

Application Reference P/NMA/2023/03657 – Case Officer’s Report

Webpage:	The application and other information about the application may be inspected online through the application webpages accessible via https://planning.dorsetcouncil.gov.uk/ .
Site Address:	4 Prince of Wales Road, Dorchester, Dorset, DT1 1PW
Proposal:	Non-material amendments (changes to internal layout, elevation details, site layout and landscaping) to planning permission P/FUL/2021/00987 for demolition of existing buildings and the erection of a single block of 12 flats with small office space and refuse store and the erection of a terrace of 4 bungalows, all units designed for supported living with 8 units designed as Part M4(3): Category 3 Wheelchair user dwellings.
Applicant:	Specialised Supported Housing
Case Officer:	Huw Williams
CIL Liable:	No

Publicity Expiry	N/A	Officer Site Visit:	16/06/2023
Decision Due:	18/08/2023	Ext(s) of time:	Yes
Where Scheme of Delegation (SoD) consultation required by constitution:			
SoD trigger:	N/A		
Nominated officer agreement to delegated decision:			N/A

1. Background and Context

- 1.1 Planning permission P/FUL/2021/00987 was granted on 25 October 2021 for the demolition of existing buildings and the erection of a single block of 12 flats with small office space and refuse store and the erection of a terrace of 4 bungalows, all units designed for supported living with 8 units designed as Part M4(3): Category 3 Wheelchair user dwellings on land at 4 Prince of Wakes Road, Dorchester, DT1 1PW.
- 1.2 Application has been made under section 96A of the Town and Country Planning Act 1990 (as amended) for changes to the planning permission. The changes proposed include:

- (i) the removal of chimneys and internal courtyards from bungalows at rear of site and associated layout changes;
 - (ii) minor elevational changes;
 - (iii) the use of a palette of materials including uPVC window frames, doors, rainwater goods, soffits and fascias; and
 - (iv) alterations to hard and soft landscaping.
- 1.3 Section 96A confers power on a local planning authority to make a change to a planning permission. The power to make such a change does not create a new planning permission, but enables approval of matters of detail and includes the power to impose new conditions and the power to remove or alter existing conditions. However, a change may only be approved if the local planning authority is satisfied that the change is not material.
- 1.4 In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made on the permission as originally granted.

2. Context

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.2 The term 'material considerations' is broad in scope, a material consideration being any matter which is relevant to making the planning decision in question. In relation to planning policy, the term embraces national planning policy and guidance; supplementary planning policy and guidance; emerging policy documents; and other policy statements and guidance documents.

The Development Plan

- 2.3 The application site is located within the parish of Dorchester for which there no made and no post-examination draft neighbourhood development plan, but wherein the development plan includes:
- (i) the adopted [West Dorset, Weymouth & Portland Local Plan 2015](#) (the Adopted Local Plan) which sets out a vision for the plan area for the period to 2031 as well as strategic and detailed development management policies for realising that vision; and
 - (ii) the [Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019](#) (the Adopted Waste Local Plan), which addresses the period to the end of 2033 and promotes sustainable waste management through policies that may apply to waste and non-waste development..

2.4 The Policies Map of the Adopted Local Plan shows the application site as being located:

- (i) within the defined development boundary of Dorchester wherein policy SUS2 of the Adopted Local Plan provides that residential, employment and other development to meet the needs of the local area will normally be permitted;
- (ii) within the Weymouth Avenue Brewery Site to which Policy DOR6 of the Adopted Local Plan applies and wherein development is to be guided by the Weymouth Avenue Development Brief (2004) and will include the delivery of a mix of homes, businesses and community facilities;
- (iii) within the Poole Harbour Nutrient Catchment Area to which policy ENV2 of the Adopted Local Plan applies; and
- (iv) within the designated Dorchester Conservation Area to which Policy ENV4 of the Adopted Local Plan applies and wherein special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.

2.5 The most relevant policies of the Adopted Local Plan are:

- INT1. Presumption in Favour of Sustainable Development
- SUS2. Distribution of Development
- DOR6. Weymouth Avenue Brewery Site
- ENV1. Landscape, Seascape and Sites of Geological Interest
- ENV2. Wildlife and Habitats
- ENV4. Heritage Assets
- ENV5. Flood Risk
- ENV9. Pollution and Contaminated Land
- ENV10. The Landscape and Townscape Setting
- ENV11. The Pattern of Streets and Spaces
- ENV12. The Design and Positioning of Buildings
- ENV13. Achieving High Levels of Environmental Performance
- ENV15. Efficient and Appropriate Use of Land
- ENV16. Amenity
- HOUS4. Development of Flats, Hostels and Houses in Multiple Occupation
- COM7. Creating A Safe and Efficient Transport Network
- COM9. Parking Standards in New Development

2.6 The most relevant policy of the Adopted Waste Local Plan is:

- Policy 22 – Waste from new development.

Other Designations and Constraints

2.7 The Environment Agency's Flood Map for Planning shows the application site to be in Flood Zone 1 (i.e. at low risk of flooding from rivers and the sea) and the Environment Agency's Risk of Flooding from Surface Water mapping indicates

that the site is at low risk of flooding from surface water (less than a 1 in 100 chance in any year).

- 2.8 The Brewhouse of Messers Eldbridge Popes Brewery to the south of the Application Site is a Grade II listed building. In considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be paid to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possess.

Relevant Planning History

- 2.9 The application site has a long planning history associated with its previous usage none of which is of particular note in the determination of the subject application.
- 2.10 Submission of the application follows the provision of informal planning advice indicating that the various changes to the permitted arrangements are likely to be considered acceptable.

Other Material Considerations

- 2.11 Government planning policy set out in the National Planning Policy Framework ('the NPPF') is material to the consideration of all planning applications in England. The NPPF addresses a wide range of planning issues and is supplemented by the Government's national planning practice guidance ('NPPG') and a range of other policy statements and guidance.
- 2.12 Paragraph 38 of the NPPF provides that local planning authorities should approach decisions on proposed development in a positive and creative way and 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 and further provides that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 2.13 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:
- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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

3. Officer Assessment

- 3.1 The application is supported by amended plans and drawings including a revised site plan, elevation drawings, floor layout plans and a landscape plan and is further supported by several supporting documents and reports including:
- (i) a Construction Environment Management Plan;
 - (ii) groundwater monitoring data and other environmental information; and
 - (iii) a surface and foul water drainage strategy.
- 3.2 No previous change has been approved to planning permission P/FUL/2021/00987 under section 96A.
- 3.3 The site proposals have been updated to incorporate onsite renewable energy (solar PV panels) and electric vehicle charging points to satisfy the requirements of conditions 7 and 8 of planning permission P/FUL/2021/00987. Other changes have arisen from design development and value engineering.
- 3.4 With account taken of the plans and drawings submitted in support of the application and of other environmental information presented in the application or already before Dorset Council as the local planning authority, in the context of the development permitted, it is considered that the changes proposed would not cause material harm to either the character, the appearance or the amenities of the locality and would not prejudice or disadvantage the interests of any third party who participated in or were informed of the original decision in any way. The changes are therefore considered to be both non-material and acceptable.
- 3.5 The changes proposed are all minor in nature, would be no more prejudicial to the amenities of any adjoining occupiers than the already permitted arrangements, and would neither detract from the character or appearance of the Dorchester Conservation Area nor result in any harm the heritage significance of any other nearby designated heritage assets.
- 3.6 The development proposed in planning application P/FUL/2021/00987 was subject to assessment by Dorset Council as the competent authority for the purposes of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), the conclusion of that assessment being that the development proposed would not have any likely significant effect on the Poole Harbour Special Protection Area and Ramsar. The development as changed would have no greater impact on any designated European site than the already permitted arrangements.

- 3.7 The use of uPVC is not always acceptable in Conservation Areas, but modern materials tend only to be unacceptable where they would affect the character and/or appearance of an historic building and/or would interfere in the context of a uniform historic environment with a traditional and consistent palette of materials. In this instance, the proposed materials are to be used in entirely new buildings that will be detached from surrounding properties and will be encountered as contemporary additions to Prince of Wales Road, albeit additions that have been designed with sensitivity to their historic setting.
- 3.8 Within the context of an application under section 96A, it is appropriate to review the any conditions already imposed and to assess the need for such further or revised conditions as may be required or deemed necessary to secure a satisfactory level of compliance with the development plan. Government planning policy makes clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. With account taken of the information presented in the subject application, replacement conditions controlling the conduct and use of the permitted development are appropriate and recommended.

4. Recommendation

4.1 That approval be granted subject to following replacement conditions:

(1) Commencement of Development

The development to which this decision relates must be begun not later than the expiration of three years beginning with the date of 25th October 2021.

Reason: To limit the period in which the development permitted may be begun having regard to section 92 of the Town and Country Planning Act 1990 (as amended).

(2) Development in Accordance with Approved Plans and Drawings

Unless otherwise required by the conditions of this permission, the development hereby permitted shall be carried out in accordance with the following plans and drawings submitted as part of the application:

- (i) Dot Architecture Drawing Ref: 1680BR.103l Revision I dated 28.04.23 titled Block A – Ground Floor as Proposed;
- (ii) Dot Architecture Drawing Ref: 1680BR.104p Revision m dated 10.11.22 and titled Block A - First Floor as Proposed;
- (iii) Dot Architecture Drawing Ref: 1680BR.105q Revision m dated 14.12.22 and titled Block A – Second Floor as Proposed;
- (iv) Dot Architecture Drawing Ref: 1680BR.106l Revision I dated 22.03.22 and titled Block A – Roof Plan as Proposed;

- (v) Dot Architecture Drawing Ref: 1680BR/107m Revision m dated 24.01.23 and titled Block A – Elevations as Proposed;
- (vi) Dot Architecture Drawing Ref: 1680BR/108m Revision m dated 24.01.23 and titled Block A – Elevations Continued;
- (vii) Dot Architecture Drawing Ref: 1680BR.203k Revision k dated 28.04.23 and titled Block B – Ground Floor Plan;
- (viii) Dot Architecture Drawing Ref: 1680BR.204f Revision f dated 24.01.23 and titled Block B – Roof Plan as Proposed;
- (ix) Dot Architecture Drawing Ref: 1680BR.205g Revision g dated 01.11.22 and titled Block B – Elevations as Proposed;
- (x) Dot Architecture Drawing Ref: 1680BR.206g Revision g dated 01.11.22 and titled Block B – Elevations Continued;
- (xi) Dot Architecture Drawing Ref: 1680BR.220b Revision b dated 26.06.23 and titled Street Furniture Plan;
- (xii) Dot Architecture Drawing Ref: 1680.301c Revision C dated 30.03.22 and titled Site Plan as Proposed; and
- (xiii) JPS Landscape Design Drawing No. LANDP001 Revision No. 009 dated 02.06.23 and titled Landscape Plan.
- (xiv) ACHESON CONSTRUCTION - DRAWING 18 - LANDSCAPE PLAN - REVISION C 21.07.23

Reason: To regulate the development in accordance with the application proposal having regard to Policies ENV1, ENV2, ENV4, ENV10, ENV11, ENV12, ENV13, ENV16, HOUS4, COM7 and COM9 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(3) Use as Specialist Supported Housing

The dwellings hereby permitted shall only be used as specialised supported housing as defined in The Social Housing Rents Regulations 2016 and shall not be used for any other purpose including any other purpose within Class C3(b) of the schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To safeguard the use of the permitted dwellings as specialist supported housing having regard to Policies HOUS1 and COM1 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(4) Construction Environment Management Plan (CEMP)

The development hereby permitted shall be undertaken in accordance with the Construction Environment Management Plan dated 31/05/2022 as submitted in support of the application hereby approved.

Reason: To ensure appropriate management of waste arisings and safeguard

the amenities of the area having regard to Policy 22 of the adopted Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 and to Policies ENV2, ENV9 and ENV16 and of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(5) Surface Water Management

Surface water management within the application site shall be in accordance with the Foul and Surface Water Drainage Report (CGS Civils Reference C1728 Rev P2 dated 13.01.2022) submitted in support of the application hereby approved.

Reason: To prevent increased risk of flooding and protect water quality having regard to Policies ENV2 and ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(6) Maintenance of Surface Water Drainage Infrastructure

All surface water drainage infrastructure provided within the application site shall be maintained in accordance with the maintenance regime specified within the Drainage Design Strategy (Thorpe Engineering Consultants Ltd, Revision D dated 02/02/2023) submitted in support of the application hereby approved for the lifetime of the development.

Reason: To ensure management and future maintenance of the surface water drainage system and prevent increased risk of flooding and protect water quality having regard to Policies ENV2 and ENV5 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(7) Renewable Energy

Provision for renewable energy generation within the application site shall be in accordance with the arrangements described in Thermal Acoustics letter dated 13/12/21 submitted in support of the application hereby approved.

Reason: To ensure that the development achieves high standards of environmental performance having regard to Policy 13 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(8) Charging for Plug-in and Other Ultra-low Emission Vehicles

Provision for the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient location shall be in accordance with the arrangements shown on Site Plan 1680P.301 Revision C dated 30.03.22 submitted in support of the application hereby approved.

Reason: To ensure that the development achieves high standards of

environmental performance and promote the use of more sustainable modes of transport having regard to Policies 13 and COM9 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(9) External Facing Materials

All external facing materials for the new walls, roofing (including ridge tiles and chimneys) and any other external surfaces (including window arches and banding and hard surfaced areas) shall be constructed in accordance with the plans and drawings hereby approved.

Reason: To ensure the satisfactory visual appearance of the development in the interest of preserving the character and appearance of the Dorchester Conservation Area having regard to Policies ENV1, ENV4, ENV10 and ENV12 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(10) New and Replacement External Doors etc

All new and replacement external doors, bargeboards, fascias, soffits and all window frames save for rooflights shall be constructed in accordance with the plans and drawings hereby approved.

Reason: To ensure the satisfactory visual appearance of the development in the interest of preserving the character and appearance of the Dorchester Conservation Area having regard to Policies ENV1, ENV4, ENV10 and ENV12 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(11) New and Replacement Rooflight

All new and replacement rooflights shall be constructed and fitted in accordance with the plans and drawings hereby approved.

Reason: To ensure the satisfactory visual appearance of the development in the interest of preserving the character and appearance of the Dorchester Conservation Area having regard to Policies ENV1, ENV4, ENV10 and ENV12 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(12) New and Replacement Rainwater goods

All new and replacement rainwater goods shall be constructed and fitted in accordance the plans and drawings hereby approved.

Reason: To ensure the satisfactory visual appearance of the development in the interest of preserving the character and appearance of the Dorchester Conservation Area having regard to Policies ENV1, ENV4, ENV10 and ENV12 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(13) Alterations to Front Boundary Wall

Alterations to front boundary wall to Dorchester Road shall be completed in accordance with the arrangements shown on Site Plan 1680P.301 Revision C dated 30.03.22 submitted in support of the application hereby approved.

Reason: To ensure the satisfactory visual appearance of the development in the interest of preserving the character and appearance of the Dorchester Conservation Area having regard to Policies ENV1, ENV4, ENV10 and ENV12 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(14) Potential Land Contamination

In the event that contamination is found at any time when carrying out the development hereby permitted, the finding shall be reported in writing immediately to the local planning authority and an investigation and risk assessment shall be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority and carried out in full. On completion of the approved remediation scheme a verification report shall be prepared and submitted to the local planning authority.

Reason: To ensure risks from contamination are managed in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(15) Vehicle Access Surfacing

Prior to the first residential occupation of the development hereby permitted the first 5.0 metres of the vehicle access measures from the rear edge of the highway shall be laid out and constructed in accordance with the arrangements shown on Site Plan 1680P.301 Revision C dated 30.03.22 submitted in support of the application hereby approved.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard having regard to Policy COM7 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(16) Bin Storage, Cycle Parking, Vehicular Turning and Parking

Prior to the first residential occupation of the development hereby permitted the bin storage facilities, cycle parking and vehicular turning and parking areas shall be constructed in accordance with the plans and drawing hereby approved. Thereafter, these areas shall be maintained for the purposes indicated and shall

be kept free from obstruction.

Reason: In the interest of amenity, highway way and the character and appearance of the area having regard to Policies ENV1, ENV4, , ENV10, ENV11, COM7 and COM9 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(17) Biodiversity Mitigation and Net Gain Measures

The biodiversity mitigation and net gain measures set out within the DBAP Biodiversity Plan Ref Number BBAP22867NH as certified by Dorset Council's Natural Environment Team on 31st March 2023 shall be implemented in accordance the certified arrangements.

Reason: To enhance the character and appearance of the application site and the Dorchester Conservation Area and to adequately mitigate biodiversity impact and secure net gain for biodiversity having regard to Policies ENV1, ENV2, ENV4 and ENV10 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

(18) Landscaping and Planting

Landscaping and planting shall be carried out in accordance with the details specified on the approved Landscape Plan (JPS Landscape Design Drawing No. LANDP001 Revision No. 009 dated 02.06.23). All access, parking and refuse storage facilities shall be constructed in accordance with the approved landscaping arrangements prior to the first residential occupation of development hereby permitted and all planting shown on the approved Landscape Plan shall be carried out by the end of the first planting season (November-March) following the first residential occupation of the site or within a timetable approved in writing by the local planning authority. The site shall be managed and maintained in accordance with the approved Landscape Plan. Any trees or plants planted as part of the approved landscaping 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 other trees or plants of a species and size as that originally planted.

Reason: To ensure that the approved landscape treatments are implemented and maintained in the interests of biodiversity and the character and appearance of the Dorchester Conservation Area having regard to Policies ENV1, ENV2, ENV4 and ENV10 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

Case Officer Signature:	Huw Williams	Authorising Officer Signature:	H Smith
Date:	20/09/2023	Date:	22/09/2023