

**APPLICATION NUMBER:** WD/D/18/001153

**APPLICATION SITE:** Former site of Watson Petroleum Ltd & Dorchester Collections Showroom, London Road, Dorchester, DT1 1NE

**PROPOSAL:** Erection of 44 retirement living apartments (category II sheltered) with communal facilities, car parking & access from London Road

**APPLICANT:** McCarthy and Stone Retirement Lifestyles Ltd

**CASE OFFICER:** Jan Farnan

**WARD MEMBER(S):** Cllr Mrs S Jones, Cllr T Harries

**RECOMMENDATION SUMMARY:**

Delegate to the Head of Planning subject to completion of a legal agreement to secure a 35% affordable housing contribution (index linked) based on West Dorset District Council's contributions calculator and then approve subject to conditions.

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*Members will recall that this application was deferred at the February Committee to ensure all interested parties were correctly notified of the meeting and given the opportunity to attend and address the committee. This administrative matter has been duly rectified.*

**1. DESCRIPTION OF SITE:**

1.1 The site measures 0.38ha and is located on the south side of London Road a main arterial route into Dorchester town centre from the A35. It was previously used as a fuel storage and distribution depot by Watson Oil Company and a used car sales garage by Dorchester Collection. The structures, buildings and underground fuel tanks have been demolished and the site is now cleared. Remediation works undertaken to remove the ground water hydrocarbon contamination has resulted in the current ground levels being approximately 750mm lower than the previous site levels. The site has remained vacant and unused for a number of years.

1.2 Residential development is located to the north, east and southeast, an additional car sales areas to the west and southwest and a petrol filling station and Tile warehouse opposite to the north-west. It is therefore a transitional site sitting between a suburban residential area comprising a mix of one and two storey detached, semi-detached houses and flats and infill development and the

closer knit higher density two and three storey historic town centre development to west with some commercial uses in between.

1.3 The west and south boundaries are marked by a steel palisade fence between the site and remaining car sales area and residential development. There are three trees within the site, two along the northern boundary fronting Dorchester Road and one to the rear and trees within the neighbouring property overhang the eastern boundary.

1.4 The town centre which is 0.6 km west of the site which provides access to a full range of services and facilities including public transport links. The boundary of Dorchester conservation area is within approx. 23m to the south and 100m to the west. There are a number of listed buildings in Higher East Street, and High Street Fordington to the south. Greys Bridge to the east on London Road is also listed.

1.5 The River Frome runs further to the south of the site with the adjacent car sales area and residential development in River Crescent in between. Parts of the site are within flood zone 2, which requires a sequential test to be undertaken. It is also within Poole Harbour Nutrient catchment zone where schemes must mitigate potential impacts of the development on Poole Harbour.

## **2. DESCRIPTION OF DEVELOPMENT:**

2.1 The proposal is to construct 44 retirement apartments with a communal resident's lounge, guest suite, manager's office, and mobility Scooter Park. A mix of 24 one bedroom and 20 two bedroom units are proposed and a total of 29 car parking spaces, including one disabled space.

2.2 The development would comprise a single east-west block, on a building line consistent with the surrounding development. The London Road (north) elevation will be predominantly three storey, reducing to two storey at the eastern end, adjacent to the residential properties. The continuous façade of has been broken up with elements stepping in and out, to replicate the narrow frontage proportions and deeper plots of Dorchester Streets. A central entrance feature is proposed and a side entrance on the west elevation. Variations in materials would emphasise the narrower frontages and traditional taller proportioned windows diminish in size from ground to second floor. Elevations have a greater proportion of solid walls to windows and the ashlar struck render to the bottom storey provides a visually strong base that helps to reduce the apparent height of the building. The rear (south) elevation would be three storey but lower than the north elevation and simpler in appearance.

2.3 Roofs would be traditional hipped and gable pitches with a mixture of parapets and eaves and varied ridge heights and roofing materials, chimneys

and parapet party walls to add interest to the roof line. The double pitch roof with internal valley is proposed to give a more domestic scale to the building.

2.4 Material would be a mixture of brick, stone and render to match the dominant palette of materials further to the west towards and in the town centre. Details such as; stone string courses, parapets, cills, heads and surrounds, brick header courses, and dark grey metal balustrades to Juliet balconies will add further interest to the elevations.

2.5 A communal private garden area is proposed to the south of the building including a sitting out area directly off the residents lounge. In addition, some apartments on the rear, south elevation will have private balconies.

2.6 Tree planting is proposed along the London Road frontage and the boundary would be defined with 1.2m high metal railings with a formal hedge behind. The various entrance points would be punctuated with brick piers and the vehicular entrance at the west end, highlighted by taller brick piers and 1.8m high flank walls. Further tree planting and landscaping is proposed on rear south and east boundaries, and within the parking area.

### 3. RELEVANT PLANNING HISTORY:

<b>Application No.</b>	<b>Application Description</b>	<b>Decision</b>	<b>Date of decision</b>
<b>1/E/78/000390</b>	RETAIN SHED AS OFFICE AND STORE	A	06 September 1978
<b>1/E/78/000613</b>	DEMOLISH MESS ROOM, ERECT STORAGE TANK AND FORM MESS ROOM IN SHED/STORE	A	10 January 1979
<b>1/E/82/000394</b>	ERECT OIL STORE, LOADING GANTRY WITH CANOPY, INSTALL TANKS, PUMPS AND PIPELINES AND MODIFY EXISTING ACCESS	A	14 July 1982

<b>1/E/83/000032</b>	Erect 2 illuminated pole signs 1 illuminated shop sign and illuminated panels to canopy fascias	A	23 May 1983
<b>WD/D/14/002969</b>	Demolition of former fuel storage depot	PANR	24 December 2014
<b>WD/D/14/002970</b>	Demolition of former fuel storage depot	PANR	24 December 2014

#### **4 RELEVANT PLANNING POLICIES:**

##### **4.1 National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The following paragraphs from the NPPF are of particular relevance to this case:

Para 11 - For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission...

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way...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.

Para 59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 118. Planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

Para 122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

Para 160. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed 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. 161. Both elements of the exception test should be satisfied for development to be allocated or permitted.

#### **4.2 Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

As far as this application is concerned the following policies are considered to be relevant.

- INT1. Presumption In Favour Of Sustainable Development
- ENV1 Landscape, Seascape and Sites of Geological Interest
- ENV2 Wildlife and Habitats (Poole Harbour Nutrient Catchment Area)
- 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
- ENV15. Efficient And Appropriate Use Of Land
- ENV16. Amenity
- SUS1. The Level Of Economic And Housing Growth
- SUS2. Distribution Of Development
- ECON3. Protection Of Other Employment Sites
- HOUS1. Affordable Housing
- HOUS4. Development Of Flats, Hostels And Houses In Multiple Occupation
- COM1. Making Sure New Development Makes Suitable Provision For Community Infrastructure
- COM7. Creating A Safe And Efficient Transport Network
- COM9. Parking Standards In New Development

## **5. OTHER MATERIAL PLANNING CONSIDERATIONS:**

5.1 Dorchester Conservation Area Appraisal  
DCC Parking standards guidance

## **6. HUMAN RIGHTS:**

6.1 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.

## **7. PUBLIC SECTOR EQUALITIES DUTY:**

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

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

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 PSED

## **8. CONSULTATIONS:**

**8.1 Environment Agency-** no objection subject to conditions requiring the development to be in accordance with the Flood Risk Assessment (Calcinotto, issue 3, dated 23rd November 2018), finished floor levels set no lower than 54.66m above AOD, and, provision of compensatory flood storage at the site.

**8.2 Natural England –** no objection

**8.3 NHS/CCG –** no comment

**8.4 DCC Highway Authority –** no objection subject to conditions regarding Footway crossings and Parking and Turning construction and informatives.

**8.5 DCC Planning Obligations Manager –** no objection from a s106 / CIL perspective.

**8.6 DCC Lead Local Flood Authority (LLFA) –** no objection subject to conditions requiring a detailed finalised surface water management scheme to be submitted and implemented and maintained thereafter.

**8.7 DCC Archaeology –** no archaeological concerns due to site being heavily disturbed.

**8.8 Dorset Police -** Crime Prevention Design Advisor has no comments to make in relation to security or layout.

**8.9 DCP Landscape Officer –** no objection

**8.8 DCP Tree Officer –** no comment

**8.9 DCP Environmental Health Officer –** the contamination documents submitted with the application should be referred to the councils environmental consultants. There may be noise impacts on current and future residential occupiers from mechanical plant such as; lifts or air conditioning units. Therefore a BS4142 type or equivalent report should be submitted prior to any installation to ensure no loss of amenity occurs.

**8.10 Land Contamination Consultant** - no objection subject to the full set of contaminated land planning conditions. The submissions to date account for the equivalent Phase 1 desktop study in the first part of your conditions. More investigation, remediation and verification work is required but the project as proposed now seems feasible.

**8.11 DCP Housing Enabling Officer** - there is a significant need for affordable housing in West Dorset which this development would assist in meeting. As Dorchester has recently seen high levels of new sheltered housing accommodation it would be acceptable for the developer to provide a financial contribution from this scheme which would enable the provision of affordable housing off-site.

**8.12 DCP Conservation Officer** – the revised scheme is much better than the original scheme and I am happy with the range of proposed materials. The rear and side elevations still looks plainer and more municipal in appearance. The eastern elevation is blank, and architectural detailing, string courses or blank windows could offer a more lively elevation.

**8.13 Dorchester Town Council**- Considered by Dorchester Town Council's Planning and Environment Committee on 7 January 2019  
Raised objections.

The Committee noted the amended plans and while agreeing that the design changes were, to some extent, an improvement, the changes and revisions went no way to satisfy their previous concerns and therefore the Committee agreed that their previous objection still stood – as follows:

The site is in a key, prominent position close to the Dorchester Conservation Area. The design, materials and scale of the building, would be unduly dominant and prominent in the street scene, detracting from the visual amenity and character of this gateway location.

The scheme is of poor design, out of character with the area and would not enhance the locality.

The height and mass of the building are excessive and by virtue of overshadowing and overbearing impact, would be detrimental to amenity.

The density is too high for the area and there is insufficient parking on-site.

The size of parking spaces proposed are too small for the intended users and the provision of only one disabled parking space on site is totally inadequate.



WDDC should insist on adherence to policy HOUS1. of the adopted Local Plan for the provision of 35% affordable housing on this site.

Members appreciated that there was a need for affordable general and extra care housing for over 55's in the town and there could be an opportunity to provide some of this specific type of accommodation on this site although affordable family housing should be the priority.

There are limitations in the tree survey provided and the architectural survey was only desk based.

#### **8.5 Stinsford Parish Council – raised objections.**

The addition of this number of homes for older people would have a detrimental impact upon healthcare provision in Dorchester.

The development would not provide any affordable housing, either on or off site. West Dorset District Council should purchase the site and develop it to ensure the delivery of affordable housing in Dorchester to meet local demand.

### **9 REPRESENTATIONS:**

9.1 14 representations have been received that support the application for the following reasons:

- Support for retirement accommodation being provided as it will meet a local and national need.
- Good use of brownfield site
- It will free up family homes by providing accommodation for the elderly
- Will improve the appearance of London Road
- Parking provided is within planning guidelines
- The density is appropriate and less than developments close by.
- The Civic Society welcomes the improvements made to the London Road elevation.

9.2 34 representations have been received that oppose the application for the following reasons:

- There is a need for family accommodation in Dorchester not more retirement apartments.
- There is already too much retirement accommodation in Dorchester and a better balance and mixed community is needed.
- The scale, mass and height of the proposed building is overdevelopment of the site.
- The design of the building is inappropriate and would adversely affect the setting of the Conservation Area.

- Form of development is inappropriate to gateway site and out of character with suburban character, particularly the unbroken frontage.
- It would have a detrimental impact on health and social services in the area.
- The proposed number and size of car parking spaces is inadequate
- It would cause traffic congestion on London Road
- It will have a detrimental impact on the economy
- There is no on-site affordable housing provided and no guarantee that a financial contribution will be made.
- The bus service is infrequent and so not a such a sustainable location
- There will be an adverse impact on the River Crescent
- The proposal will result in a loss of amenity through overshadowing, overbearing, and loss of privacy
- The landscaping scheme will encroach onto neighbouring properties, shade gardens and communal washing drying areas.
- The scheme will not meet Wessex Water criteria for discharge of surface water and foul drainage.
- The FRA does not provide detail that the proposal is 'appropriately flood resistant and resilient'
- Flood retention area - proximity of flood storage area to boundary

## **10 PLANNING ISSUES:**

- Principle of development
- Flooding and Sequential Test
- Contamination
- Heritage Assets
- Design
- Amenity
- Landscape and Trees
- Wildlife and habitats/biodiversity
- Access and Parking
- Affordable Housing
- Community Infrastructure Levy
- Planning Balance

## **11 PLANNING ASSESSMENT:**

### **11.1 Principle of development**

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social,

and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

This Council's Policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. It has been noted above that this Council can only demonstrate 4.88 years of housing land supply as such the relevant policies for the supply of housing should not be considered up-to-date. This invokes NPPF paragraph 11 which states, in part, that when policies most important for determining the application are out-of-date, the Council should granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The site is within the defined development boundary of Dorchester where the principle of residential development is acceptable subject to compliance with other policies in the local plan.

The former employment use of the site as an oil storage depot and car sales site means that Policy ECON3 Protection of Other Employment Sites applies. This policy allows for redevelopment of employment sites for other uses where it would not prejudice the efficient and effective use of the remainder of the employment use, it would not impact on the supply of employment sites and redevelopment would offer important community benefits or no significant loss of jobs. To judge whether an alternative use would be acceptable the applicant must provide information on; any problems caused by the employment use, reasons why the site is unsuitable for employment use, details of how the property is marketed and what other sites are available for employment use.

The applicant has supplied an Employment Land Report to cover these requirements and concludes that given the extensive decontamination of the site undertaken by the current owner it would be inappropriate and unviable to bring the site back into wholly employment use. A marketing exercise was undertaken

which advertised the site for sale by informal tender on a number of website and with a site notice from 16th October 2016 to 17th February 2017. 10 responses were received, 4 at below the cost of decontamination of the site and the remaining 6 were all for residential purposes. The site is currently vacant and both previous operators found alternative employment sites elsewhere. Redevelopment for residential purposes would also provide townscape and amenity benefits and the retirement apartment proposal would provide some level of employment in a House Manager and sub-contractors to maintain and manage the building.

In light of this information it is considered that sufficient evidence to support compliance with policy ECON3 and that redevelopment of this site for residential purposes would not harm the employment land supply, would offer regeneration benefits and make use of a formally contaminated brownfield site.

### **11.2 Flood Risk and the Sequential Test**

A Flood Risk Assessment Flood Risk Assessment (Calcinotto, issue 3, dated 23rd November 2018) was prepared for the site which proposed finished floor levels to be set no lower than 54.66m above AOD, and, provision of compensatory flood storage at the site to mitigate any residual flood risk associated with the development. The Environment Agency has no objection to the scheme provided there no sequentially preferable sites are available.

The applicant submitted a sequential test with the application and concluded that there are no alternative available sites for the development. A development proposal would only fail to pass the sequential test if alternative sites are identified within the search area that are at lower risk of flooding, would be appropriate for the proposed development and are 'reasonably available' for development. A site is only considered to be reasonably available if it is both 'deliverable' and 'developable'.

The area of search used for the test was Dorchester, given the specialist type of accommodation being proposed this was considered acceptable. Originally ten alternative sites were tested and subsequently the local planning authority identified an additional four sites which were tested. All sites were rejected on the grounds of deliverability or suitability. Having reviewed the information supplied the LPA is satisfied that there are no other sequentially preferable sites outside flood zone 2 for the specialist type of development proposed it is acceptable to apply the exceptions test. Therefore the exceptions test should be informed by a site specific flood risk assessment and for the test to be passed it should be demonstrated that; there would be wider sustainability benefits to the community that outweigh the flood risk, the development would be safe for its lifetime without increasing flood risk elsewhere, and where possible would reduce flood risk overall.

The development would offer wider sustainability benefits as it would provide housing and regenerate a brownfield site. The flood risk assessment demonstrates that flood risk will be managed satisfactorily, while allowing the development to go ahead. Therefore the scheme complies with policy ENV5 Flood Risk and NPPF.

### **11.3 Contamination**

The site and surrounds have been subject to significant contaminative operations over the years and the owners have undertaken some site investigation and remediation works following environmental assessment as detailed in a series of reports submitted by OHES in support of the application. The Council's Environmental Consultants have reviewed the information supplied and consider that although a significant body of information has been provided, there is still some detail needed, particularly regarding verification of action. They are content that this can be dealt with by the application of appropriate planning conditions. Provided conditions are applied requiring further site investigation, and the implementation of a remediation scheme including verification, and one to deal with any contamination not previously identified.

### **11.4 Heritage Assets**

The site does not contain any designated heritage assets and is outside the Dorchester Conservation Area. However, it does form part of the setting to the Conservation Area as the southern boundary is close to the Fordington sub area and the site forms a gateway feature as you enter Dorchester from the east and approach the High Street sub area which contains imposing (listed) towers and spires of the churches and the Town Hall. The site is therefore considered to be of substantial significance to the setting of the Conservation Area, to some degree listed buildings, and the entrance to the historic town. There are listed buildings in High East Street, High Street and Fordington and Greys Bridge to the east on London Road is also listed. Scheduled ancient monuments in the vicinity of the site include; Dorchester Roman walls and part of a Roman, Saxon, and medieval town in the grounds of Wollaston House.

A Heritage Statement was prepared by Keevill Heritage Ltd which identified heritage assets and their significance. It concluded that there will be no direct impact on any of the listed buildings. The three-storey elements would not be visually intrusive given the local topography and extent of existing screening offered by other buildings. The proposed development would have only a very minor effect on the significance of any of the listed buildings, and would not harm their settings.

DCP Conservation Officer has no objection to the proposal and considers the design amendments secured address previous concerns with the proposals impact on the significance of the setting of the Conservation Area and historic

entrance to the town centre. There is no objection from DCC Archaeology and no further investigation required as the recent removal 0.75m of ground from the interior for remediation works would have caused damaged to any assets had they survived.

Redevelopment of the site will offer visual enhancements in the immediate street scene of London Road and would not adversely impact on the significance of heritage assets. It therefore complies with local plan policy ENV4 Heritage Assets.

## 11.5 Design

The design has been amended and proposes a more traditional appearance, with a reduction in overall size of the building and omission of one apartment. Frontage tree planting, landscaping and boundary treatments will enhance London Road and provide an attractive setting for the building.

The site marks the transition between the more suburban development to the east and closer knit higher density development to west and London Road is a wide street with footpaths either side with the residential development in the vicinity set well back from the road. Three storey development would therefore not appear out of place in this location. Roofs would largely be pitched and hipped, of slate, with flat roofed bays on the London Road frontage towards the east end to respect and be subservient to neighbouring building heights and lines. The petrol filling station and Tile shop on the north side of London Road and Car Dealership to the west of the site contain buildings with a larger footprints to the surrounding residential development.

The density of the proposal was considered too high by some representations however, it equates to 115dph which is higher than surrounding housing although lower than flatted schemes further towards the town centre which are in the range of 127 – 144 dph. Therefore it is not considered that the proposed density is excessive for the site given the location close to the town centre. Policy ENV15 and NPPF para 11 require developments to make efficient use of land provided there is no adverse impact on local character.

Concerns were raised by the Town Council and others that the proposal would detract from the visual qualities of London Road. DCP Urban Design Officer has no objection to the proposal and has commented that 'the amended plans for this site significantly improve the north (London Road) elevation, offering an enhanced rhythm of built form to the streetscene. This amendment also serves to visually break up the massing of the proposed building. The scale at the east of the site has been reduced in order to better assimilate the proposed development, which would provide a better relationship with existing dwelling 34 London Road'. It is therefore considered that the proposal complies local policy ENV10 and ENV12 in that it would contribute positively to the enhancement of

local distinctiveness and is in harmony with adjoining buildings and the area as a whole.

All the apartments would comply with the nationally described space standards and access will be in accordance with 'Inclusive design and access for all', and Lifetime Homes compliant. The scheme is designed to suit the needs of ambulant disabled people and all the access points are compliant with part M of Building Regulations.

Providing specialist housing designed to cater for older people over the age of 60 contributes to the public sector equalities duty to make provision for those with a protected characteristic. It is also recognised that this type of housing provides health benefits for those living there.

The scheme provides all the relevant elements required by policy ENV11; such as bin stores, recycling facilities, mobility scooter parking and private amenity space.

Policy HOUS4 sets out that 20% of the site area is required for amenity space in flatted schemes. For this site 20% would equate to 756 square metres. The rear garden area measures 958 sq m. and the frontage 496sqm giving a total of 1454sqm which is in excess of the requirement.

## **11.6 Amenity**

Concerns have been raised in representations about the loss of amenity through overshadowing, overbearing and loss of privacy. The nearest properties to development are No34 London Road to the east, the flats in River Crescent to the south and properties on the opposite side of London Road.

The building has been designed to step down to two storey at the front adjacent to No 34 London Road and will be three storey to the rear with a hipped roof. There are secondary first floor and ground floor windows in the side (west) elevation of No 34 and the boundary consist of a 1.8m approx. boundary fence and some mature trees. No windows are proposed in the east elevation and it will be between 6 and 7 m away from the side elevation of No34, the higher element of the building being further away with an existing mature tree between. Although there will be a change in outlook and some loss of light it is not considered that it would be seriously detrimental to amenity to warrant a refusal on that basis. Balconies are proposed on the rear (south) elevation that have the potential to cause some overlooking of the rear garden. This can be prevented by the installation of side screens on the east side of the balconies closest to No 34 London Road and a condition will be imposed to ensure installation and retention thereafter.

The properties opposite (north-east) of the site are set well back in the plot with generous front gardens and the proposed building set back 6m from the footpath

providing a separation of 30m. Therefore I do not consider this would cause a serious loss of privacy through overlooking or be overbearing on these properties.

Mill Stream flats to the south of the site have blank side elevations facing the rear elevation of the building and main windows that look northwest and northeast, not directly at the rear elevation of the building but over the car park and garden area. There would therefore be oblique views of the rear elevation of the proposed building over 20m away.

It is considered that the relationship and distances between properties and provision of appropriate screening will ensure that there is no significant adverse effect on the amenity of neighbouring properties through loss of privacy, light or overbearing and therefore the proposal accords with policy ENV16 Amenity.

DCP Environmental Health has commented that there is the possibility that the site may have plant for lifts or air conditioning etc. that may create noise from mechanical plant that could impact on current and future residential occupiers. Therefore a noise report (BS4142 type or equivalent) should be submitted prior to any installation to ensure no loss of amenity occurs. A condition can be imposed requiring the submission of a report and installation of mitigation measures if required to safeguard the amenity of future and existing residents.

### **11.8 Landscape and Trees**

This site was cleared of vegetation prior to marketing and there are three trees within the site, a cherry tree towards the frontage, an established roadside Lime tree that has been pollarded and a small self set Sycamore tree close to the south-west boundary. There are a number of trees growing on adjoining land; four Norway Maples to the east and a group of conifers growing in front of 34 London Road. The site is subject to a Tree Preservation Order, designated in 1953 however, there is some discrepancy concerning the exact position of trees within the order and on-site.

It is proposed to remove the existing trees and replace with new tree planting, six (Field Maple) along the frontage and seven (3 Liquidambar, 3 Cherry, 1 Rowan) on the southern boundary. The trees proposed to be removed are all category 'C1' trees which are unremarkable trees of very limited merit or such impaired condition they do not qualify in higher categories.

The excavation involved in removing hard surfaces from the site would have curtailed any roots that would have been growing in the site from the trees within the curtilage of No 34 London Road. Therefore the root protection areas of these trees do not extend very far into the site and so the proposed footprint of the building would not have an adverse impact.



In addition, to the tree planting on the frontage a hedge, lawn area and planting is proposed. Further tree planting would be provided to the rear on the boundaries, around the parking area and adjacent to the building. A lawn area, including a sunken area to provide storm water and flood storage, together with a timber deck below and paved area for sitting out will also be provide to the rear.

The proposed tree planting and landscaping on the frontage would enhance the streetscene of London Road and compliment the 'green' frontages opposite and to the east. In addition the landscape scheme to the rear would provide an attractive setting and outlook for future residents surrounding the development. DCP Landscape Officer has no objection to the proposal.

A concern was expressed about the possibility of the landscaping scheme encroaching onto neighbouring properties, and shading gardens and communal washing drying areas. It is considered that the trees are appropriately spaced to let light through to these areas and the planting proposed would not extend above 1.8m fencing on the boundary. Trees would also be to the north-east of adjacent properties and so unlikely to cause serious shading and with appropriate management the planting will not impact the adjoining site.

### **11.7 Wildlife and Habitats**

The site is within Poole Harbour Nutrient catchment zone and mitigation is required to ensure the increase in population from developments has no adverse impact on European sites. Mitigation measures are dealt with through Community Infrastructure levy (CIL) and so this proposal would address this issue through its CIL contribution.

The application is accompanied by an Extended Phase 1 Ecological survey which surveyed the entire site for protected species, and the potential for protected species, in accordance with the guidance from Natural England's Standing Advice and habitat features of interest were also noted. This found that; the existing trees could provide some limited features for nesting birds, there was a low possibility of reptiles and some potential habitat features. It concluded that no further ecological survey work would be required.

The site has been cleared apart from three trees that are proposed to be removed however thirteen would be planted and additional habitat provided with the landscaping scheme to provide a net gain for biodiversity.

### **11.9 Access and Parking**

A Transport Assessment was prepared for the scheme which examined traffic flows around the site, trip generation, levels of parking provision, proximity of services and facilities and the design of access arrangements.

The site would be accessed off London Road by a vehicle crossover arrangement measuring approximately 6m in width. The existing dropped kerb accesses associated with the previous uses will be closed off and reinstated as footway. Appropriate visibility splays have been demonstrated as achievable for the speed of the road.

Parking for the proposed development has been provided in accordance with McCarthy & Stone's independent research, a total of 29 spaces provided which includes 1 disabled parking space. Spaces would be in accordance with local guidance and measure 2.8m x 5.0m. 4 cycle parking spaces are proposed for the development.

The site would be serviced from London Road with kerbside collection as per the arrangement for the previous site use and the existing residential units on London Road. The bin store is located adjacent to the highway to ensure carry distances are kept to a minimum and gradients do not exceed 1:12.

Concerns have been raised in representations about the adequacy of the parking in terms of both number and size of spaces and increase traffic on London Road.

In terms of number of trips generated by the development it is considered that the proposed development would not have an adverse impact in the operation of the local road network. The site's proximity to Dorchester Town Centre and local pedestrian network presents the opportunity to encourage the use of sustainable transport from the development site.

The Transport Statement quotes research that concludes that the peak age of entering Category II type retirement development such as this is between 75 and 79 years of age. For this age group, just less than 71% of residents would be expected to be car owners. It also indicated that people would park within the development rather than off-site. On-site visitor parking should normally be provided at the rate of 0.1 spaces per apartment and a minimum of 1 disabled visitor parking space.

It is considered that the scheme would not have a severe adverse impact on the local highway network and that the level of parking being provided is sufficient. Two conditions should be imposed to ensure the frontage kerb and footway are reinstated and the parking and turning shown on plan No SO2436-03-026-B are provided before occupation. In recognition of the reduced level of parking due to the type of accommodation proposed an additional condition will be applied to restrict the occupation of the building to people over the age of 60 year of age.

### **11.10 Affordable Housing Contributions**

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing and subsequent National Planning Practice Guidance set

thresholds at which contributions should be sought. This proposal for 44 apartments is above that threshold and so an affordable housing contribution is required.

An off-site contribution of has been offered by the applicant. This amount is policy compliant, using our on-line calculator for affordable housing financial contributions. The policy says that in most cases affordable housing should be provided on-site however in this case the Senior Housing Enabling Officer considers an off-site contribution to be acceptable. This is because there is sufficient older persons' affordable housing in the area, this includes the recently opened Melrose Court on Poundbury which benefited from S106 contributions. In addition, the site is not large enough to allow general needs housing, for which there is a large need, to be developed alongside the older persons' accommodation. Therefore a financial contribution will help fund some general needs affordable housing on another site within the area.

To determine appropriate off-site financial contributions to affordable housing a 'gap funding' approach is used. This seeks to get the landowner/developer to plug the gap or shortfall between the cost of construction of an affordable housing unit and the capital sum which can be raised by the Registered Provider (RP). This takes into account that when affordable homes are built on open market sites they are not gifted to RPs but are sold. The RP borrows money based on the future rental income of the home to fund the purchase, although this would still be at a price lower than the open market value.

Local data has been used to establish monetary figures for the 'gap funding' and 'land value' elements of the financial contribution that should be sought and developed into an on-line calculator based on a per square metre contribution.

### **11.12 Community Infrastructure Levy**

The adopted charging schedule applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. This development proposal for 44 apartments is therefore CIL liable. The rate at which CIL is charged is £120 per sqm. The CIL charge is approximately £392,820 and confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development.

Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

Concerns were raised that the proposal for retirement housing would have a detrimental impact on health and social services in the area. However, there is evidence that specialist retirement housing provides a safe and supported environment for older people allowing them to remain in their own homes for longer. The CIL contribution will also contribute to community infrastructure and health provision is one of the items on the S123 list.

### **11.13 Planning balance**

In the absence of a 5 year housing land supply the planning balance is tilted in favour of housing unless there would be an adverse impact on areas of acknowledge importance or any adverse impacts of the development would significantly and demonstrably outweigh the benefits. Significant weight can therefore be given to provision of housing and a contribution to affordable housing and it should be noted that Dorchester is an area identified for growth. There have been no adverse impacts on areas of acknowledge importance identified that would significantly and demonstrably outweigh the benefits of delivering 44 homes, that would provide specialist housing for older people. In addition, no particular policies would restrict development of this site for residential purposes.

## **12 CONCLUSION/SUMMARY:**

12.1 This proposal would utilise a formally contaminated, brownfield site in the heart of Dorchester and would offer regeneration and townscape benefits for the locality. It is in a sustainable location close to services and facilities which makes it particularly suitable for the specialist retirement housing proposed. This type of accommodation offers a number of benefits to individuals and the town. These include; residents of private sheltered housing being healthier, living longer and having less call on the state than those who remain in ordinary housing, residents shopping locally and by downsizing elderly people free up a substantial amount of housing stock within the surrounding areas, which can then be used by families, young couples and first time buyers seeking to enter the housing market.

12.2 A policy compliant affordable housing financial contribution has been offered which will contribute to the provision of affordable family accommodation elsewhere. On-site issues of contamination, flood risk, access and parking have been resolved to the satisfaction of consultees and the design is considered acceptable and will enhance the streetscene of London Road with no adverse impact on heritage assets, including Dorchester conservation area. There will be a gain in biodiversity on the site and the proposal would not have a significant adverse effect on the living conditions of future or existing occupiers.

12.3 The 44 homes proposed would help address the shortfall in the 5 year housing land and the planning balance is tilted in favour of boosting housing delivery. The site is within defined development boundary of Dorchester, in a sustainable location and complies with relevant policies of the development plan. Therefore in accordance with the presumption in favour of sustainable development in the absence of any detriment to areas or assets of acknowledged importance or any adverse impacts that would significantly and demonstrably outweigh the benefits of the application should be approved delay.

### **13 RECOMMENDATION:**

Delegate to the Head of Planning subject to completion of a legal agreement to secure a 35% affordable housing contribution (index linked) based on West Dorset District Council's contributions calculator and then APPROVE subject to the conditions listed below.

#### **Approved Plans**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

SO-2436-03-AC-025 F Proposed Site Layout Roof Plan.pdf

SO-2436-03-AC-026 G Proposed Site Layout.pdf

SO-2436-03-AC-028 E Ground Floor Plan.pdf

SO-2436-03-AC-029 E First Floor Plan.pdf

SO-2436-03-AC-030 D Second Floor Plan.pdf

SO-2436-03-AC-034 D Roof Plan.pdf

SO-2436-03-AC-035-C-Elevations 01(B&W)-A1 - A3.pdf

SO-2436-03-AC-038-F-Elevations 02 (Colour)-A1 - A3.pdf

SO-2436-03-AC-037-D-Elevations 01(Colour)-A1 - A.pdf

SO-2436-03-AC-038-F-Elevations 02 (Colour)-A1 - A3.pdf

SO-2436-03-LA-D -Landscape Proposal.pdf

SO-2436-03-LA- C - Detailed Planting 1 of 3.pdf

SO-2436-03-LA- C Detailed Planting 2 of 3.pdf

SO-2436-03-LA- A - Detailed Planting 3 of 3.pdf

REASON: For the avoidance of doubt and in the interests of proper planning.

#### **Time limit**

2. 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).

#### **Surface water**

3. Prior to any development on-site a detailed and finalised water management scheme for the site based upon the hydrological and hydrogeological context of the development, shall be submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: To prevent increased risk of flooding and to improve and protect water quality.

#### **Surface water management**

4. Prior to occupation of any dwelling hereby approved details of maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system to prevent increased risk of flooding.

#### **Construction Management Plan**

5. Prior to the commencement of any development, a Construction Traffic Management Plan (CTMP) must be submitted to and agreed in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

Reason: In the interest of highway safety and living conditions of nearby occupiers.

## **Contamination**

6. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

- Reports to supplement those already submitted to consider remnant issues from the culvert works, heavy metals and PAHs in site soils, identification of hotspots of contamination and hydrocarbon rebound from groundwater contamination, and to provide further verification of the effectiveness of prior remediation through validation testing of site soils.
- Detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
- Detailed phasing scheme for the development and remedial works (including a time scale).
- Monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

7. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

## **Flood Risk**

8. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (Calcinotto, issue 3, dated 23rd November 2018) and the following mitigation measures detailed therein:- Finished floor levels set no lower than 54.66 metres above Ordnance Datum (AOD); and, provision of compensatory flood storage at the site as set out in the Flood Risk Assessment.

REASON: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

### **Footway crossings**

9. Prior to occupation of any dwelling hereby approved, the kerb and footway along the site frontage and the revised access crossing of the highway must be lowered and reinstated to a specification which must be submitted to and approved in writing by the Local Planning Authority.

Reason: To facilitate the safe and easy movement of vehicles onto or off the highway and to protect pedestrian movements along the highway.

### **Parking and Turning construction**

10. Prior to occupation of any dwelling hereby approved, the parking and turning areas shown on Drawing Number SO-2436-03-AC-026-G must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

### **Landscape**

11. The landscape proposals detailed on approved drawings:  
SO-2436-03-LA-D -Landscape Proposal.pdf  
SO-2436-03-LA- C - Detailed Planting 1 of 3.pdf  
SO-2436-03-LA- C Detailed Planting 2 of 3.pdf  
SO-2436-03-LA- A - Detailed Planting 3 of 3.pdf  
received on 29th November 2018 must be carried out in full during the first planting season (October to March) following the substantial completion of the development. The landscaping scheme must be maintained in accordance with the agreed details.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

### **Boundary treatments**

12. Prior to the occupation of any dwelling hereby approved, precise details of the railings, gates, piers, and wall on the northern boundary shall be submitted to and approved in writing by the local planning authority. Thereafter the boundary treatments shall be fully implemented in accordance with the approved timescales and details.

Reason: To ensure a satisfactory visual appearance to the development



### **Arboricultural method statement**

13. Prior to any development on site a detailed Arboricultural Method Statement shall be produced, submitted to and approved in writing by the Local Planning Authority. The statement will include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

### **Materials**

14. Prior to the construction of the Damp Proof Course, material samples shall be submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory visual appearance to the development.

### **Balcony screens**

15. Prior to occupation of any dwelling hereby approved, details of an privacy screen of at least 1.8 metres in height, to be erected on the eastern side of the eastern most balconies on the south elevation, shall be submitted to, and approved in writing by, the Local Planning Authority. The screen shall be erected in accordance with the approved details and maintained hereafter.

Reason: In the interests of amenity.

### **Noise from mechanical plant**

16. Prior to completion of construction works on site, a noise assessment shall be submitted to and agreed in writing by the Local Planning Authority, with respect to the effect of noise from any proposed mechanical plant such as lifts or air conditioning. The assessment should indicate noise levels from the proposed plant, existing background noise levels and any attenuation to conform to BS4142 standards. The plant and any associated noise mitigation apparatus shall then be installed and thereafter maintained in accordance with the specification approved in the noise assessment.

Reason: To prevent undue noise and disturbance affecting the amenity of neighbouring residents.

### **Age restriction**

17. The development hereby permitted shall be occupied only by persons 60 years of age and over.

Reason: To ensure there is sufficient parking provision