

DELEGATED REPORT

CASE OFFICER REPORT TO DEVELOPMENT SERVICES MANAGER/ DIRECTOR OF PLANNING AND ENVIRONMENT

APPLICATION REF: WD/D/14/003091

SITE VISIT DATE AND NOTES:

03/02/2015 - This application seeks planning permission to erect three affordable dwellings on the north side of Holloway Road within the site of a former builders yard. The site backs onto the Mill Stream and will face over residential properties that line the south side of Holloway Road. There is a majority of on street parking along this road, with access being very narrow in places. The site is within the Dorchester Conservation Area, DDB, Dorchester Landscape Character Area and Floodzones 2 & 3.

The site currently consists of a former yard area with two buildings (one a workshop and the other a former office/store) which included a paint shop. The site measures 208m². The buildings have no architectural or historical merit but are modest and appear as traditional workshop type buildings. There is a currently a concreted parking area which allows two parked cars.

RELEVANT PLANNING POLICIES:

West Dorset District Local Plan (Adopted July 2006):

SA3 - Landscape Character Areas

SA12 - Species protection

SA20 - Settings of Listed buildings

SA21 - Protection of character & appearance of Conservation Area

AH1 - River & coastal flooding

AH6 - Development on contaminated land

AH14 - Road safety

SS1 - Development within defined development boundaries

HS1a - Housing provision & phasing

HS2 - Residential development within defined development boundaries

HS3 - Affordable housing within defined development boundaries

ET1 - Retention of industrial & commercial sites

TRAN1 - Access to the strategic highway network

TRAN5 - Parking provision

DA3 - The scale & form of settlements & the pattern of streets & spaces

DA5 - The scale & positioning of buildings

DA6 - Privacy, Daylight & General Amenity

DA7 - Detailed design & materials

West Dorset, Weymouth & Portland Draft Local Plan from the June 2012 pre-submission draft local plan submitted for examination, as proposed to be modified (June 2013):

Paragraph 216 of the NPPF states that:

“From the day of publication [of the NPPF], decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- 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*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Now that the consultation on the pre-submission draft Local Plan has closed, and the extent of objections is known, we can start to apply varying degrees of weight to our emerging policies in accordance with the NPPF guidance. As far as this application is concerned the following policies are considered to be relevant. The weight to be applied to each will, where appropriate, be discussed in the Planning Issues section of this report.

INT1	Presumption in favour of sustainable development
ENV1	Landscape, seascape & sites of other geo interest
ENV2	Wildlife & habitats
ENV4	Heritage assets
ENV5	Flood risk
ENV10	The landscape & townscape setting
ENV11	The pattern of streets & spaces
ENV12	The design & positioning of buildings
ENV16	Amenity
SUS1	The level of economic & housing growth
SUS2	Distribution of development
ECON3	Protection of other employment sites
COM7	Creating a safe & efficient transport network
COM9	Parking standards in new development
HOUS1	Affordable housing
HOUS6	Other residential development outside DDB's

The following sections of the NPPF are relevant to the determination of this application:

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 11 - Natural environment

Section 12 - Conserving & enhancing the historic environment

Paragraphs 186 and 187 of the NPPF require that:

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

SUPPLEMENTARY PLANNING DOCUMENTS:

WDDC Design & Sustainable Development Planning Guidelines SPD (Adopted 2009)

MATERIAL PLANNING ISSUES:

Impact on the Conservation Area
Impact on the settings of Listed Buildings
Impact on neighbouring amenity
Impact on highway safety
Impact on flooding
Impact on protected species
Impact on housing land supply
Impact on employment

PLANNING ISSUES RAISED BY THIRD PARTIES AND OFFICER COMMENTS INCLUDING NEED FOR ANY MITIGATION MEASURES:

DCC Highways - No objections subject to conditions

Environment Agency - Object - see comments below

Senior Conservation officer - Object - see comments below

Natural England - no objection subject to further informations - see comments below

Dorchester Town Council - Response:

== Objection ==

Considered by the Town Council's Planning and Environment Committee on 2 February 2015:

Recommend refusal. The Committee heard from a number of local residents and Members had a number of concerns about the development:

- It would not preserve or enhance the Conservation Area
- It would have a negative impact on the street scene by creating a corridor effect in the street

and a reduction in natural light

- Local distinctiveness would be unacceptably compromised
- The positioning of the buildings does not respect the relationship with the adjoining Mill Stream
- It would not be in harmony with the area as a whole
- It would have a significant adverse impact on the amenity of neighbouring residential properties through loss of privacy both in Holloway Road and to the north. The mass of the development would also be overbearing to neighbouring residents.
- It would generate a level of activity (increased traffic and subsequent compromising of existing parking provision) that detracts significantly from the amenity and quiet enjoyment of residential properties.
- It would erode the integrity of the adjoining Mill Stream (particularly during the construction phase due to disruption from piling), which is designated as a Green Corridor and was part of the Dorchester Mill Stream Enhancement Scheme through the Dorset Wildlife Trust. As such, this area was considered to be an important and rare habitat for wildlife, including water voles (designated as a rare species).
- Para 3.3.27 of the Adopted Local Plan states that 'The District Council will consult English Nature on planning applications wherever it is aware that a protected species may be present' but English Nature are not listed on DorsetForYou as a consultee for this application.
- It does not safeguard the land around the Mill Stream which is land of nature conservation interest.

Therefore the development would be contrary to Policies SA12, SA21, DA1, DA2, DA3, DA5, DA6, SA7

and SA11 of the Adopted Local Plan and Sections 7, 11 and 12 of the National Planning Policy Framework

WDDC Building Control: Appraisal comments

The ground investigation reveals the existence of made ground to a depth of 2.6m and recommends piled foundations in conjunction with a suspended floor system. The Engineer's drawing complies with this recommendation, indicating ground beams spanning between piles and indeed cantilevering where the piles have been offset away from the adjacent watercourse. The design of the permanent works foundations will be subject to the Building Regs and as such subject to structural appraisal by Building Control. Please note that strict pollution control measures will be required to prevent pollution of the watercourse, in particular from any in situ concrete & arisings associated with the foundations. This will influence the form & method of construction selected. Driven piles & pre cast concrete presents less risk than in situ concreting, grouting & generation of arisings. The works never the less are technically achievable.

Impact on the Conservation Area/Impact on the settings of Listed Buildings:

The Senior Conservation Officer has commented on this application as follows:

This application site in Holloway Road Dorchester is within the Dorchester Conservation Area and in close proximity to Land of Local Landscape Importance [LLLI] and a green corridor and with the Church of St. George and Cemetery to the south and west, the St. George Church tower literally towering over the site / environs . The Church of St. George dates from the late 11th Century and contains many important and historic features including the most remarkable south doorway which has a carved tympanum depicting St. George which is perhaps the earliest known representation of St. George in England . From the application site [and its environs] the Church is a towering and important architectural building from many view points , including when at the bottom of Holloway Road when next to the Princes Bridge and looking west up Holloway Road with The Old Mill a Grade II Listed

Building in close proximity .

The Mill Stream is a considerable feat of engineering wrapping around the north of Dorchester and feeding back into the River Frome ,along its course the Mill Stream creates a characterful back drop with marginal plots abutting as is the case on this application site. The simple and striking mix of vernacular buildings , narrow roads with church, mill, cottages and work shop and mill stream are all both charming and characterful and this ensemble certainly add to the events seen when walking in this area . There are a number of other anchor buildings in this area ,in Mill Street Nos 25 to 27 a short terrace of cottages with hammer dressed stone and brick voussoir's being Grade II Listed Buildings and No 33 Holloway Road which is a Grade II Listed Building that dates from the early 19th Century , in fact the older cottages that are in close proximity to No 33 are quite charming vernacular buildings which contributors to the Conservation Area .

The workshop building to be removed is a simple vernacular building of pleasing character, I accept that this is a lower order of building but part of the mix here . Beyond the application site and to the north are modern housing schemes which are of their time these are outside of the Conservation Area .

Within a Conservation Area proposals should Preserve or Enhance with a greater emphasis on Enhancement and with clear vernacular clues in the immediate vicinity I find the proposals at best very disappointing , in my opinion the proposal appear banal and more redolent of 1970/80s housing , they lack any real character and simply do not respond to the good vernacular buildings near by . In my opinion the proposals fail to preserve or enhance and would cause a detrimental impact on the character of the Conservation Area and the setting of the near by Listed Buildings , the Mill Stream would also be adversely impacted upon .

Whilst it may be possible to achieve some development on this marginal plot , the proposals are bland and banal and are more redolent of a past architectural error , I am surprised this proposal is being put forward , the NPPF puts great importance on and the reinforcing of local distinctiveness and with such iconic buildings of 11th Century Church , Old Mill , Mill Stream and Listed Cottages near by this application fails to respect or respond to the Conservation Area or these important vernacular buildings . This proposal would in my view be a detrimental impact on the character of the Conservation Area and the setting of the Listed Buildings.'

As such, it is considered that this proposal does not preserve or enhance the Conservation Area and will have a detrimental impact on the setting of adjacent listed buildings.

Impact on neighbouring amenity:

Five neighbours have objected to this proposal. There are no other third party representations.

Having met with the neighbour at number 3a Holloway Road and made a full appraisal from their property and considered the impact on this development on the properties directly opposite site on the south side of Holloway Road, I am concerned that this proposal has significant impacts on neighbouring amenity.

The first floor of number 3a Holloway Road is entirely lit by light that spills into the first floor window situated within the east wall of the property. Having regard to the proximity and resulting height of dwelling A to this neighbour, a significant degree of light will be completely taken from this window, having an overbearing impact on this window and

the neighbours entire first floor hallway.

This neighbour's rear balcony/private patio area will also be entirely overlooked by the rear balcony of dwelling A (also any future occupiers only private outdoor space to the rear). There are also concerns from the neighbour that given the piling nature of the construction proposed that this will have a subsidence impact on the east wall of number 3a. However, this is a civil matter.

The neighbours at numbers 30, 32, 32A & 33 Holloway Road have also objected to this proposal with concerns over overbearing impact, loss of privacy and loss of light. All the properties along this part of Holloway Road (on the South side) back on to a very steep slope; this slope restricts a significant amount of daylight into any rear windows within this properties and therefore the majority of light received is within the front (north facing) windows. Having regard to the resulting height and proximity of the new properties proposed here, significant amounts of light will be taken from the front facing windows, restricting light even more so to these neighbours. It is not currently an issue given the very low level buildings and their positions currently on the site, therefore it is considered that this proposal will have a significant overbearing impact on these neighbour properties on Holloway Road.

Impact on highway safety:

The DCC Highways Authority has no objections to this proposal subject to conditions.

However, having visited the site visibility from the parking position that lies immediately next to number 3a Holloway Road, will be severely limited with manoeuvrability also limited because of parked cars on the south side of Holloway Road. It is not clear how these parking spaces will be achievable with visibility and space being already restricted, therefore I have concerns over highway safety from this aspect and the amenity for existing residents when parking is already at a premium within this location.

Impact on flooding:

The Environment Agency has objected to this proposal:

We **object** to the proposed development on flood risk grounds. This objection is discussed below.

Flood Risk Assessment (FRA)

From the details submitted it looks like the proposal will extend the 'developed' footprint on the site, by projecting further into the adjacent Main River (Mill Stream) channel beyond the line of the existing development. The greatest encroachment appears to be at the eastern end and tapers towards the western end.

We are concerned that any encroachment into this channel would impact the fluvial flood zones and could result in an increase in flood risk elsewhere. This detail has been overlooked within the FRA, therefore the FRA is not considered to meet the requirements of the National Planning Policy Framework.

The proposed balcony supports are also potentially going to impact on the fluvial flood zones, and therefore could also have an impact on flood risk. Again, this has not been considered within the FRA.

To move forward with this application we strongly recommend that the

applicant demonstrates that there is no encroachment into the flood zones by the proposal. This may require removing part of the footprint of the proposed development from the flood zones and redesigning/removing the balcony supports to achieve this.

Since this is a highly sensitive flood risk area we have produced detailed hydrology and hydraulic model to assess and help manage flood risk. Any encroachment into the modelled flood zones would clearly impact upon the model and the flood zone outputs so would need to be properly assessed. This would need to be done by the applicant, and the results incorporated into the FRA.

The applicant is at liberty to undertake an independent hydraulic model for this purpose, and we would review this in detail to ensure that it met our best practice standards.'

Having addressed this issue with the agent for this application, there has been no further evidence or investigations carried out to assess flood risk. Therefore, this is an unresolved objection and a ground for refusal of the application.

Impact on protected species:

Natural England has no objection to this proposal. However, they advise that in order to consider protected species, referral to their standing advice in regards to protected species should be made.

However, the agent has confirmed that water vole burrows were evidenced and that mitigation would need to be submitted and agreed to the satisfaction of Natural England.

Having viewed information available from Natural England, they state that:
'Survey reports and mitigation plans are required for development projects that could affect protected species, as part of getting planning permission or a mitigation licence. Surveys need to show whether protected species are present in the area or nearby, and how they use the site. Mitigation plans show how you'll avoid, reduce or manage any negative effects to protected species.

This is Natural England's species standing advice for local planning authorities who need to assess planning applications that affect water voles.

This information should be used to decide what is needed for surveys and planning mitigation measures for water voles.

Ecologists need to decide which survey and mitigation methods are right for the project they're working on. If this standing advice isn't followed, they'll have to include a statement with the planning application explaining why.

Where this guide says 'you' it means the ecologist.'

No protected species survey or mitigation plan has been submitted upon request and

as such it is considered that there is insufficient evidence to consider impact on protected species and therefore this proposal is contrary to policy SA8 (Protected Species) of the West Dorset District Local Plan (Adopted July 2006).

Impact on housing land supply/provision of more affordable homes:

Currently, the West Dorset District Council is in a unique position in that settlement policies within the adopted local plan are deemed out of date with the new policies within the Draft West Dorset, Weymouth & Portland Local Plan unadopted with unresolved objections to housing land supply evidence. As such, all schemes for housing need to be considered primarily against advice contained within the NPPF.

In principle, this scheme would contribute positively to housing land supply within the District area given its location within the Dorchester DDB, it is sustainable re-use of a brownfield site and that it is an affordable housing scheme submission. However, it is considered that even though it can contribute to housing land supply, the material objections (flood risk, design, neighbour amenity, protected species etc.) to it outweighs its positive contribution to housing land supply.

Impact on employment:

Policy ET1 of the West Dorset District Local Plan states that:

'Proposals which would lead to the loss of employment land and/or premises will not be permitted except where:

i) the current use is causing, or if vacant or derelict the previous lawful use would cause, significant highway, environmental or amenity problems and it has been demonstrated that no appropriate viable alternative employment uses could be attracted to that site; or

ii) the mixed use redevelopment of the site would offer important community benefits and opportunities for regeneration and it can be demonstrated that the development will not result in a significant loss of jobs in the area.'

Having regard to the modest scale of the existing site, which was a former decorators, and the limited amount of parking & access available, it is considered that the loss of this site does not have a significant impact on employment levels within the town.

SUMMARY OFFICER RECOMMENDATION: REFUSE

CASE OFFICER: KT

DATE: 26 February 2015