



Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

GRANT OF PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (eg in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application No: 08/00794/FULES

Location of Development:

Bottomcoombe Masonry Works Park Road Portland Dorset DT5 2AD

Description of Development:

Mixed use development including a retail unit (Class A1), 36 residential units, carehome, access drive and road, landscaping and ancillary works

Approved plans:

Landscaping scheme SJA TPP 04 D received on 28 November 2008 Tree protection plan

Location plan 670305/10 received on 28 November 2008

Plans and elevations 07/12/09 F received on 11 December 2008 Proposed flats 22-27 floor plans and elevations

Plans and elevations 07/12/18 E received on 11 December 2008 Proposed flats 19-21 floor plans and elevations

Floor plans 07/12/21 B received on 11 December 2008 Floor plans houses 16-18

Elevation drawing 07/12/17 C received on 28 November 2008 Proposed elevations houses 16-18

Plans and elevations 07/12/08 D received on 11 December 2008 Proposed houses 13-15

Plans and elevations 07/12/06 E received on 11 December 2008 Proposed house 12

Floor plans 07/12/02 B received on 11 December 2008 Proposed floor plans houses 8-11

Elevation drawing 07/12/15 D received on 28 November 2008 Proposed elevations for houses 8-11

Plans and elevations 07/12/07 E received on 11 December 2008 Proposed house 7

Elevation drawing 07/12/16 D received on 28 November 2008 Proposed elevations for houses 1-6

Floor plans 07/12/19 C received on 11 December 2008 Proposed houses 1-6

Elevation drawing 07/12/11 D received on 28 November 2008 Affordable housing elevations

Floor plans 07/12/05 D received on 11 December 2008 Proposed affordable housing floor plans

Floor plans 07/12/12 A received on 28 November 2008 Proposed floor plans residential care home

Elevation drawing 07/12/13 B received on 28 November 2008 Proposed elevations for residential nursing home

Elevation drawing 07/12/14 C received on 28 November 2008 Street scene

Site layout 07/12/03 Y received on 11 December 2008 (residential)

Roof plan 07/12/22 received on 11 December 2008

Section 07/17/20 A received on 11 December 2008 (care home)

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Landscaping scheme 1154/7E received on 28 November 2008
Landscaping scheme 1154/6E received on 28 November 2008
Floor plans 0765-P13C received on 28 November 2008 (retail unit)
Roof plan 0765-P14C received on 28 November 2008 (retail unit)
Elevation drawing 0765-P06M received on 28 November 2008 (retail unit)
Plans and elevations 0765-P11D received on 28 November 2008 Park Road elevation, detail and section
Plans and elevations 0765-P15C received on 28 November 2008 Park Road elevation, wall sections
Other 1749-09 B received on 7 January 2009 Proposed traffic management scheme auto track analysis
Site layout 0765-P07 AL received on 9 February 2009 site plan
Elevation drawing 07/17/04 received on 11 December 2008 East Cliff Windmill details
Other 704 02 received on 6 March 2009 Drainage concept plan
Other 1749-08 I received on 13 March 2009 Proposed traffic management scheme
Other 1749-12 received on 13 March 2009 area of low-noise road surfacing
Section 0765-P10H received on 28 November 2008

In pursuance of their power under the above mentioned Act, the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the above development.

Subject to the following condition(s):

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 net sales area of the retail unit hereby permitted shall not exceed 1844 sq m; and no additional retail sales area shall be created, whether by extension or internal alterations including installation of mezzanine floor space.

Reason: To protect the vitality and viability of the local centres on the Isle of Portland and other town and district centres in accordance with PPS6: Planning for Town Centres and the draft Regional Spatial Strategy Policy C.

3. Not more than 25% of the net sales area of the retail unit hereby permitted shall be used for the sale of comparison goods the area and location of which shall be identified on a plan and submitted to and approved in writing by the Local Planning Authority .

Reason: To protect the vitality and viability of the local centres on the Isle of Portland and other town and district centres in accordance with PPS6: Planning for Town Centres and the draft Regional Spatial Strategy Policy C.

4. The retail unit hereby approved shall not be sub-divided into more than three independent retail units, and the net sales area of any such retail unit created shall not be less than 615 sq m.

Reason: To protect the vitality and viability of the local centres on the Isle of Portland and other town and district centres in accordance with PPS6: Planning for Town Centres and the draft Regional Spatial Strategy Policy C.

5. Within the retail unit hereby approved there shall at no time be a post office, pharmacy, sale of newspapers and magazines, dry cleaning facilities (including deposit and pick up point) or photo processing facilities (including deposit and collection point).

Reason: To protect the vitality and viability of the local centres on the Isle of Portland and other town and district centres in accordance with PPS6: Planning for Town Centres and the draft Regional Spatial Strategy Policy C.

6. The retail unit hereby approved shall open only between the hours of 07.00 to 23.00 Monday to Saturday and 10.00 to 16.00 Sundays.

Reason: In the interests of the amenities of nearby residents in accordance with PPG 24: Planning and Noise and Policy D3 of the adopted Weymouth and Portland Local Plan 2005.

7. Deliveries to the retail unit hereby approved shall take place between the hours of 07:00 - 21:00 Monday to Saturday and 09:00 - 16:00 on Sundays only. Delivery vehicles shall not arrive at the site outside these times.

Reason: In the interests of the amenities of nearby residents in accordance with government guidance PPG 24: Planning and Noise and Policy D3 of the adopted Weymouth and Portland Local Plan 2005.

8. The hours of operation during the construction period shall be 07.00 - 19.00 Monday to Friday, 08.00 - 13.00 Saturdays, with no working on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of local residents and the surrounding area, in accordance with PPG 24: Planning and Noise and Policy D3 of the adopted Weymouth and Portland Local Plan 2005.

9. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed LAeq1hr = 46dB during the day period of 07:00 to 23:00 and LAeq5min = 35dB during the night period of 23:00 to 07:00. The noise levels shall be determined at the boundary of any existing noise-sensitive premises or any noise-sensitive premises

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constructed as part of this development. The measurements and assessment shall be made according to BS 4142:1990.

Reason: In the interests of the amenities of local residents and the surrounding area, in accordance with Policy D3 of the adopted Weymouth and Portland Local Plan 2005 and PPG24: Planning and Noise.

- * 10. Before the commencement of development of each phase of the development, unless otherwise agreed by the Local Planning Authority, details and samples of all facing and roofing materials shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be completed in accordance with these details.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality, in accordance with Policy B1 of the adopted Weymouth and Portland Local Plan 2005.

11. All external doors and windows in the residential development shall be set in reveal to a depth of 90mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that this aspect of the design is of a sufficiently high standard in accordance with Policies D3 and B1 of the adopted Weymouth and Portland Local Plan 2005.

- * *Residential*
* *Phase* 12. Detailed drawings of the porches and windows of the residential development shall be submitted to and be approved in writing by the Local Planning Authority before commencement of that part of the development. Thereafter the development shall be completed in accordance with the agreed detail.

Reason: In order to ensure that the detailing is of a sufficiently high standard, in accordance with Policies D3 and B1 of the adopted Weymouth and Portland Local Plan 2005.

13. Detail of the metal fencing panels to the service yard boundary wall and roof ventilators to the retail unit shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall be completed in accordance with the approved details prior to occupation of the retail unit.

Reason: To safeguard the amenities of the locality and the privacy of the occupiers of adjoining premises, in accordance with Policies D3 and B1 of the adopted Weymouth and Portland Local Plan 2005.

- * 14. Details of all external lighting in association with the retail unit and care home including shielding and hours of use, shall be submitted and approved in writing prior to

commencement of development unless otherwise agreed in writing. The development shall thereafter be completed and maintained in accordance with the agreed details.

Reason: To ensure that the scheme does not result in environmental light pollution and does not have a detrimental effect upon adjoining nature conservation interests. In accordance with PPS9: Biodiversity and Geological Conservation and Policies D3 and N15 of the adopted Weymouth and Portland Local Plan 2005.



15. Before the commencement of development, unless otherwise agreed by the Local Planning Authority, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include where relevant: (i) proposed finished levels or contours; (ii) means of enclosure; (iii) car parking layouts; (iv) other vehicle and pedestrian access and circulation areas; (v) hard surfacing materials; (vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc); (vii) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc); (viii) retained historic landscape features and proposals for restoration. If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality, and is a requirement of the Local Planning Authority in accordance with Policy B1 of the adopted Weymouth and Portland Local Plan 2005.

16. Soft landscape works shall include: (i) planting plans (including position, species and sizes of all trees, shrubs and hedgerows to be retained and removed); (ii) written specifications (including cultivation and other operations associated with plant and grass establishment); (iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; (iv) implementation programme.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality, in accordance with Policy B1 of the adopted Weymouth and Portland Local Plan 2005.

17. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the associated part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality, and is a requirement of the Local Planning Authority in

accordance with Policy B1 of the adopted Weymouth and Portland Local Plan 2005.

18. No retained tree/hedge (i.e. an existing tree/hedge which is to be retained in accordance with the approved plans and particulars) shall be cut down, uprooted, or destroyed; nor shall any retained tree/hedge be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any lopping or topping approved shall be carried out in accordance with British Standard 3998 (Tree Works). If any retained tree/hedge is removed, uprooted or destroyed or dies, another tree/hedge of the same species and size as that originally planted shall be planted in the same place in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: To avoid unnecessary loss of trees or hedges which may be of significant amenity value, in accordance with Policies D3, B1 and B2 of the adopted Weymouth and Portland Local Plan 2005.

19. Any fire or burning of materials obtained by site clearance or from any other source shall not take place within 10 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect the trees from damage, in recognition of their amenity value and in accordance with Policies D3 and B1 of the adopted Weymouth and Portland Local Plan 2005.



20. Before the commencement of development, unless otherwise agreed by the Local Planning Authority, a scheme to translocate reptiles on the site and measures to protect and enhance the existing nature conservation interest of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation programme and all the required measures shall be implemented as approved.

Reason: In the interests of nature conservation and to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site, in accordance with PPS 9: Biodiversity and Geological Conservation.



21. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, including pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The Plan shall subsequently be implemented in accordance with the approved details and within an agreed timetable.

Reason: In order to prevent pollution of the water environment and protect nature conservation and water quality interests, in accordance with Policy D3 of the adopted Weymouth and Portland Local Plan 2005 and PPS 9: Biodiversity and Geological Conservation.

22. Each phase of the development hereby permitted shall not be occupied until the access, turning, and parking space for that phase of the development has been laid out, drained and surfaced in accordance with details submitted to and approved by the Local Planning Authority and these areas shall be permanently retained and kept available for that purpose thereafter.

Reason: In the interests of highway safety, in accordance with Policies D3 and T6 of the adopted Weymouth and Portland Local Plan 2005.

Res Phase
* 23. The residential development shall not commence until details of the junction between the proposed service road and Park Road, including the widening of Park Road and any required works to the existing bridge and parapet, have been submitted to and approved by the Local Planning Authority, and no dwelling shall be occupied until the works have been constructed in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with Policies D3 and T6 of the adopted Weymouth and Portland Local Plan 2005.

* 24. Before each phase of the development commences on site detailed plans shall be submitted to and approved by the Local Planning Authority showing proposed access arrangements to the development including longitudinal and cross-sections, positions of street lighting columns, and full details of surface water drainage for the highway, together with the longitudinal sections, gully positions and point of outfall.

Reason: To ensure the road proposal is of sufficient detail and standard and that a proper system of surface water drainage and disposal is provided to serve the development, in accordance with Policies D3 and T6 of the adopted Weymouth and Portland Local Plan 2005.

* 25. Before each phase of the development commences full details of the access arrangements for all construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be fully implemented prior to the commencement of development unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety and amenity of nearby residents and road users, in accordance with Policies D3 and T6 of the adopted Weymouth and Portland Local Plan 2005.

26. No building shall be occupied until access roads to that building have been substantially completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and amenity of occupiers and visitors, in accordance with Policies D3 and T6 of the adopted Weymouth and Portland Local Plan 2005.

- * 27. Provision shall be made for temporary car parking to accommodate contractors vehicles on site of a number and in a location to be agreed in accordance with the phasing of the works. Details of the car park(s) shall be submitted to and approved by the Local Planning Authority prior to the commencement of the relevant phase of the development and shall be retained during the construction period unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of nearby residents, in accordance with Policy D3 of the adopted Weymouth and Portland Local Plan 2005.

28. No phase of the development shall be occupied until secure space for bicycle parking has been laid out within that part of the site in accordance with details submitted to and approved in writing by the Local Planning Authority to include provision for employees, residents and visitors as appropriate.

Reason: To ensure the provision of adequate cycle parking, in accordance with Policy T5 of the adopted Weymouth and Portland Local Plan 2005.

- * 29. Before the commencement of development, a further investigation and risk assessment shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with PPS23: Planning and Pollution Control.

- * 30. Before the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment

shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with PPS23: Planning and Pollution Control.

31. During the construction phase, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with PPS23: Planning and Pollution Control.

32. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with PPS23: Planning and Pollution Control.

33. No top soil shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by risk assessment) and source material information. The analysis shall

then be carried out and validatory evidence submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction, in accordance with PPS 23: Planning and Pollution Control.

-  34. Before the commencement of development, details of a Sustainable Urban Drainage Scheme for surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the design principles detailed in the Flood Risk Assessment (reference: 670305/ES0005, dated: September 2008). Those details shall include: (a) Details of the responsibilities of each party for the implementation of the SUDS scheme, together with the timetable for implementation; (b) A management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk, in accordance with PPS 25: Development and Flood Risk, the Weymouth and Portland Strategic Flood Risk Assessment and Policy D3 of the adopted Weymouth and Portland Local Plan 2005.

35. The 36 dwellings hereby approved shall be completed in such a manner as to achieve 'Level 3' rating in the Department for Communities and Local Government Code for Sustainable Homes. Details of a provisional rating assessment shall be submitted to and agreed by the Local Planning Authority prior to commencement. Prior to occupation, written confirmation shall be submitted to the Local Planning Authority to confirm the measures that have been incorporated into the development achieve 'Level 3'.

Reason: To ensure environmental aspects of the development such as carbon emissions and a prudent use of natural resources, are in accordance with Policy D3 of the adopted Weymouth and Portland Local Plan 2005 and in line with the Government aims of PPS1.

-  36. The retail unit and care home hereby approved shall be completed to a minimum BREEAM commercial 2006 rating of 'Very Good' or an alternative to be agreed in writing with the Local Planning Authority. Details of a provisional rating assessment shall be submitted to and agreed by the Local Planning Authority prior to commencement. Prior to occupation written confirmation shall be submitted to the Local Planning Authority to confirm the measures that have been incorporated into the development achieve a rating of 'Very Good'.

Reason: To ensure environmental aspects of the development such as carbon emissions

and a prudent use of natural resources, are in accordance with Policy D3 of the adopted Weymouth and Portland Local Plan 2005 and in line with the Government aims of PPS1.

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37. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority and shall include archaeological fieldwork together with post-excavation work and publication of the results.

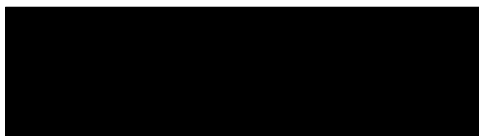
Reason: The area is of archaeological importance and the archaeology should be preserved by record, in accordance with PPG 16: Archaeology and Planning and Policy B5 of the adopted Weymouth and Portland Local Plan 2005.

Reason for Decision

1. This decision was made having regard to the submitted application, the Development Plan for the area and Government advice, with particular reference to PPS1, PPS3, PPS6, PPS9, PPS22, PPS23, PPS25, PPG13, PPG16, PPG24, RSS Development Policy C, Bournemouth Dorset and Poole Structure Plan Shopping Policy B, Policies D1, D3, B1, B2, E2, N15, N16, H1j, H5, H7, C10, T5, T6, T16, T17, T18, T19 of the adopted Weymouth and Portland Local Plan 2005, SPG4 Local Housing Need; together with representations made, the results of consultations undertaken, material planning considerations and matters addressed in the application report. In particular the retail, residential and care home proposals are considered to meet national, regional and local planning policy requirements in terms of their use, layout and design and the environmental impacts of the development have been satisfactorily assessed and where necessary suitable mitigation measures proposed.

Signed

Dated: 16 September 2009



DEBBIE REDDING
DEVELOPMENT MANAGEMENT SERVICE MANAGER

PLEASE REFER TO NOTES ENCLOSED

To:

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