

Application Number:	P/FUL/2025/01060
Site address:	Paracademy Kite Surfing Centre Victoria Square Portland
Proposal:	Retain existing building with alterations to windows and doors for mixed use as drinking establishment with food provision and kitesurfing school/shop.
Applicant name:	Mr Craig Smith
Case Officer:	Robert Parr
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 owns part of the land the subject of the application.
2. **Summary of recommendation:**
Refuse for the reasons set out at section 16 of this report.
3. **Key planning issues**

Issue	Conclusion
Principle of development	Accepted
Proposed mixed use	Acceptable
Scale, design, impact on character and appearance	Acceptable
Impact on the living conditions of the occupants and neighbouring properties	Acceptable
Flood risk	Unacceptable
Economic benefits	Acceptable
Highway impacts, safety, access and parking	Acceptable
Environmental Implications	Acceptable

4. **Description of site**

- 4.1 The application site is located at the north west end of the Masonic Car Park on the north west side of Portland and adjoins Portland Skate Park. The site is accessed off Portland Beach Road (A354) which runs parallel to the north east of the site.
- 4.2 The existing building sits on a level plot, is single storey, has a rectangular planform, has vertical timber clad external walls below a pitched gable ended corrugated roof. At the north east end of the main building is a single extension with shallow pitched lean-to roof. The building has historically been in use as a water sports centre offering equipment hire, purchase and training. Based on the case officer observations during a site visit on 21 May 2025, the alterations to windows and doors for mixed use as drinking establishment with food provision appear to have been carried out. The application is therefore retrospective.
- 4.3 The building sits in an isolated location which is well away from nearby buildings and dwellings. Adjacent and south west of the site is Chesil Beach and the Heritage Coast. The site is outside any Defined Development Boundary, is not a Listed Building and is not within a Conservation Area. The site is within flood zones 2 and 3.

5. Description of development

- 5.1 The proposed development is to retain the existing building with alterations to windows and doors for mixed use as drinking establishment with food provision and kitesurfing school/shop.

6. Background and relevant planning history

- 6.1 The table below sets out the relevant planning history for the site. By way of background, a planning application was received on 20 November 2024, however the application was not supported by the required site-specific flood risk assessment making it invalid. It was highlighted to the applicant that the time limited planning permission for the existing building (ref. 11/00153/FUL) had ended on 30 April 2016 and as such an application to use part of the building was unlikely to be acceptable, given the existing building did not benefit from an extant planning permission. Following correspondence with the applicant they informed Dorset Council they did not wish to proceed with the application as they were going to submit a planning application for the whole building. As a result, the application was made invalid on 30 January 2025. A case officer site visit had taken place on 4 December 2024, at which point the development of a drinking establishment with food provision had not commenced.

Application no.	Proposal	Decision	Decision Date
11/00153/FUL	Use of existing building for kitesurfing school (resubmission)	Granted	15/04/2011
06/00025/FUL	Use of existing building for kitesurfing school	Granted	24/02/2006

00/00455/FUL	Renewal of permission for chandlers and diving school	Granted	28/09/2000
00/00099/ADV	Replacement shop sign	Granted	26/06/2000
94/00674/TEMP	Renewal of permission for retention of underwater chandlers and diving school	Granted	20/01/1995
89/00987/TEMP	Renewal of permission for retention of underwater chandlers and diving school	Granted	14/12/1989
86/00276/FUL	Erection of one portacabin	Granted	03/07/1986
84/00597/TEMP	Renewal of permission for underwater chandlers and diving school	Granted	05/12/1984

7. List of constraints

Land Outside Defined Development Boundaries

Dorset Council Land Freehold: Land at Portland Esplanade & Chesil Beach including Lord Clyde & Masonic Car Parks & Skatepark, Portland - Reference FH004354

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 1.8km

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 1km

Flood Zones 2 and 3a

Area of Archaeological Potential; Portland

Wessex Water Treatment Works Catchment

Portland heliport consultation zone (within 13km) - Distance: 333m

Radon: Class 3: 3 - 5%

Office of Nuclear Responsibility: Portland 12km zone

8. Consultations

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

Consultees

1. Dorset Police Crime Prevention/Designing Out Crime Officer

I have no objection at this time to this application

2. Dorset Council - Rights of Way Officer

No objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width

of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

3. Dorset Council - Highways

There is sufficient parking adjacent, opportunities for active travel and use of sustainable transport. So long as the existing legal access provision stays as it is, the Highway Authority has no objection to the proposal.

4. Dorset Council - Environmental Assessment

The proposal varies significantly from the previous application. Therefore, please refer to my response on P/FUL/2024/06777 confirming that a Habitat Regulations Assessment is not required.

5. Dorset Council – Environmental Services – Protection

No comment

6. Portland Town Council

Portland Town Council supports this application

7. Dorset Council - Building Control Weymouth Team

No comment

8. Dorset Council - Licensing

No response received

9. Dorset Wildlife Trust

No response received

10. Ramblers Association

No response received

11. Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

12. Environment Agency (EA)

EA Response dated 7 July 2025

The flood risk assessment (FRA) correctly places the site within Flood Zone 3, indicating a high probability of flooding, but does not demonstrate a more detailed understanding regarding the high level of flood risk at this location.

Based on the 'rapid inundation' nature of the flood risk (i.e. wave overtopping of Chesil Beach) at this location, an increase in vulnerability classification to More Vulnerable, the current understanding of high 'rapid inundation' flood risk to the site and in the wider area, and the possibility that the flood risk understanding would increase due to climate change, the Environment Agency objects to the proposal.

The submitted FRA does not comply with the requirements of PPG.

EA advise local planning authorities (LPA) to formally consider the emergency planning and rescue implications of new development in making their decisions and consult emergency planners and services.

EA considers the likely flood hazard rating against the design flood for the proposal and, based on current understanding this is 'danger to some' (e.g. children, the elderly and infirm) at the immediate site area (however, it must be recognised that this does not include climate change etc.). This does not mean we consider that the access is safe, or the proposals acceptable in this regard. It is also imperative to understand that the hazard rating along the access routes to / from the site (i.e. Portland Beach Road / Victoria Square etc.) is at least 'Danger for Most' (not including climate change).

EA recommend LPA consider other issues relating to flood risk which are outside the EA remit or expertise.

EA Response dated 6 August 2025

Objection. EA have reviewed the submitted Flood Risk Assessment, Emergency Contact List and Flood Response Plan. The submitted documents do not address EA concerns regarding introducing a More Vulnerable (drinking establishment) flood risk classification to this existing Less Vulnerable use, particularly with respect to the potential severe flood risk to this site and the surrounding area. Please refer to previous response dated 7 July 2025.

EA notes proposed safety measures set out in the submission and strongly advise these are put in place for the existing business irrespective of whether planning approval is granted.

13. Dorset Council - Asset and Property

No response received

14. Ward Councillors

Cllr Hughes - No objection to this work and alterations.

Cllrs. Kimber and Roper – No comments received.

15. Dorset Council - World Heritage - Principal Officer

No comments

Representations received

One representation was received objecting to the proposed development for the reasons summarised below:

- We feel there are enough eating and drinking places in the vicinity of Victoria Square all within less than 3/4 mile.
- Currently no overnight parking and this will encourage people to camp and there are no facilities to support use as a camp site.
- Works at the site have started and rubbish left on site. An abandoned vehicle has been there for a couple of years and parked on top of rubbish with no effort to pick it up.
- Names on Companies House are not the same as person requesting planning permission.
- Exit road to car park is in disrepair and so additional traffic will add to its demise.

9. Duties

Section 38(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. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1: Presumption in favour of sustainable development
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV5: Flood risk
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving high levels of environmental performance
- ENV15: Efficient and appropriate use of land
- ENV16: Amenity
- SUS2: Distribution of development

- SUS3: Adaptation and re-use of buildings outside defined development boundaries
- ECON1: Provision of employment
- ECON5: Tourism attractions and facilities
- COM7: Creating a safe & efficient transport network
- COM9: Parking provision

Made Neighbourhood Plans

Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021)

- Policy No. Port/SS1 Reinforcing Local and Neighbourhood Centres
- Policy No. Port/EN6 Defined Development Boundaries
- Policy No. Port/EN7 Design and Character
- Policy No. Port/BE2 Up-grading of Existing Employment Sites and Premises

Material considerations

Emerging local plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

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

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- 8. Promoting healthy and safe communities
- 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 14 'Meeting the challenges of climate change, flooding and coastal change'
- 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

National Planning Practice Guidance

All of Dorset:

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

Supplementary Planning Documents/Guidance For West Dorset area:

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

11. 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.

12. Public Sector Equalities Duty

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

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

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

Access - The building proposed for retention is accessed by steps from the car parking area on the south of the building and from the skate park on the north side of the building. Therefore, it would appear that access for people with disabilities such as mobility impairments or for people pushing buggies has not been accommodated in the design of the development.

13. Public Benefits

Material considerations

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

- The proposal would provide toilet facilities in close proximity to the existing skate park, which it is reasonable to expect visitors could access if also customers of the proposed drinking/food establishment.
- Health and wellbeing benefits associated with retention of the kite school.
- Tourism benefits through the diversification of an existing kite school.
- The application has set out that the proposal would generate 4 full time and 5 part-time jobs, equating to 6 full time equivalent jobs.

Non material considerations

- Business rates
- Ground rent/license (paid to Portland Town Council that own the land the building is located on).

14. Planning Assessment

Principle of development

- 14.1 Local Plan Policy SUS2 sets out that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, and be restricted to, amongst other things, new employment, tourism, educational/training, recreational or leisure related development. Given the application site is located outside any defined development boundary and proposes to retain a kitesurfing school/shop and drinking/food establishment that would generate employment, the scheme is considered to represent employment, tourism, training, recreational and leisure development. Given the above the principle of development is accepted under Local Plan Policy SUS2.

Proposed mixed use

- 14.2 Local Plan Policy ECON1 sets out that employment development will generally be supported within or on the edge of a settlement. The site is within the settlement of Portland, albeit outside of the defined development boundary and the application has set out that the equivalent of 6 full time jobs would be retained and/or created. Given the proximity of the site to the defined development boundary it is considered to be on the edge of the settlement and as such the proposal is considered to accord with Policy ECON1.
- 14.3 Local Plan Policy ECON5 sets out that proposals for new tourism attractions and facilities will be encouraged and supported, particularly where they would enhance an existing attraction or facility or increase the quality and diversity of the tourism offer in the local area and benefit the local economy. Local Plan Policy ECON5 also sets out that development should, where possible and practicable, be located within or close to established settlements, or make use of existing or replacement buildings. The proposed addition of the drinking/food establishment to this site is considered to be an extension to the existing tourism attraction offered by the kite surfing school/shop. The proposal is close to an established settlement and would not require the erection of a new building, but rather utilise the existing building, albeit it is currently an unauthorised building (since 30 April 2016). Given the above the proposal is considered to accord with Policy ECON5.
- 14.4 Portland Neighbourhood Plan - Policy No. Port/SS1 sets out that development proposals within the 'neighbourhood' centre of Chiswell that add to the diversity of facilities and services and enhance the vitality and viability of the centres will generally be supported. Given the application site falls within the boundary of the Chiswell neighbourhood centre and would add an enhanced facility to the centre, the proposal is considered to accord with NP Policy No. Port/SS1. Portland

- 14.5 Neighbourhood Plan Policy No. Port/BE2 sets out that proposals which lead to the improvement, modernisation or upgrading of current employment sites and premises will be welcomed and supported, subject to acceptable amenity impact, acceptable impact on the transport network and parking and acceptable environmental impact. Alterations have been made to the external appearance of the building which are considered to be modernisation and upgrading, and to accord with Policy Port/BE2, albeit as stated above the building is currently unauthorised and as such forms part of this application.
- 14.6 Based on the planning history of the site, the buildings use has primarily been as a watersports/activity training centre and shop. The proposal is for a mixed use of the site to include the additional use as a drinking establishment with food provision. It is considered that the kitesurfing school/shop would fall within Class E(d) indoor sport, recreation or fitness and the proposed drinking establishment with food provision would be a Sui Generis use as a drinking establishment with expanded food provision. Given the blended nature of the use it is considered to be Sui Generis.
- 14.7 Concern was raised in public consultation response that there are enough eating and drinking places in the vicinity of Victoria Square. It is considered that given the proposed addition of a drinking establishment with food provision to the existing building would be of a modest scale and is a generous distance from other similar premises in the area it would be acceptable. Furthermore, the policies set out above support new facilities and do not appear to seek to limit them in this location.
- 14.8 Therefore, subject to conditions the proposed mixed use is considered to be in accordance with the development plan policies referred to and so acceptable in principle.

Scale, design, impact on character and appearance

- 14.9 The main building proposed to be retained appears to have been in situ at this prominent location since the 1970's and as such forms a familiar feature in the landscape. It appears that in recent years the external walls of the building have had natural colour vertical timber cladding added and this is considered to assist in the building blending in with the backdrop of Chesil Beach. Furthermore, given the building is single storey, has a shallow pitched corrugated roof and is of a simple rectangular form, it is considered the scale and proportion of the building are in keeping with the site. External alterations to the building are minor and include the addition of double doors on the north elevation and infilling a window on the south elevation. Therefore, given the proposed retention of the existing building and slight external alterations, it is considered that the proposal would have an acceptable impact on the character of the area.

Impact on the living conditions of neighbouring properties

- 14.10 The application site is situated in a fairly isolated location, with regards to neighbouring properties, at the north end of the Masonic Car Park and is approximately 120m away from the nearest residential dwelling.

- 14.11 The application has set out that the building would operate from 11:00 to 23:00 seven days a week. The proposed hours of operation are considered reasonable and would ensure the use of the building would not take place early in the mornings or late at night which could potentially impact neighbouring occupants' amenity.
- 14.12 Given the generous distance from neighbouring properties, the existing building has been in place for many decades and the slight external alterations to the building, it is considered that subject to a condition controlling the hours of use as set out in the application that the scheme does not represent development that would result in a significant adverse impact on amenity.
- 14.13 Therefore, subject to planning condition the proposal is considered to be acceptable in terms of amenity impact.

Flood risk

- 14.14 The application site is recorded in the Level 1 Dorset Strategic Flood Risk Assessment (SFRA1) as being within Flood zone 3 and 3a and in the National Flood Risk Assessment (NaFRA) as being within Flood zone 3 and at 1 in 30 and 1 in 100 year risk of flooding from river and sea at present and when taking account of climate change (2070 – 2125). Furthermore, the EA response sets out the site lies in an area that is vulnerable to 'rapid inundation' from water overtopping of Chesil Beach. During extreme storm conditions during a 1 in 200-year extreme wave overtopping event flood depths and velocities are greater still (in places up to 0.5-0.6m deep flowing at 0.4-0.8m/s) within the surrounding access / egress routes within Portland Beach Road and Victoria Square areas. The EA sets out that the resulting hazard rating in the immediate area of the site would be 'Danger for Some' and this is increased to 'Danger for All' in the surrounding highway areas mentioned. ADEPT guidance, which the EA endorses, says that pedestrian routes should not be subject to any combination of depth and velocity that would in a flood hazard result in 'Danger for Some' or greater. Therefore, the site and access/egress to the site is considered to have a high probability of flooding and in a flood hazard rating that would exceed the limits set out in EA endorsed ADEPT guidance.
- 14.15 The application was submitted with a site specific flood risk assessment (FRA) which identified the flood risks and set out recommendations to address the risks. In response to the objection raised by the Environment Agency the applicant was given the opportunity to amend the FRA and subsequently submitted an amended FRA, Flood Response Plan and Emergency Contact List. The FRA has set out flood resilience and flood warning measures, details of the existing flood defences, flood response plan and emergency equipment that would be kept on site.
- 14.16 The proposal includes the retention of the existing building and given the sites high probability of flood risk, it is considered that the requirements of the sequential test

are applicable, as set out in paragraphs 173 -177 of the NPPF 2025. Paragraph 174 of the NPPF 2025 sets out the following:

“the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”.

- 14.17 The applicant has not provided a sequential test in support of their application. In the absence of a sequential test from the applicant, the case officer has carried out a search of the available commercial properties within 1 mile of the site (distance reflects the premises is for a kite surf business and so needs to be close to the sea) using the websites Rightmove and Zoopla. The search provided other commercial properties to rent, including a unit at Osprey Quay and The Former Royal Victoria Public House. However, both of these premises are within Flood zone 3 and as such are also at a high risk of flooding.

Paragraph 177 of the NPPF 2025 sets out that:

“Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied”.

- 14.18 Paragraph 178 of the NPPF 2025 sets out the following in regard to the requirements to pass the exception test:

“To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.*

- 14.19 Paragraph 179 of the NPPF 2025 sets out that *“Both elements of the exception test should be satisfied for development to be allocated or permitted”.*

- 14.20 On the basis that there appear to be no other premises available to accommodate the development at lower risk of flooding, the proposal has been assessed against the exception test as the proposed use is a more vulnerable use within flood risk zone 3a. The proposed development would provide a training facility and a drinking establishment, which are considered to be local community buildings and structures, as set out in section 6.3 of the Local Plan. It is considered that the retention of the kite surf training facility would have some benefits to the

community, although given kite surfing is a relatively niche sport, the benefits are considered to be slight. Furthermore, given there are multiple other existing drinking establishments within a 5-15 minute walking distance of application site, the retention of this facility for the benefit of the community is not considered to have significant weight. Therefore, given the high flood risk of the site, its lack of safe access/egress in a flood event and the slight sustainability benefits to the community, in this instance the benefits are not considered to outweigh the flood risk and therefore part a) of the exceptions test is not satisfied.

14.21 The flood risk at the site is considered to be high and the risk is likely to increase once the impact of climate change is taken into account. As such given the information currently available the proposal would increase the flood risk vulnerability classification at the site, increasing the risk to its users, it would not be safe for its lifetime and would not reduce the flood risk overall. As such the proposal would not accord with part b) of the exception test.

14.22 Therefore, given the above, the proposal is not considered to pass either part a) or b) of the exception test and should not be permitted.

14.23 Paragraph 181 of the NPPF (2025) sets out that development should only be allowed in areas at risk of flooding where, in the light of an FRA assessment it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

14.24 Relevant to the proposed development, Local Plan Policy ENV5 sets out that intensification of existing uses should be planned to avoid risk of flooding where possible, steering development towards the areas of lowest risk and avoiding inappropriate development in the higher flood risk zones. Local Plan Policy ENV5 also sets out that in assessing proposals for development in an area with a higher risk of flooding, the council will need to be satisfied that:

- there are no reasonably available alternative sites with a lower probability of flooding, adequate measures will be taken to mitigate the risk and ensure that potential occupants will be safe, including measures to ensure the development is appropriately flood resilient and resistant; and
- safe access and escape routes are provided where required.

14.25 Given the above, it is considered that the addition of a drinking establishment use to the existing kite surfing centre would create a more vulnerable use of the site which is located in an area at a high risk of flooding and as such increases the risk to occupants in the event of a severe flood event. Notwithstanding the flood risk management measures set out in the documents submitted, should these measures, which are largely reliant on management processes rather than physical features, fall short in being carried out, then occupants could be placed at an unreasonable level of risk from flooding. Furthermore, given the EA hazard rating of 'Danger for all' for the access/egress routes to the site, it is considered that safe escapes routes have not been provided. In the event that occupants need rescue then emergency vehicles would not be able to safely access the site. Even if the specific emergency vehicle type meant it could get relatively close, emergency service personnel would need to disembark and enter the site on foot, and this is unlikely to prove safe. Should an occupant of the development require transfer to hospital, for example, it seems unlikely that they could be safely transported from the site to a nearby ambulance without putting themselves or the emergency service personnel at risk.

14.26 Given all of the above, it is considered that the site and access/egress to the site is at a high risk of flooding and the applicant has not provided an adequate emergency plan demonstrating safe access and escape routes. Furthermore, the proposal is not considered to pass the exception test as required by the NPPF (2025) and the development does not accord with Policy ENV5 of the adopted local plan. Therefore, the proposed development is not considered acceptable in terms of flood risk and would put people at an unacceptable risk should a flooding event occur now or in the future.

Highways

14.27 The pedestrian and vehicular access to the site is existing from the adjacent highway and through the Masonic Car Park and the Highway Authority considers this to be acceptable in its current form. Further the existing building is adjacent to the Masonic Car Park which provides a generous amount of parking provision for visitors that travel to the site by vehicle.

14.28 Concerns were raised in the public consultation response that the exit road to the car park is in disrepair and so additional traffic will add to its demise. Given the building has been in use as a business premises for many years, albeit not as a drinking and food establishment, it is considered the proposal would not generate additional traffic movements that would significantly add to the wear and tear of the access or egress to the site.

- 14.29 Given the Highway Authority has no objection to the proposal and the existing access and parking provision, it is considered the proposal is acceptable in terms of highway safety and parking provision.

Other matters

- 14.30 Concerns have been raised that the proposal would encourage people to camp in the car park and there are no facilities to support this use. The application is not proposing any overnight accommodation and use of the Masonic Car Park by motorhomes is restricted and as such any unauthorised use would be subject to enforcement.
- 14.31 Concerns have been raised that the works at the site have started and rubbish left on site, including an abandoned vehicle. Issues of littering or fly tipping and abandoned vehicles are matters covered by other legislation and as such are not material considerations in the planning decision.
- 14.32 Concern has been raised that the names on Companies House are not the same as the person applying for planning permission. It is not a requirement of a planning application for the applicant to be a person named on Companies House records.

Environmental implications

- 14.33 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application does not propose new residential accommodation and would therefore not create an additional residential unit that would increase recreational pressure. The proposed use of the building has potential to increase recreation in the area. However, there would be no increase in car parking spaces which would further increase visitor numbers and access to the designated habitat sites, and Natural England and the Dorset Environmental Assessment Team have both raised no objection to the proposal. As such, it is considered there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat Regulation.
- 14.34 No other potential wildlife or habitat impacts were identified with the proposal and as such the scheme is considered to be acceptable when assessed against Local Plan Policy ENV2.

15. Conclusion

The proposed development is unacceptable, it does not accord with the policies of the development plan and the NPPF and it is recommended for refusal due to flood risk.

16. Recommendation

16.1 Refuse for the following reason:

1. The site is identified in the Level 1 Dorset Strategic Flood Risk Assessment (SFRA1) as being within Flood zone 3 and 3a and in the Environment Agency's National Flood Risk Assessment map as being within Flood zone 3 and at 1 in 30 and 1 in 100 year risk of flooding from river and sea. The Environment Agency has set out that the site lies in an area that is vulnerable to 'rapid inundation' from water overtopping of Chesil Beach during extreme storm conditions, with flood water approximately 0.25m deep flowing at 1.0m/s or more, possibly inundating the immediate site area during a 1 in 200 year extreme wave overtopping event, and that flood depths and velocities are greater still (in places up to 0.5-0.6m deep flowing at 0.4-0.8m/s) within the surrounding access/egress routes within Portland Beach Road and Victoria Square areas. Therefore, the site and access/egress routes to the site are at a high risk of flooding, where some fast-moving, water is anticipated around the application site with high hazard ratings. Such a flood event would likely prevent safe egress by occupants of the building during a design flood event, as well as safe access/egress by the emergency services. Flood warnings cannot be fully relied on, and the applicants have not identified a safe escape route. The proposal therefore fails to demonstrate safe access and escape routes in the event of a flood, in conflict with policy ENV5 of the West Dorset, Weymouth and Portland Local Plan (2015), paragraph 181 of the National Planning Policy Framework (2025) and ref. IDs 7-005-20220825, 7-044-20220825 and 7-047 20220825 of the Planning Practice Guidance.

2. The proposed development is at a high risk of flooding and is subject to the requirements of the sequential test and the exception test as set out in the NPPF (2025 update). The applicant has not carried out a sequential test and the Local Planning Authority has not identified an alternative site at a lower risk of flooding. As such the proposal has been assessed against the exception test and it is not considered to have passed either of the elements of the exception test as it would not a) provide wider sustainability benefits to the community that outweigh the flood risk and b) the development would not be safe for its lifetime taking account of the vulnerability of its users and would not reduce flood risk overall. As the proposed development fails the exception test the application cannot be permitted having regard to paragraph 179 of the National Planning Policy Framework (2025).