

<b>Application Number:</b>	P/FUL/2024/05538
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Weymouth Harbour, Weymouth, DT4 8AJ
<b>Proposal:</b>	Replacement and strengthening of harbour walls F and G through installation of new sheet pile walls in front of the existing walls, for the portion of the new wall where it is located above the mean low water mark, tie bar extension and ground works, works to the footpaths, creation of open space along with ancillary works.
<b>Applicant name:</b>	Dorset Council
<b>Case Officer:</b>	Matthew Pochin-Hawkes
<b>Ward Member(s):</b>	Cllr Orrell

### 1.0 Reason application is going to committee:

1.1 The applicant is Dorset Council.

### 2.0 Summary of recommendation:

2.1 Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant planning permission subject to:

1. receiving written confirmation from the Marine Management Organisation that the parallel marine licencing application secures appropriate mitigation and compensation for marine ecology; and
2. the planning conditions at section 18 of this report.

### 3.0 Reason for the recommendation:

- The proposed works subject to this planning application are located above the mean-low water mark where the Local Planning Authority has jurisdiction. The Marine Management Organisation has jurisdiction for works below the mean-high water mark.
- Para. 11 of the NPPF establishes that permission should be granted for development proposals that accord with an up-to-date development plan without delay.
- The existing sea defences are in urgent need of replacement.
- The proposals would upgrade existing flood defences with necessary protection taking into account anticipated sea level rise and flood risks.
- The design is acceptable, would not cause harm to heritage assets or the amenity of the area.

- Remodelled and new open spaces would provide appropriate public amenity space and maintain panoramic views over the sea defences.
- Public access would be improved through an updated pedestrian and cycle route around the perimeter of the site.
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The replacement of existing sea defences and provision of improved open space and pedestrian/cycle route is wholly acceptable in principle and compatible with the area.
Design, landscape and local character	The proposals are compatible within the area and the design and landscaping is acceptable subject to conditions.
Heritage	Harm to designated heritage assets would be outweighed by public benefits and harm to non-designated heritage assets would be outweighed by the benefits of the proposal.
Amenity	The proposals would not have a significant adverse impact on residential amenity. The new and improved public open spaces would improve public amenity within the local area.
Highways, access, parking and highway safety	The proposals would not give rise to danger to road users or have severe highway impact. Construction traffic impacts can be appropriately managed via planning condition and the slight reduction in car parking-post construction is acceptable.
Ecology and biodiversity	Biodiversity net gains would be delivered through on-site provision and the purchase of credits. Subject to mitigation and compensation being secured by the Marine Management Organisation through the parallel marine licencing application, impacts on marine ecology would be acceptable.
Flood risk and drainage	The proposals would upgrade existing sea defences and would not cause increased risk of flooding elsewhere. Adequate drainage is proposed.

Ground conditions	Acceptable subject to conditions.
Environmental Impact Assessment	The development is not considered to be EIA development.

## 5.0 Description of Site

5.1 The application site is located along the northern and eastern boundaries of the peninsula, Weymouth. The peninsula is set at the end of The Esplanade opposite the Nothe Fort at the gateway to Weymouth Harbour.

5.2 The 1.09-hectare L-shaped site encompasses two sea walls, the adjacent pedestrian and informal cycle route, areas of public realm, vehicle routes and areas of car parking. The application site boundary extends beyond the existing sea walls to include land up to the mean-low watermark.

5.3 Wall G forms the northern boundary of the site. The 349m wall starts at the stairs leading to the southern end of the beach and continues to the interface with Wall F to the east at the northern edge of the peninsula. The section of the piled wall from the beach steps to the 'Pleasure Pier' signage is topped with balustrading. The retained height of the wall varies between 4.0m to 6.8m. Between the Wall G and The Pavillion is an area of public realm. It consists of a raised platform with planters, six benches and an anchor. The anchor commemorates the opening of the car ferry terminal extension in 1980.

5.4 Wall F forms the eastern boundary of the site. It spans approximately 137m from the interface with Wall G to the north and continues to the interface with the Pleasure Pier and Wall E to the south. The wall consists of piles with a continuous reinforced concrete capping beam at the top of the piles. The height of the wall is approximately 4.3mAOD on average and gradually increases in height towards the Pleasure Pier. Three raised platforms offering panoramic views across the coastline are located along this stretch of wall. The raised platforms are enclosed by balustrading and the northern most platform has two benches. The adjacent pedestrian/cycle route and part of the parking area is cordoned off due to a sinkhole. The walls are in urgent need of repair.

5.5 The application site includes a pedestrian and informal cycle route alongside Walls F and G together with some vehicle access routes and car parking spaces. The height of the walls relative to the adjacent pedestrian/cycle route varies. The wall is generally 1m, thereby allowing views over the top towards Weymouth and the coastline.

5.6 The wider peninsula has largely been cleared of buildings since the ferry service closed in 2015. All that remains are a few re-purposed buildings for fishermen, the disused railway platform, the Weymouth Pavillion theatre, a public car park, areas of public realm and the Pleasure Pier.

5.7 To the west of the peninsula lies the Devonshire Buildings (Grade II\* listed) with its rounded façade turning the corner of Custom House Quay and The Esplanade.

The four-storey terrace consists of six guesthouses. The building is separated from the site by The Esplanade and an area of public realm. Nothe Fort lies to the east of the site across the entrance to Weymouth Harbour. It is a Scheduled Monument and Grade II listed building.

5.8 The surrounding areas are a mix of uses, including retail, leisure, commercial, hospitality and residential.

## **6.0 Description of Development**

6.1 The proposed development seeks:

1. the replacement and strengthening of walls F and G through installation of new sheet pile walls in front of the existing walls, tie bar extension and ground works
2. works to the footpath
3. creation of open space
4. ancillary works

6.2 The proposal works subject to this planning application are located above the mean-low water mark. Associated with the planning application, a marine licencing application has been submitted to the Marine Management Organisation for works below the mean-high water mark and a Flood Risk Activity Permit (FRAP) has been sought from the Environment Agency in respect of the replacement sea defences.

6.3 The proposals are summarised as follows:

### *Replacement Walls*

6.4 As described in the submitted Planning Statement, the walls are in a poor state of repair and in urgent need of replacement. The walls are suffering from corrosion which has resulted in significant loss of steel thickness and a sinkhole which has required part of the site to be cordoned off and a sub-station to be demolished.

6.5 The replacement walls would be created by a new line of sheet piles installed in front of the existing walls.

6.6 The sheet piles are proposed to be capped with a reinforced concrete capping beam raised to +4.10mAoD for the majority of Wall G and +4.50mAoD for Wall F. The section of Wall G closest to The Esplanade and adjacent to the existing open spaces would be capped at +3.15mAoD with a short section at the stairs to the beach raised to +3.55mAoD. The walls would be fixed with below ground tie-bars which would connect into existing below ground concrete anchor blocks set back approximately 10m from the walls. The cavity between the existing and proposed walls would be backfilled and the seaward face of the walls would include safety ladders and timber fenders.

6.7 The walls have been designed to protect the peninsula from projected sea level rise and 1 in 200-year flood levels of +3.8m Ad with an additional freeboard of

300mm provided on top. They have a design life of 75 years and would protect against flood events with a 1 in 200-year flood risk up to 2060.

### *Footpaths*

6.8 The existing footpath and informal cycle route would be extended to incorporate the infilled area behind the proposed capping beams. Accordingly, the width of footpath would be extended by approximately 1.3m around the perimeter of the site. This would facilitate creation of a parallel cycle route.

6.9 Proposed ground levels would vary along the length of the walls. The height of the capping beam relevant to adjacent proposed ground levels would vary, with a maximum height of 1.75m. As a result of the increased height of the walls and varied ground levels, visibility over the walls would be restricted from some parts of the footpath.

6.10 The design has been amended over the course of determination to reduce the height of the wall between the beach steps and the 'Pleasure Pier' sign. The proposed capping beam with retained balustrade above would be marginally taller than existing, maintaining panoramic views across Weymouth Bay.

### *Open spaces and landscaping*

6.11 Two publicly accessible open spaces are proposed.

6.12 The existing area of public realm between The Pavilion and Wall G is proposed to be remodelled. Ground levels would be increased in height and six benches would be installed to enable views over the new seawall. The anchor would be retained, and the rear of the open space would incorporate a new planter.

6.13 A new open space is proposed at the north of the peninsula at the interface of walls F and G. The space includes six benches and grassed areas of general amenity. Ground levels would be increased in height to enable views over the new walls.

### *Ancillary works*

6.14 Ancillary works include planting between the two open spaces (separating the footpath/cycle route from the car park), minor changes to the car parking layout and repositioned pay and display machines.

### *Construction process*

6.15 All construction works are proposed to be undertaken from the landside, proceeding from west to east across the site. Areas within the car park and commercial pier would be used temporarily during the construction period to provide construction access, site compound space and a stockpile area. The use of these areas is proposed to be undertaken under permitted development rights and do not form part of the proposed development.

6.16 During the construction period the existing footpaths would be closed with temporary routes created to maintain access to The Pavilion and commercial areas

of the harbour. Access to the Pleasure Pier would be restricted for part of the construction works.

6.17 Construction works are expected to take 12 months.

## **7.0 Relevant Planning History and Policy Context**

7.1 Related to the current planning application, the Council issued a Screening Opinion in May 2024 confirming that the proposed replacement, strengthening and maintenance of harbour walls was not EIA development (P/ESC/2024/02394).

7.2 In 2018, the council approved the strengthening of Wall D (WP/18/00586/FUL). The 76m wall is located on the south of the peninsula adjacent to Custom House Quay and the Devonshire Buildings. The design is similar to that proposed by the current planning application – with the replacement sheet pile wall installed immediately in front of the old wall. The works have been completed.

7.3 The peninsula has historically been used for a variety of uses, including leisure and tourism. The peninsula has largely been cleared of buildings since the ferry service closed in 2015. All that remains are a few re-purposed buildings for fishermen, the disused railway platform, the Weymouth Pavillion theatre, a public car park, areas of public realm and the Pleasure Pier.

7.4 Policy WEY6 of the West Dorset, Weymouth and Portland Local Plan (2015) allocates the peninsula for mixed use development. It states that the site should be re-developed to include leisure / tourist-related uses, supported by complementary town centre uses which may include housing, and including provision for the continued operation of the ferry service. The policy requires a comprehensive scheme which complements the scale, mass and rhythm of the terraces along the Esplanade so as to create a coherent seafront and does not detract from the dominance of the Nothe Fort in views from the North. It notes that the site may include an elegant landmark building.

7.5 The Weymouth Town Centre Masterplan Supplementary Planning Document (SPD) was adopted in October 2015, shortly after the Local Plan. This SPD establishes a long-term regeneration strategy for the town centre and includes a section with a comprehensive strategy for Weymouth Peninsula, based on identifying key objectives namely:

- provision of strategic flood defence work
- creation of pedestrian and public areas, public art and links to the town centre
- improve the harbour facilities for boats and the local fishing industry
- mixed use activities focussed on café and restaurant, commercial and retail uses
- high quality, unique housing

7.6 Aligning with this planning policy context, an application for comprehensive mixed-use development of the site was submitted in 2018 (WP/18/00403/OUT). The application involved demolition of buildings (excluding the Pavilion Theatre and Jurassic Skyline viewing tower – the latter now demolished) and redevelopment of the site for a mix of leisure and commercial uses including hotels, mixed use

pub/diner with guest accommodation, restaurants and cafes, indoor leisure buildings, public car parking, commercial fishing and mixed-use harbour buildings, harbour operation and storage areas together with associated works and open space.

7.7 The Weymouth and Portland Planning Committee resolved to approved the application in November 2018 subject to planning conditions and a section 106 legal agreement to secure sustainable transport contributions and marine ecology mitigation and enhancements. However, the legal agreement has not been completed and the application remains pending determination.

7.8 The peninsula is one of four sites that benefits from a share of £19.5 million secured through the previous government's Levelling Up fund. The Council has prepared a vision for the harbour and peninsula areas. Of relevance to this planning application, the vision states that the remedial works to the harbour and peninsula walls are *“essential for the long term sustainability of the Harbour and peninsula, so constitute a irreducible minimum component of the regeneration programme.”* The vision outlines a range of future medium term opportunities for the peninsula, potentially including: hospitality facilities (including a hotel and entertainment facilities), retail facilities, residential and public space.

7.9 Relevant planning history is summarised as follows:

#### **Harbour Walls – Walls F and G**

P/ESC/2024/02394 - Decision: Not EIA - Decision Date: 21/05/2024

Request for EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to support a planning and marine licence application for the replacement, strengthening and maintenance of harbour walls

#### **Harbour Walls – Wall D**

WP/18/00586/FUL - Decision: GRA - Decision Date: 18/12/2018

Strengthening of 76 metres of sheet steel pile wall by a line of new sheet steel piles driven into the harbour bed immediately in front of the old wall. Replacement of the four flights of existing ferry steps by two new flights of steps supported on the new piles. Demolition of the brick and concrete kiosk building at the top of the ferry steps.

#### **Observation tower (Jurassic Skyline viewing tower)**

11/00512/FUL - Decision: GRA - Decision Date: 24/08/2011

Construction of 53m high observation tower and associated ground works, admissions/retail unit with staff facilities, queue-line structures, perimeter fencing and control building

WP/17/00687/VOC - Decision: GRA - Decision Date: 14/12/2017

Construction of 53m high observation tower and associated ground works, admissions/retail unit with staff facilities, queue-line structures, perimeter fencing and control building - (variation of conditions 1, 2, 3, 4, 5, 6, 8, and 9 of planning permission ref. 11/00512/FUL and 12/00364/NONMAT)

### **Mixed use development**

WP/18/00403/OUT - Decision: Undetermined subject to S106 Agreement completion

Demolition of existing buildings (excluding Pavilion Theatre and Jurassic Skyline viewing tower) and redevelopment for a mix of leisure and commercial uses including hotels, mixed use pub/diner with guest accommodation, restaurants and cafes, indoor leisure buildings, public car parking, commercial fishing and mixed-use harbour buildings and harbour operation and storage areas together with associated landscaping, street furniture, structures, open space and access to and within the site.

## **8.0 List of Constraints**

Within Defined Development Boundary

Weymouth Town Centre

Weymouth Town Centre Strategy Area

Site allocation for mixed use development: Ferry Peninsula, Policy WEY6

Landscape Character Area – Weymouth Urban Area

Partially within Weymouth Town Centre Conservation Area – a small portion of the southwest corner of the site falls within the conservation area

Nearby Heritage assets:

- Devonshire Buildings (Terrace), 1-6 Esplanade, Grade II\*. List entry: 1145964. Distance: 18m to southwest of site.
- Dorset and East Devon Coast, World Heritage Coast. List entry: 1000101. Distance: 160m to south of site.
- Scheduled Monument: Nothe Fort, tramway and searchlight battery at The Nothe. List entry: 1020063. Distance: 175m to southeast of site.

- Northe Fort and outer gateway, Grade II\*. List entry: 1313430. Distance: 175m to southeast of site.

South West Coastal Path – runs through a small portion of the southwest corner of the site.

Within Flood Zones 2 and 3

Risk of Surface Water Flooding Extent 1/30 year, 1/100 year and 1/1000 year

RAMSAR: Chesil Beach & the Fleet (UK11012); Distance: 3km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); Distance: 3.3km

Site of Special Scientific Interest (SSSI) impact risk zone.

Contaminated Land – Area of approximately 80sq.m to the southwest of the site and north of the Pavillion identified as contaminated land (ref: 6686, Ferry Car Park)

Office of Nuclear Regulation – Portland 12km zone

Radon: Class 1: Less than 1%

Dorset Council owned land

## 9.0 Consultations

9.1 Two rounds of consultations have been carried out in respect of this application: one following submission of the application and the other following amendments to the proposals.

9.2 Consultation responses are summarised below. All consultee responses can be viewed in full on the website.

### **Consultees**

#### **Environment Agency**

9.3 The EA raises no objection and notes the revised crest height of Wall G (3.15mAoD) remains in line with the strategic adaptive approach agreed with the Council to periodically raise harbour walls and construct defences under a phased approach. The EA notes this was agreed in the National Flood and Coastal Erosion Risk Management (FCERM) Strategic Outline Case (2021).

#### **Natural England**

9.4 Providing the works are carried out in accordance with the application, the proposals are unlikely to have a significant effect on any SAC, SPA or Ramsar site.

9.5 Note the proximity of the site to Radipole Site of Special Scientific Interest (SSSI). The proposal is unlikely to harm the SSSI providing the works are undertaken in strict accordance with the submitted details.

9.6 Natural England raise concern with impacts on Sea Grass, and whether the compensation hierarchy of avoid/mitigate/compensate has been demonstrated. Natural England recommend that any compensation is secured via planning condition.

## **Historic England**

9.7 Consider that the proposals will not have any impact on the significance of nearby heritage assets.

**Marine Management Organisation** – No comments received.

## **DC Conservation**

9.8 Initial comments confirmed no objection pending the submission of a Heritage Statement and confirmation of a retention strategy about wall top railings. The response concluded the originally proposed height of the wall would have caused less than substantial harm to the Devonshire Buildings (Grade II\* listed) and noted that the existing railings (a non-designated heritage asset) should be retained. The harm to the Devonshire Buildings would be outweighed by public benefits, notably the provision of essential coastal protection.

9.9 Subsequent comments following the submission of updated drawings and documents confirm no objection. The Conservation Officer concludes the revised proposal would cause less than substantial harm to the Weymouth Town Centre Conservation Area, Devonshire Buildings (Grade II\*) and railings.

9.10 The officer notes that careful removal of the railings and sign with a clear intention of appropriate reinstatement, within an agreed extent of the scheme, would result in a conclusion of no harm. Based on the degree of deterioration of the railings, the Conservation Officer notes a preference for retention of the best representative examples of railing sections and a commitment to incorporate sections, or elements of sections, into part of the hard landscape scheme. A Level 1 recording of the railings and sign is recommended.

## **DC Landscape**

9.11 No objection subject to conditions. The proposals would likely enhance rather than detract from the landscape character, would restore existing hard and soft landscape features and provide additional enhancement through new hard and soft landscaping. Consider that the scheme should include the planting of trees within the soft landscaped areas unless there are clear, justifiable and compelling reasons why this would be inappropriate.

## **DC Highways**

9.12 The Highways Authority recommends that the applicant consult with Dorset Council Parking Services team so that the public parking demand can be adequately managed, especially during peak periods.

9.13 Overall, the Highways Authority raises no objection subject to planning conditions.

**DC Urban Design** – No comments to make.

**DC Environmental Assessment** – No comments received.

**DC Economic Development and Tourism** – Fully support the application.

## **DC Flood Risk Management**

9.14 Raise no objection to the proposals.

9.15 Note the proposed development can be considered as water compatible. The proposed development is compatible with the groundwater/surface water flood risk.

9.16 The submitted Flood Risk Assessment provides the necessary evidence that the design of the proposed replacement wall will maintain the existing surface water drainage regime.

9.17 Surface water flood risk or drainage related conditions are not considered to be required by the Lead Local Flood Authority (LLFA). However, the application should be referred to the Environment Agency for their assessment of risk to the proposed development from tidal and/or fluvial flood risk.

### **DC Rights of Way**

9.18 Raise no objection to the proposals.

9.19 Note the Southwest Coastal Path crosses the south west corner of the site. State that the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route during the construction period.

### **DC Natural Environment Team**

9.20 In respect of the proposed works above the mean-low water mark (subject to the planning application and falling within the jurisdiction of the Local Planning Authority), NET note the application is not within the scope of the Dorset Biodiversity Appraisal Protocol (BDAP) as there are no habitats or protected species. Recommend that the mitigation within the Construction Environmental Management Plan (CEMP) is secured.

9.21 NET confirm the proposals are subject to 10% biodiversity net gain (BNG) requirements given the proposals would result in the loss of 25sq.m of planters and would therefore not benefit from the de minimis exemption. Following submission of BNG information by the applicant, NET confirmed no objection.

9.22 NET notes the provision of Intertidal Green and Grey Infrastructure is considered significant. Therefore, a HMMP will be required for this feature at the pre-commencement stage and ongoing monitoring and management secured within a Section 106. NET draw attention to the fact that there is a discrepancy between the excel metric submission and the metric used to inform the report. The difference appears to be the percentage loss of area habitats: 18.72% in the submitted metric and 18.78% in the associated report. The metric concludes that the loss is wholly accounted for by the reduction in Intertidal Hard Structures, whereas the report attributes this to a reduction in Intertidal Hard Structure and Introduced Shrub. These are both low distinctiveness habitats and NET advise that this discrepancy does not pose a barrier to approval of the application. However, this should be addressed with submission of the Biodiversity Gain Plan at the pre-commencement stage. Proof of purchase of sufficient offsite units/credits will be required at the pre-commencement stage to meet the BNG obligation.

9.23 In respect of proposed works below the mean-low water mark (subject to marine licencing and outside of the jurisdiction of the Local Planning Authority), NET note the anticipated impacts on seagrass. They suggest further information be sought by the Marine Management Organisation (MMO) in respect of marine ecology.

### **DC Environmental Protection**

9.24 Recommend conditions related to dust and unexpected contamination.

9.25 Suggest an informative in relation to noise and vibration impacts during construction and state that the recommendations of the submitted Technical Memorandum – Assessment of Noise and Vibration from Construction Works (WSP, ref: 70094412-ACO, dated 7 August 2024) should be followed.

**DC Coastal Risk Management** – No comments received.

**DC Building Control** – Confirm no comments to make on this application.

### **Public Health Dorset**

9.26 Public Health Dorset welcome the: improved sea defences, changes to accommodate pedestrian and cycle access and new landscaping and picnic area. Request that: shading and shelter is provided, seating takes account of inclusive mobility guidelines and appropriate lighting is proposed for safety and security.

**DC Assets and Property** – No comments received.

### **Jurassic Coast Trust**

9.27 Confirm the application site is outside of the World Heritage Site (WHS). Advise the application would have no impact on the WHS' Outstanding Universal Value or its setting.

### **Office for Nuclear Regulation**

9.28 Confirm the ONR has no comments to make as the application does not meet ONR's consultation criteria.

**Dorset Wildlife Trust** – No comments received.

**Ramblers Association** – No comments received.

**Wessex Water** – No comments received.

### **Ward Councillors**

*Cllr. Bell*

9.29 This work is crucial to ensure the strength and stability of the peninsula and ensure further regeneration works can take place on the site. Climate change is causing sea levels to rise and this project will help to increase Weymouth's resilience to the challenges that creates.

*Cllr. Orwell*

9.30 Cllr. Orwell has provided two sets of comments. The first stating that repair and improvement of all our sea walls is increasingly urgent due to climate chaos, global heating and sea level rises. The second set of comments state the Councillor is totally in support of the work and steps to ensure it is as strong and enduring as possible.

### **Weymouth Town Council**

9.31 Initial comments confirm the Council support the application and note it is vital for the regeneration of the town, and looks forward to its timely delivery.

9.32 Subsequent comments advise the Council enthusiastically supports the application, which is vital for flood defence and the economic development of the town.

## **Representations received**

9.33 Representations from the **Weymouth Civic Society** has been received. The first set of comments raise some concerns with the high parts of the proposed walls by the public walkway, which would restrict views of the bay and coastline. Subsequent comments note the amended proposals and give support to the proposed viewing hill.

9.34 No other third party comments have been received.

## **10.0 Duties**

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

10.2 Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

## **11.0 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 geological interest
- ENV2 Wildlife and habitats
- ENV4 Heritage assets
- ENV5 Flood risk
- ENV8 Pollution and contaminated land
- ENV10 The landscape and townscape setting
- ENV11 The pattern of streets and spaces
- ENV16 Amenity
- SUS2 Distribution of development
- COM7 Creating a safe and efficient transport network
- WEY1 Weymouth town centre strategy
- WEY6 Ferry peninsula

### Material Considerations

#### **Emerging Local Plans:**

11.1 Paragraph 49 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**

11.2 The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at an early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **Neighbourhood Plans**

11.3 Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making. The draft plan (December 2024) includes the following policies of relevance:

- W01 – Shoreline Protection
- W03 – Wildlife Habitats and Areas
- W07 – Rights of Way, and Access to the Countryside
- W34 – Sustainable Development
- W44 – Design
- W45 – Heritage Assets
- W50 – Cycle Routes

### **National Planning Policy Framework**

11.4 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.

11.5 Other relevant NPPF sections include:

- Chapter 14: Meeting the challenge of climate change, flooding and coastal change. Paragraph 181 states that planning applications should not increase flooding elsewhere and should be supported by site-specific flood-risk assessment. Paragraph 183 states that in coastal areas, decisions should take account of the UK Marine Policy Statement and marine plans. Integrated

Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

- Chapter 16: Conserving and enhancing the historic environment. Paragraph 215 notes that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 216 requires that a balanced judgment is carried out in relation to any harm or loss of significance of a non-designated heritage assets.

### Other material considerations

11.6 The Weymouth Town Centre Masterplan SPD provides a detailed planning strategy to guide development and investment in Weymouth Town Centre for 10 years from its adoption by Full Council on 4 June 2015. It includes site-specific policy, supporting the policy framework of the local plan and guidance for the consideration of planning applications in the town centre area. The SPD requires a full detailed assessment of the capacity of the peninsula site, to demonstrate that a viable scheme can be accommodated with a mix of uses including residential. Weymouth Town Centre Conservation Area Appraisal (2012)

#### Landscape Character Assessment

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.

LTN1/20: Cycle Infrastructure Design (2020)

South Devon and Dorset Shoreline Management Plan. June 2011.

## **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**

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.

13.3 Notably the proposals retain step free access around the site to support access by people with disabilities, mobility impairments or pushing buggies. Seating is proposed within the two publicly accessible open spaces within the site.

## 14.0 Benefits

What	Amount / value
Sea defences	Improved sea defences and reduced risks of flooding.
Construction	Short term construction jobs and associated supply chain benefits (unquantified).
Public realm, pedestrian and cycle routes	Around the perimeter of the site. Including the two areas of public realm with seating areas. Associated health benefits of supporting active travel.
Supporting regeneration of Weymouth Peninsula	By protecting against flood risk, thereby helping to support regeneration of the wider peninsula.

## 15.0 Environmental Implications

15.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development.

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.

15.3 This has to be balanced against the benefits of providing much needed sea defences which would protect existing land, buildings and business from flooding and help to support the regeneration and redevelopment of the peninsula in the future.

15.4 As an allocated brownfield site within the Defined Development Boundary of Weymouth, the proposed redevelopment is inherently sustainable in that it would support future redevelopment in a highly sustainable location within walking distance of the centre of Weymouth.

## 16.0 Planning Assessment

16.1 The following assessment considers the proposed works above the mean-low water mark. These works fall within the scope of the planning application. They comprise parts of Wall G next to the beach, parts of the pedestrian/cycle route and the two public open spaces.

16.2 The works below the mean-low water mark fall entirely within the jurisdiction of the Marine Management Organisation (MMO) and are outside of the scope of this planning application and jurisdiction of Dorset Council as Local Planning Authority. The works include the majority of the replacement sea walls, below-sea piling and parts of the pedestrian/cycle route where land is proposed to be reclaimed from the sea.

### **Principle of development**

16.3 The site falls within the Defined Development Boundary of Weymouth and is allocated for mixed use development under Policy WEY6. Walls F and G are in urgent need of replacement.

16.4 The proposed works to replace the walls through new sheet piled walls are wholly acceptable in principle as necessary flood defence works. The works align with the policy to 'hold the line' set out within the South Devon and Dorset Shoreline Management Plan and the key objectives of the Weymouth Town Centre Masterplan (2015) to provide strategic flood defences and are compatible with the mixed use allocation of the site. The proposals also align with emerging Weymouth Neighbourhood Plan Policy W01.

16.5 Depending what future uses are proposed on the peninsula, further upgrades to sea defences may be required.

### **Design, landscaping and local character**

16.6 The replacement walls would be created by a new line of sheet piles installed in front of the existing walls. The sheet piles are proposed to be capped with a reinforced concrete capping beam, as existing.

16.7 Between the beach steps and the approximate location of the Pleasure Pier sign, the capping beam to the new Wall G would be topped with railings. This reflects the current design of the sea defences and would maintain uninterrupted views of the coastline for the first section of the sea defences next to the Pavillion Theatre.

16.8 Beyond the Pleasure Pier sign, the height of the capping beam would increase to 4.10m AoD. Relative to ground level, the height of the wall would vary between approximately 1.20m to 1.75m. This represents an increase from existing (approximately 0.95m to 1.05m) and would restrict visibility over sections of the walls from the adjacent pedestrian/cycle route. To address this, the applicant has proposed a viewing and picnic area in the north of the site. The raised ground levels would offer panoramic views over the walls, alongside new seating and picnic areas.

16.9 The existing open space adjacent to The Pavillion is also proposed to be remodelled with a new planter separating it from the adjacent access road. New planting would also be provided between the remodelled open space and

viewing/picnic area. The pedestrian/cycle route around the perimeter of the walls would vary between approximately 3-4m width.

16.10 The Council's Landscape Officer suggests that the proposals should include tree planting for amenity reasons. Whilst this would be beneficial, given the site currently has very limited landscaping and the proposals do not form part of comprehensive redevelopment proposals, the provision of new tree planting cannot be mandated. Should mixed-use redevelopment of the site come forward as allocated via Policy WEY6, the proposals would be expected to provide sufficient new soft landscaping appropriate for a mixed-use scheme. This may include tree-lined streets, as sought by the NPPF (Para. 136) and tree planting to ensure an attractive public realm and successful integration with the character of the surrounding area (as sought by Policies ENV10 and WEY1).

16.11 The design and landscaping are acceptable subject to conditions in respect of detailed landscaping proposals, landscape maintenance and management, and implementation. Proposed ground levels and wall heights at various sections are detailed on the proposed drawings which would also be secured via planning condition. Subject to these conditions, the proposals would enhance local landscape character and comply with relevant design and landscaping policies (local plan Policies ENV1, ENV10 and ENV11 and emerging Weymouth Neighbourhood Plan Policy W44). Through the creation of new public open space with boundary planting, an attractive public realm would be created in accordance with Policy WEY1.

## **Heritage**

16.12 As identified in the constraints section of this report, a small portion of the southwest corner of the site falls within the Weymouth Town Centre Conservation Area and the site falls within the setting of the Devonshire Buildings (Grade II\* listed). The existing railings which span The Esplanade and the Pleasure Pier sign are also considered to be non-designated heritage assets.

16.13 Further afield, the Dorset and East Devon Coast, World Heritage Coast (World Heritage Site, WHS) is located 160m to south of site and the Nothe Fort (Schedule Monument and Grade II\* listed) is approximately 175m to southeast of site.

16.14 The relevant aspects of the significance of these assets are summarised as follows:

### *Summary of significance*

#### Devonshire Buildings

16.15 The Devonshire Buildings are a Grade II\* listed terrace fronting The Esplanade. It is located immediately south of the site opposite the steps to Weymouth beach adjacent to the Pulteney Buildings (Grade II and Grade II\* listed).

16.16 Built in early 1800s, the Georgian terrace forms an unspoilt group with a rhythm of segmental bow windows, recessed doorways, dormers and wooden fences or iron railings together with a rounded termination at the eastern end. It acts as an entrance feature for the nearby Pleasure Pier and provided bed and breakfast accommodation to summer visitors during the Victorian era of mass seaside tourism.

It was around this building that American servicemen queued, awaiting their turn to embark D-Day vessels bound for France. The inscriptions of servicemen on the wall using bayonets are preserved beneath a perspex sheet.

16.17 The significance of the building lies in its aesthetic and historical significance. The building also holds group value with the adjacent Pulteney Buildings Nos. 13-15 (Grade II listed) and Nos. 7-12 (Grade II\* listed) and the location opposite the beach makes a positive contribution to its setting.

#### Weymouth Town Centre Conservation Area

16.18 The significance of the Weymouth Town Centre Conservation Area lies in its spatial relationship with the coast, which forms a distinctive and dramatic boundary. The Esplanade stretches over a kilometre along the curve of Weymouth Bay. The building layouts and architectural styles along The Esplanade are remarkably consistent, reflecting the survival of much of the 18<sup>th</sup> to early 19<sup>th</sup> century infrastructure.

#### Railings and Pleasure Pier sign

16.19 The blue and white railings to the beach – within the site and along The Esplanade – and Pleasure Pier sign make a positive contribution to the conservation area and are considered non-designated heritage assets.

#### Nothe Fort Complex

16.20 Nothe Fort Complex is Grade II\* listed and a registered Scheduled Ancient Monument. It is located approximately 175m southeast of the site across Weymouth Harbour. Its significance relates to:

- Its topographical position on a prominent and defensible headland, reflecting its suitability as a location for a gun fort (since at least the Tudor period);
- the intentional sweeping views in a wide arc from north to south east indicating its effective angle of fire to protect both Weymouth and Portland harbours;
- associated long views towards the monument/asset from these directions, all of which permit an understanding and appreciation of its historic purpose and use; and
- its spatial and functional relationship with the other coastal defences, such as the breakwater forts and Castles, all of which form a group with a shared intention of protecting the approaches to the harbour and naval base over several centuries.

#### Dorset and East Devon Coast, World Heritage Coast

16.21 The Dorset and East Devon Coast World Heritage Site (WHS), otherwise known as the Jurassic Coast, starts 160m to the south east of the site. It was inscribed in 2001 for its internationally significant geology, palaeontology and geomorphology.

#### *Impacts on significance*

16.22 The proposals would have a direct impact on the railings between the beach steps and Pleasure Pier sign, and on the Pleasure Pier sign itself. They also have potential to impact on the setting of the above designated heritage assets.

16.23 The applicant has submitted a Heritage Statement and planning statement addendum which considers impacts on heritage assets. Impacts on the significance of these heritage assets is assessed by officers as follows:

#### Devonshire Buildings

16.24 The original proposals included a wall of approximately 1.4m in height adjacent to the buildings. This would have harmed the setting of the buildings and its relationship with the beach. The design has been amended to reduce the height of the wall. The revised proposals would not harm the significance of the Devonshire Buildings.

#### Weymouth Town Centre Conservation Area

16.25 Owing to the loss of the railings, which make a contribution to the conservation area, the proposals would result in less than substantial harm to the setting of the conservation area.

#### Railings and Pleasure Pier sign

16.26 The submitted Heritage Statement advises that the existing railings are in a poor condition and are unsuitable for retention. The proposal to remove the railings would harm the significance of the railings due to removal and replacement with more modern railings. This would cause less than substantial harm to the asset. The scale of harm is considered to be at the lower end of the less than substantial harm spectrum given the assets extend along the beachfront with the section within the site forming a relatively small component of the wider asset.

16.27 The Pleasure Pier sign is proposed to be removed, safely stored for the duration of the piling and capping beam construction works and reinstated in its current position as part of the landscaping works. Subject to securing this via planning condition, the proposals would not harm the significance of the Pleasure Pier sign.

#### Nothe Fort Complex

16.28 Owing to the distance from the North Fort Complex and limited additional height of the replacement walls, the proposals would not harm the significance of the Nothe.

#### Dorset and East Devon Coast, World Heritage Coast

16.29 The NPPF defines the WHS as a designed heritage asset and affords it the highest significance (Para. 202). The Jurassic Coast Partnership Plan 2020-2025 defines the setting of the WHS in terms of its experiential setting and its functional setting. In summary, the experiential setting is regarded as the surrounding landscape and seascape and concerns the quality of the cultural and sensory experience surrounding the exposed coasts and beaches. In order to maintain Outstanding Universal Value (OUV) of the WHS, the cliffs need to be allowed to function and erode into a natural setting. The proposals would not affect the setting of the WHS or its Outstanding Universal Value.

## *Heritage Balance*

16.30 As less than substantial harm has been identified, the NPPF requires that the harm is weighed against the public benefits of the proposal (Para. 213).

16.31 Public benefits are defined in the PPG (Para. 020 Reference ID: 18a-020-20190723) as anything that delivers economic, social or environmental objectives as described in the NPPF (Para. 8). Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

16.32 The following public benefits are attributed to the proposed development:

1. Short term construction jobs
2. Improved flood protection
3. Creation of open space and public realm
4. Promotion of walking and cycling across the site and associated health benefits
5. Supporting regeneration of Weymouth Peninsula

16.33 The NPPF (Para. 212) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)...”*. In this instance less than substantial harm has been identified in relation to the significance of the Weymouth Town Centre Conservation Area and railings (non-designated heritage assets).

16.34 Applying this weight to the harm it is concluded that the identified less than substantial harm to the Weymouth Town Centre Conservation Area is outweighed by the above public benefits (NPPF Para. 215).

16.35 In respect of the railings (a non-designated heritage asset), the NPPF (Para. 216) states in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets. In this instance, the loss of the railings is considered to be outweighed by the benefits of the development. Nevertheless, the applicant is encouraged to consider how the railings may be incorporated within the proposed landscaping scheme.

16.36 Subject to securing the reinstatement of the Pleasure Pier sign and a Level 1 recording of the railings and sign, the concerns of the Council’s Conservation Officer have been addressed and no objections are raised by Historic England or the Jurassic Coast Trust. The proposals accord with Policy ENV4 of the local plan, emerging Weymouth Neighbourhood Plan Policies W44 and W45, and the NPPF.

## **Amenity**

16.37 The closest residential properties are located along The Esplanade. The Council’s Environmental Health Officer has reviewed the proposals and the submitted Technical Memorandum on noise and vibration (dated 7 August 2024) and

raises no amenity objections subject to a dust and particulate matter management plan condition. Subject to this condition, the proposal would be acceptable from a residential amenity perspective in accordance with Policy ENV16 of the local plan.

16.38 The site includes important public amenity space from which the unique coastline and townscape of Weymouth can be appreciated. It includes benches within the amenity space north of The Pavillion and benches offering sea views to the northeast of the site adjacent to Wall F. Whilst the height of the wall would be increased, the remodelled and new open spaces would provide appropriate public amenity space.

16.39 Public Health Dorset request that the proposals incorporate shading and shelter and appropriate lighting. Shading and shelter is not considered necessary from an amenity perspective. Lighting is not considered necessary given the coastal location of the site and presence of lighting within the car park. However, the appropriate design of any external lighting can be secured via planning condition.

**Highways, access, parking and highway safety**

16.40 Access arrangements would generally be retained as existing. The existing footpath/cycle route would be widened through the incorporation of reclaimed land to create a wider route for pedestrians and cyclists. The Highways Authority note the route should be constructed to comply with Cycle Infrastructure Design Guidance: LTN1/20 with consideration given to the segregation of pedestrian and cyclists, through for example contrasting surface finishes or segregation features. The details of the route are proposed to be secured via planning condition.

16.41 Vehicle access would be maintained as existing, with minor modifications to the white lining within the car park due to the provision of boundary planting along part of the pedestrian/cycle route and the new public open space. There would be a slight reduction in parking spaces within the application site:

**Table 16.1 – Vehicle parking changes**

Type of space	Existing	Proposed	Change
Standard	17	8	-9
Accessible	4	8	+4
Motorhome	2	0	-2
Total	23	16	-7

16.42 The proposed change in vehicle parking is considered to be acceptable and would not materially affect town centre parking provision.

16.43 During the construction works, the footpath and part of the public car park would be closed to facilitate construction. Some adjacent land outside of the application site boundary would also be used to facilitate construction under permitted development rights. Vehicle access routes in and out of the car park would remain as existing for the duration of the works and managed through temporary traffic management works. A Construction Traffic Management Plan (CTMP) is proposed to be secured via planning condition to manage the construction traffic impacts of the development.

16.44 The Highways Authority has no objection subject to conditions related to details of footway works, CTMP, parking for site operatives and visitors and external lighting. Subject to these conditions, the development would not give rise to highway safety concerns or lead to severe highways impacts. The proposals accord with Policy COM7 of the local plan and emerging Weymouth Neighbourhood Plan Policies W07 and W50.

## **Ecology and biodiversity**

### *Biodiversity Net Gains*

16.45 The site is predominantly hard standing. Within the existing public open space adjacent to The Pavillion are various planters which offer very limited ecological value. Nevertheless, as more than 25sq.m of planters are proposed to be removed the proposals do not benefit from the de minimis exemption and are required to deliver 10% biodiversity net gains (BNG).

16.46 A BNG Statement and metric has been submitted by the applicant. It identifies a net loss of -18.78% habitat units. The submitted metric concludes that the loss is wholly accounted for by the reduction in intertidal hard structures, whereas the report attributes this to a reduction in intertidal hard structures and introduced shrub. The applicant proposes that credits are secured to meet 10% BNG. Given the need to provide flood defences, and inability to avoid construction within the intertidal zone, avoidance or off-site provision is not considered feasible. Accordingly, compensation through the purchase of sufficient offsite units/credits is therefore considered reasonable in this instance and complies with the mitigation hierarchy.

16.47 The provision of intertidal green and grey infrastructure is considered significant. Therefore, a Habitat Management and Monitoring Plan (HMMP) is required for this feature at the pre-commencement stage and ongoing monitoring and management will be secured within a Section 106 agreement. Proof of purchase of sufficient offsite units/credits will be required at the pre-commencement stage to meet the BNG obligation. Subject to the standard BNG condition and post-determination Section 106, the proposal is acceptable in respect of BNG.

### *Radipole Lake SSSI*

16.48 Radipole Lake is located approximately 600m to the northwest of the site. It is notified for its aggregations and assemblages of breeding and non-breeding birds and its rare bird species. Given the distance from the SSSI, the proposal is not considered to harm the SSSI. An appropriately worded condition is proposed in respect of dust and particulate matter. Given the distance to Radipole Lake SSSI, the proposals would not adversely affect the SSSI though construction impacts.

### *Marine ecology*

16.49 Natural England and NET note the potential for impacts on sea grass and seahorse through construction works below the mean-low water mark. Such works fall within the scope of the parallel marine licencing application and are outside of the scope of this planning application. Nevertheless, it is necessary for the Local Planning Authority to be satisfied that the marine works include appropriate measures to avoid adverse impacts on protected species.

16.50 Officers met with the MMO and the applicant to discuss the strategy for mitigating impacts on marine ecology. The proposed Options Study Note demonstrates that the proposed construction of new flood defences in front of the existing flood defences is the only practical solution if the sea defences are to be upgraded. Accordingly, some direct impacts from the development are inevitable and cannot be avoided.

16.51 At the time of writing, further details on the proposed mitigation and compensation strategy are expected to be submitted to the MMO for review under the marine licencing application. It is expected that the impacts on marine ecology are capable of mitigation and/or compensation and would not affect the design of the proposed development. The mitigation and/or compensation would be secured by condition on the marine licence.

16.52 To ensure impacts on marine ecology are satisfactory managed, the recommendation is subject to an acceptable solution being agreed and confirmed by the MMO prior to planning permission being granted.

#### *Habitat Regulations Assessment*

16.53 The proposals are not considered to lead to an appreciable impact upon a European Site, as there is no viable pathway which would link the environmental changes resulting from the development to an effect upon a European Site, taking into consideration the characteristics of the proposed development, the threats and pressures of the European Sites in the surrounding areas, and the distance between the European Sites and the development area.

16.54 It is therefore concluded that there would be no likely significant effect upon a European Site resulting from the proposed works at the HRA screening stage, and an Appropriate Assessment is not required. This position is supported by Natural England's consultation response dated 1 November 2024.

16.55 Overall, subject to further confirmations on BNG and marine ecology, the proposal is acceptable in respect of ecology and biodiversity in accordance with local plan Policy ENV2 and emerging Weymouth Neighbourhood Plan Policy W03.

#### **Flood risk and drainage**

16.56 The site falls within Flood Zone 3 and existing surface water drainage discharges into Weymouth Bay at various points along Walls F and G.

16.57 The proposed replacement walls are designed to protect the site and surrounding area from projected sea level rises and 1 in 200-year flood risk events of +3.8m with an additional freeboard of 300mm up to 2060. The walls are designed to have a 75-year design life.

16.58 The application is supported by a Flood Risk Assessment (FRA). The FRA informs the proposed height of the replacement walls and confirms that the proposals are designed to accommodate surface water drainage. With the proposed measures in place, the proposal would not create any adverse impacts on flood risk elsewhere and would be acceptable from a flood risk perspective in accordance with

Policy ENV5 of the local plan. The Environment Agency and Lead Local Flood Authority have no objection and do not recommend any conditions in respect of flood risk or surface water drainage.

### **Ground conditions**

16.59 Owing to the site comprising reclaimed land, and known contamination near to the site, an unexpected contamination condition is proposed. Subject to this condition, the proposals accord with Policy ENV8 of the local plan.

### **Environmental Impact Assessment**

16.60 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an Environmental Statement is not required in this instance.

## **17.0 Conclusion**

17.1 The existing flood defences of Walls F and G are in urgent need of repair. The proposed development is essential to deliver strategic flood defences and would deliver improved pedestrian/cycle routes and open spaces. The development would have an acceptable impact subject to conditions and is considered to accord with the development plan. There are no material considerations indicating that planning permission should be refused.

## **18.0 Recommendation**

18.1 Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant planning permission subject to:

1. receiving written confirmation from the Marine Management Organisation that the parallel marine licencing application secures appropriate mitigation and compensation for marine ecology; and
2. the following planning 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:

DR-PL-0001 P02 Application site boundary

DR-PL-0002 P03 Site location plan

DR-PL-0004 P03 New site structures, general arrangement

DR-PL-0005 P02 Landscape design layout plan and site sections

DR-PL-0006 P01 Capping Beam Elevations Wall G Cantilevered  
DR-PL-0008 P01 Landscape Design Strategy Plan  
DR-MP-0102 P05 Demolition plan  
DR-MP-0200 P03 Wall F Anchored-Sheet pile general arrangement 1 of 2  
DR-MP-0201 P03 Wall F Anchored-Sheet pile general arrangement 2 of 2  
DR-MP-0202 P03 Wall G Anchored-Sheet pile general arrangement 1 of 2  
DR-MP-0203 P03 Wall G Anchored-Sheet pile general arrangement 2 of 2  
DR-MP-0204 P03 Wall G Cantilevered- Sheet pile general arrangement 1 of 2  
DR-MP-0205 P03 Wall G Cantilevered- Sheet pile general arrangement 2 of 2  
DR-MP-0210 P02 Wall F Anchored-Sheet pile elevation  
DR-MP-0211 P04 Wall G Anchored-Sheet pile elevation  
DR-MP-0220 P02 Sheet Pile Typical Section Walls F & G Anchored  
DR-MP-0221 P03 Wall G Cantilevered-Sheet pile sections  
DR-MP-0222 P06 Sheet Pile Typical Section Wall F Pile Ring  
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
- a) Construction vehicle details (numbers, sizes, type, and frequency of movement per day).
  - b) A programme of construction works for anticipated deliveries by HGV and barge.
  - c) A framework for managing abnormal loads.
  - d) Timing of deliveries to avoid, where possible, network peak hours 08:00-09:00, 17:00-18:00, as well as interpeak for the tourist season.
  - e) A Banks person / Marshall will be required and positioned at the zebra crossing near the junction leading to the site / compound ensuring all vehicles and deliveries drive at a slow speed due to pedestrian movement in and around that area.
  - f) Public to be safely segregated from works.
  - g) Wheel and Vehicle cleaning facilities.
  - h) A scheme of appropriate signing of vehicle route to the site from the surrounding highway network i.e. the A35.
  - i) Swept path analysis detailing the ingress, internal layout circulation routes and egress of the largest vehicle.
  - j) Temporary traffic management measures where necessary
  - k) Potential for any staff/contractors/operatives to use local sustainable transport or car share/minibus pick up and drop offs.

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

4. Before the development hereby approved commences a scheme for the parking for site operatives and visitors within the application site area must be submitted to and approved in writing by the Planning Authority. The approved scheme shall be provided and adhered to throughout the construction period of the development.

Reason: To minimise the likelihood of indiscriminate parking on the surrounding highway network.

5. Any lighting and/or floodlighting during construction must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Details of any proposed external lighting shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, external lighting shall be installed as approved.

Reason: To ensure that drivers aren't dazzled or distracted by the light.

6. Before the development hereby approved is utilised the following works must have been constructed to the specification of the Planning Authority:

- i. Footway works as per landscape design layout plan and site sections A1 to C drawing PL-0005 P02.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

7. Prior to the commencement of any works of demolition or construction, a dust and airborne particle management plan, characterising possible sources of dust and airborne particulate matter (including sand) which may be created by any aspect of the operation, and identifying any mitigation measures which may be necessary to reduce dust and airborne particles as much as practicable must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved management plan for the duration of the construction.

Reason: In the interests of residential amenity and to protect members of the public from dust/airborne particulate matter during construction.

8. Prior to commencement of above ground construction works, details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered;
- b) Earthworks showing existing and proposed levels and contours;
- c) Means of enclosure and retaining structures;
- d) Boundary treatments;
- e) Vehicle parking layouts;
- f) Other vehicle and pedestrian access and circulation areas;
- g) Hard surfacing materials and construction details;
- h) The location and construction details of furniture, refuse units, features and signs;
- i) The location of proposed and existing functional services above and below ground;
- j) Retention of Pleasure Pier sign;
- k) The location and construction details of any lighting/floodlighting;
- l) A specification for any proposed seeding/turfing, tree, and shrub planting including their quantity, size species and position, how they will be planted, protected and maintained, and the proposed time of planting;
- m) A programme of implementation including phasing where relevant.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequate mitigation of the landscape and visual impact of the proposals and the provision of an appropriate hard and soft landscape scheme which retains non designated heritage assets.

9. Prior to commencement of above ground construction works, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure that the management and maintenance of the proposed hard and soft landscape scheme has been agreed.

10. The landscape works shall be carried out in accordance with the approved hard and soft landscape scheme and the implementation programme before any part of the development is brought into use.

Reason: To ensure that the agreed hard and soft landscape scheme is implemented as approved.

11. The completed landscaping scheme shall be managed and maintained in accordance with the approved management plan. Any seeded/turfed areas, trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next

planting season with seed/turf, trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained for the lifetime of the development.

Reason: To ensure that the agreed hard and soft landscaping scheme is maintained.

12. 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 time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and 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.

13. Prior to the removal of the existing railings and Pleasure Pier Sign, a Level 1 Historic Building Record shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To record matters of architectural/historical importance associated with the non-designated heritage assets within the site prior to removal.

## **Informatives**

1. 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 applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

2. Informative: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

### 3. 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 the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

### 4. Informative: Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or

(ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

5. 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).

6. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

7. Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

8. 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).

9. Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a

sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

5. Informative: Noise

The applicant is advised to carefully acquaint with and act on the advice in WSP Technical Memorandum on noise and vibration (reference 70094412-ACO, dated 7 August 2024). This will ensure the detailed scrutiny of noise and vibration management that this project necessitates. Utilising the services of a suitably qualified and competent noise and vibration consultant to take technical noise and vibration aspects forward is likely to be essential. Failure to follow the above advice may lead to unnecessary community impact from this project, and regulatory action by the council's Environmental Protection Team.

6. Informative: Highway Improvement(s)

The highway improvement(s) referred to in condition 6 must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Highways Development team. They can be reached by email at [highwaysdevelopment@dorsetcouncil.gov.uk](mailto:highwaysdevelopment@dorsetcouncil.gov.uk), or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.