P/FUL/2023/03923 for the '*conversion of existing hostel accommodation into 5 No. residential flats. Insert roof vent.*' The permission has been implemented, and works are underway.

7.3 It is worth noting that the approved west elevation plan shows a c.1.8m high close-boarded fence has been approved to the immediate east of the proposed electricity meter enclosure.

8. Constraints

Underhill Conservation Area - Distance: 0

Important Local Buildings, Record Key = 2598 - Distance: 0

SUS 2; Defined Development Boundary; Fortuneswell - Distance: 0

Landscape Character Area; Limestone Plateau; Portland - Distance: 0

ENV 1; Regionally Important Geological and Geomorphologic; The Isle of Portland, Weymouth and Portland - Distance: 0

ENV4; Area of Archaeological Potential; Portland - Distance: 0

SGN - Medium pressure gas pipeline 12.5m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 5.1

Dorset Council Land Freehold: Hardy House, Castle Road, Portland - Reference FH004338 - Distance: 0

Local Geological Site: G SY67/11 - The Isle of Portland; - Distance: 0

Existing ecological network- Distance: 0

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 2007.12

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 362

Wildlife Present: S41 - West European Hedgehog; - Distance: 9.8

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Scheduled Monument: Portland Castle (List Entry: 1015326.0); - Distance: 316.2

Portland heliport consultation zone (within 13km) - Distance: 297.69

Prison:-Distance: 0

Radon: Class: Class 3: 3 - 5% - Distance: 0

ONR portland_12km_zone - Distance: 0

9. Consultations

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

Consultees

Wessex Water: no response received.

Southern Gas Networks: general advice on works in proximity to gas mains, interpreted as no objections.

Dorset Wildlife Trust: no response received.

Dorset Council - Assets & Property: no response received.

Dorset Council – Highways: no objection.

Dorset Council – Archaeology: no objection.

Portland Town Council: support.

Cllr Roper: no response received.

Cllr Hughes: no response received.

Cllr Kimber: no response 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.

10.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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
- ENV4: Heritage Assets
- ENV10: The Landscape and Townscape Setting
- ENV12: The Design and Positioning of Buildings
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS2: Distribution of Development
- COM7: Creating a Safe and Efficient Transport Network
- COM9: Parking Standards in New Development

Portland Neighbourhood Plan (made 2021)

- Port/EN4: Local Heritage Assets
- Port/EN6: Defined Development Boundaries
- Port/EN7: Design and Character

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.

National Planning Policy Framework

11.2 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.

11.3 Other relevant NPPF sections include:

- Section 4: 'Decision making.' Paragraph 39 requires local planning authorities to 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 places.' This 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.
- Section 16: 'Conserving and Enhancing the Historic Environment.' Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

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).
- Appraisal of the Conservation Areas of Portland 2017.

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 three 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. In considering the merits of this planning application, the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

13.3 There are not considered to be any relevant requirements of the Public Sector Equalities Duty in respect of this application.

14. Financial benefits

14.1 None.

15. Environmental implications

15.1 None.

16. Planning assessment

Principle of development

16.1 The site is within Portland's Defined Development Boundary, where Policy SUS2 of the local plan and Policy Port/EN6 of the neighbourhood plan confirm development will be supported, subject to compliance with other relevant policies.

16.2 The proposal therefore complies with Policy SUS2 of the local plan and Policy Port/EN6 of the neighbourhood plan.

Scale, design and impacts on local character, including the conservation area and the setting of non-designated heritage assets

16.3 The proposed development would be located discreetly to the north of the substantial existing building. It would sit on an area of hard surfacing between the building and an upward slope towards the boundary fence.

16.4 The approved plans for the conversion of the building to flats show a 1.8m high close-boarded fence to the immediate west of where the electricity meter enclosure would be sited. This fence is also referenced on the site plan submitted alongside this current application.

16.5 Whilst the development would be partially visible above the already consented 1.8m fence, it would nevertheless be viewed against the backdrop of existing buildings, and it would be subservient in scale to the main building.

16.6 The proposed plans confirm that the brick finish would match the main building, which is acceptable.

16.7 In light of these factors, the development would not lead to any adverse impacts to local character, the setting of the non-designated heritage asset in the wider site, or the setting of any nearby non-designated heritage assets. The character and appearance of the conservation area would be conserved, and no harm would arise.

16.8 The proposal therefore complies with policies ENV4, ENV10 and ENV12 of the local plan, policies Port/EN4 and Port/EN7 of the neighbourhood plan and paragraph 216 of the NPPF.

Impact on the living conditions of the occupants and neighbouring properties

16.9 The scale and positioning of the proposal relative to neighbouring buildings is such that it would not lead to any material impacts through overshadowing or an overbearing presence.

16.10 The proposal therefore complies with Policy ENV16 of the local plan.

Highways

16.11 No objections have been raised by the Local Highway Authority. The proposal complies with policies COM7 and COM9 of the local plan.

Archaeology

16.12 The site is located within an area of archaeological potential. The Council's archaeologist has been consulted and has raised no objections. The proposed development complies with Policy ENV4 of the local plan.

Geology

16.13 Policy ENV1 of the local plan requires development to avoid significant adverse effects on geological features and much of Portland is recorded in the neighbourhood plan as a geological area. In this case, the site is within a built-up area, and the proposal would be sited on previously developed land. Its small scale and likely shallow foundations are such that it is reasonable to conclude the development would avoid any significant adverse effects on geology, and the proposal complies with Policy ENV1.

Proximity to a medium pressure gas pipeline

16.14 Owing to the location of a medium pressure gas pipeline approximately 12m to the north within the hospital carpark, Southern Gas Networks was consulted on the application. No objections have been raised.

Trees

16.15 There are third-party trees to the north, which are protected by the conservation area status. However, these are behind an existing embankment and the development would be sited on an existing hard surface. Given these factors, along with the separation distance from the trees, it is unlikely that the development would adversely affect any third-party trees.

16.16 The proposed development therefore complies with Policy ENV10 of the local plan.

Ecology and Biodiversity Net Gain

16.17 Constraints mapping from the Dorset Environmental Records Centre shows that west European hedgehogs have been recorded in the local area. Given the scale of the proposed development, it is unlikely to have any adverse effects on this or any other protected species.

16.18 Having regard to Biodiversity Net Gain, the development would be de minimis in the context of the regulations, such that it does not apply to this application.

16.19 The proposal therefore complies with Policy ENV2 of the local plan.

17. Conclusion

17.1 The proposed development is acceptable, and it is recommended for approval, subject to conditions.

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:

23108.14 rev. B location and block.

23108.16 rev. C proposed site plan.

23108.15 rev. A proposed floorplan and elevations.

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

Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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 application was acceptable as submitted and no further assistance was required.

Informative: 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.

The permission which has been granted is for development which is exempt being:

- 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>