

1.0 Application Number: 6/2020/0297

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0297>

Site address: 86 Wareham Road, Lytchett Matravers, BH16 6DT

Proposal: Alterations to existing building to form additional ground floor 1 bedroom flat and reduce size of shop unit. Installation of rooflights to South elevation to serve shop.

Applicant name: N Rubenstein

Case Officer: Cari Wooldridge

Ward Member(s): Councillors A Brenton, B Pipe and A Starr.

The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by ward members and the parish council in relation to the loss of retail floor space.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design, general visual impact and impact on the surrounding area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no objections on highway safety, traffic or parking grounds.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable; development within the settlement boundary.

Scale, design and impact on the character and appearance of the area	Acceptable impact on the character and appearance of the area.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable impact on the living conditions of the neighbouring properties subject to obscured glazing condition.
Highway impacts and parking	Acceptable.
Drainage impacts	Acceptable.

5.0 Description of Site

86 Wareham Road lies within the settlement of Lytchett Matravers. The site has recently been redeveloped. The main building to the front of the site comprises a mixture of flats and a retail unit and there is a pair of semi-detached houses to the rear of the site.

The semi-detached houses approved under 6/2019/0215 have been completed and are occupied. The remainder of the development, approved under permission 6/2018/0362, is substantially complete and the flats are occupied. At the time of the officer site visit the retail unit /coffee shop was empty. The parking at the front of the site, which was approved for three spaces to serve the retail unit, was yet to be completed as required by condition 4 of the 2018 permission.

The retail unit / coffee shop which is the subject of the current application is located at the front of the ground floor of the main building. The unit has a large central shop window on the front elevation and two small entrance doors to either side. On the north (side) elevation, there is a large window that is obscure glazed and which fronts onto the access road serving residents' parking at the rear.

6.0 Description of Development

It is proposed to alter the existing main building to form an additional ground floor 1 bedroom flat and in doing so, reduce the size of the shop unit from 84sqm to 29sqm. The installation of three roof lights on the existing south roof slope of the building is proposed to serve the smaller shop. It is also proposed to install a new composite front door to serve the new flat and install two clear glazed opening lights within the side elevation windows serving the bedroom and hallway of the new flat. The car parking arrangement to the front of the building would be altered to provide one private parking space for the new flat and retain two parking spaces for the shop.

7.0 Relevant Planning History

There is a significant planning history in relation to the development at 86 Wareham Road as summarised below:

6/2016/0729 – Demolish existing buildings, erection of a new building to include ground floor shop/coffee shop and flat with 3 flats above and a semi-detached pair of 2-storey dwellings at the rear, together with associated access and parking – withdrawn 15th February 2017.

6/2017/0152 – Demolish existing buildings, erection of new building to include a ground floor shop and coffee shop and flat, with 2 flats above, and a detached single storey building at the rear comprising 2 flats together with associated access and parking.

This application was refused planning permission by the Planning Committee in May 2017 (decision issued on 2 June 2017) against the officer recommendation of approval. The applicant lodged an appeal in November 2017 which was allowed by the Planning Inspectorate. The Inspector did not support the Council's reasons for refusal regarding unacceptable harm to the character or appearance of the area and unacceptable levels of noise disturbance to the occupiers of neighbouring properties. Approval for the proposal was therefore granted in accordance with the appeal decision on 29th November 2017.

6/2018/0362 - Demolish existing buildings, erection of new building to include a ground floor shop and coffee shop, 2 ground floor flats, with 2 flats above, and a detached single storey building at the rear comprising 2 flats together with associated access and parking – Approved 27 September 2018.

6/2019/0009 – Detached 2 storey building at the rear of 86 Wareham road, comprising two semi-detached houses – Refused.

6/2019/0215 - Detached 2 storey building at the rear of 86 Wareham Road, comprising two semi-detached houses (re-submission following refusal of 6/2019/0009). Approved.

8.0 List of Constraints

The following constraints and designations are applicable to this application:

- The parish of Lytchett Matravers;
- Lytchett Matravers Settlement Boundary;
- The Bournemouth Airport Building Restriction Area;
- 5km of a European Habitat (SSSI);
- Poole harbour River Catchment; and,
- The Nitrate SPD Catchment Area.

9.0 Consultations

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

Consultees

- **Natural England**

No objection subject to appropriate mitigation being secured.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF. Without enhancement, the development would not be complying with National Policy. Natural England advise that an appropriate level of enhancement is secured through a planning condition.

- **Dorset Council Drainage Engineer**

No objection.

A sustainable drainage scheme had been agreed under planning application 6/2018/0362 and the footprint of the development is not increasing in size.

The risk from flooding is not considered to be any greater than that to the two existing ground floor flats.

Suggest that the future management and maintenance of the surface water drainage scheme is reviewed.

- **Dorset Council – Highways Management**

If one of the 3 car parking spaces on the frontage is allocated to new flat then the Highway Authority will have no objection. The remaining two spaces should then be maintained for the smaller shop unit.

- **Lytchett Matravers Parish Council**

Object.

Proposal reduces the available retail area from 84 square metres to a residual 29 square metres, which is insufficient for viability as a shop.

Contrary to the pre-application advice given in response to the original planning application. This drew on PLP1 Policy CF – community facilities and services, and requires there to be a retail unit on this site.

Summary of local representations received

- The application was advertised by means of a site notice displayed on 06/07/20 and by letters sent to neighbours. The Council received one letter of comment from neighbours about the application. The representation is available in full on the Council's website. The following list summarises the key issues raised:

No objection to change of use to residential unit.

As occupant of adjacent property to north, object to removal of obscure film to two of the opening lights on the large screen glazing on the northern elevation. Loss of privacy to kitchen, bathroom, bedroom windows and front door.

Privacy already eroded by adjacent development.

Film should be replaced with obscure glazing to ensure it cannot be removed and in accordance with original planning permission condition.

Bin storage arrangements are concern – not as approved.

10.0 Relevant Policies

Purbeck Local Plan Part 1 (2012)

Policy SD: Presumption in favour of sustainable development;

Policy LD: General location of development;

Policy NE: North East Purbeck;

Policy RP: Retail provision;

Policy CF: Community facilities and services;

Policy HS: Housing Supply;

Policy D: Design;

Policy IAT: Improving accessibility and transport;

Policy FR: Flood Risk;

Policy BIO: Biodiversity and Geodiversity;

Policy DH: Dorset Heaths International Designations;

Policy PH: Poole Harbour.

Emerging Purbeck Local Plan 2018 – 2034:

Regard has been had to the policies of the emerging Local Plan. The weight that can be given to these policies will increase as the emerging plan moves towards adoption.

Lytchett Matravers Neighbourhood Plan 2017:

Policies 1, 2 & 7.

National Planning Policy Framework:

Section 2: Achieving sustainable development;

Section 4: Decision-making;

Section 5: Delivering a sufficient supply of homes;

Section 6: Building a strong, competitive economy;

Section 9: Promoting sustainable transport;

Section 12: Achieving well-designed places;

Section 14: Meeting the challenge of climate change, flooding and coastal change; and,

Section 15: Conserving and enhancing the natural environment.

Other material considerations

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

Bournemouth, Poole and Dorset residential car parking study May 2011.

Purbeck Flood Risk Assessment 2018

The Dorset heathlands planning framework 2015-2020 supplementary planning document adopted 19 January 2016.

Dorset biodiversity appraisal and mitigation plan.

Nitrogen reduction in Poole Harbour – supplementary planning document April 2017.

Poole Harbour Recreation 2019-2024– supplementary planning document April 2020.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

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

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

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

The reduction in floor space of the approved retail unit is not considered to result in any additional disadvantage to persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None.	N/A
Non Material Considerations	
CIL Contribution	Abatement of £3,016
Reduction in Business Rates	Reduction from £6300 when 84sqm retail to approx. £2175 from 29sqm retail
Council Tax	£2074 (based on average Council Tax Band D)

14.0 Climate Implications

The proposal is for one new dwelling and reduction in retail floor area. The property will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Health and Wellbeing Implications

In accordance with the Council’s responsibility for promoting health and wellbeing and the reduction of health inequalities across the county, the potential impact of the proposal on general health and wellbeing has been considered.

The Lytchett Matravers Neighbourhood Plan reports that in 2015 the village population was around 3,800 with much growth in the last 50 years. The Lytchett Matravers Area Profile (Dorset insight - geowessex.com – based on 2011 census, ONS) identifies that 55.5% of the population of the parish is within the age range of 16-64 years, 79.4% of properties were owner occupied, with 19.3% rented properties. The application site is surrounded by dwellings with the village primary school opposite. The amenity of occupiers of the proposed dwelling and neighbours and any third party representations have been taken into account as part of the planning appraisal which has found that the development is acceptable in planning terms subject to conditions. In considering this application regard has been given to the future wellbeing and health of the local population within the scope of the material planning considerations applicable to this application and the realms of planning legislation.

16.0 Planning Assessment

16.1 The main planning considerations in respect of this application are:

- The principle of development;
- Scale, design and impact on the character and appearance of the area;
- Impact on the living conditions of the occupants of neighbouring properties;
- Highway impacts and car parking;
- Flood risk and drainage; and,
- Biodiversity impacts.

These and other considerations are set out below.

Principle of development

- 16.2 The application site is located within the settlement boundary of Lytchett Matravers and the proposed change of use is acceptable in accordance with Purbeck Local Plan Part 1 (PLP1) Policies SD: Presumption in favour of sustainable development and LD: General Location of Development.
- 16.3 The partial loss of the existing retail unit falls to be considered against adopted policies relating to the safeguarding of retail provision in the PLP1 and the Lytchett Matravers Neighbourhood Plan (LMNP).
- 16.4 Policy RP: Retail Provision of PLP1 aims to safeguard existing retail provision within the Purbeck Area where there would be a loss of uses within Class A of the Use Classes Order in town and local centres. In this case the application site is located outside Lytchett Matravers Local Centre (located in the centre of the village) so the proposed loss of retail floor space does not conflict with policy RP.
- 16.5 Policy 7 of the LMNP also seeks to safeguard existing shopping facilities. This states that *'proposals which would result in the loss of sites used (or last used)*

for local shopping facilities (or any other use falling within Part A of the Use Classes Order) will not be supported unless it can be demonstrated that there is no reasonable prospect of viable continued use for similar local shopping or community uses, by having been marketed at a reasonable price for at least 9 months'. In their response, the Parish Council have objected to the reduction of available retail area proposed. Whilst Officers acknowledge the reduction in the available retail floor space, an element of retail floor space will continue to be retained at the site, and it is therefore considered that the proposal does not result in the full loss of a site used for local shopping facilities which policy 7 seeks to guard against. Additionally, the agent has supplied a letter from a local estate agent – Tony Newman Management and Letting Ltd of Poole – which confirms that the shop has been marketed since January 2019 (following approval of 6/2018/0362 in September 2018) and that feedback received has stated that the shop is too large and that local demand is for a smaller lock up unit. This additional information supports the conclusion that there has been sufficient and reasonable marketing of the unit following the grant of planning permission for the proposed reduction in size of the approved retail unit to be considered acceptable in this 'out of local centre' location.

- 16.6 The retail use also falls within the definition of a 'community facility / service' as set out in PLP1 (paragraph 8.10) and the proposal is therefore subject to policy CF: Community Facilities and Services of the plan. Policy CF states that development (including changes of use) that would result in the loss of existing community facilities / services will only be permitted if it can be demonstrated that there is no longer a need for the community facility /service through sufficient and realistic marketing of the current use over a period of at least 9 months that the current use is unviable. Officers have considered Policy CF of PLP1 and consider that the same assessment principles apply as with Policy 7 of the LMNP. Whilst the proposed development would result in the loss of retail floor space (55sqm), it would not result in a total loss of retail provision. The submitted supporting statement notes that the sale of the shop has not been successful, particularly given the current pandemic and restrictions and the semi-rural location of the premises. Although the flats have been successfully marketed and are now occupied, the shop has been marketed since January 2019 with no interested parties due to the size of the unit. Whilst some retail floor space will be lost, the proposal will retain a community facility at the site and is therefore considered to be acceptable in this location beyond the designated local centre.
- 16.7 It is noted that this application has to treat the proposal as a reduction in A1 use because it was received prior to 30 September 2020, but from that date the changes set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect. No condition was attached to the previous planning permission to restrict the use of the unit to retail, therefore, the existing unit could be used for any of the uses falling within the new Use Class E 'Commercial, Business and Service'. Use Class E, includes shops, restaurants, financial and professional services, indoor sport, recreation or fitness (not

involving motorised vehicles or firearms), health or medical services, crèche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. The size of the revised proposed unit is likely to limit its attractiveness for some of these uses but it is acknowledged that the flexibility now offered by the Use Classes Order reduces the control that the Local Planning Authority can reasonably influence on protecting retail space.

- 16.8 In summary, the proposed reduction in retail floor space and creation of an additional residential unit on the site is considered to be acceptable and in accordance with policies SD, LD, RP and CF of the Purbeck Local Plan and Policy 7 of the LMNP.

Scale, design and impact on the character and appearance of the area

- 16.9 The proposed alterations will result in minimal impact on the character and appearance of the area. Whilst a number of alterations are proposed to windows and doors to enable the change of use to residential, these are not out of keeping in the predominantly residential area and are considered to be acceptable. No other alterations are proposed to the scale or design of the building and the proposal is therefore considered to be acceptable.

Impact on the living conditions of the occupants of neighbouring properties

- 16.10 The proposed change of use of part of the shop to an additional residential unit is likely to reduce impacts of the retail use (e.g. disturbance, traffic, vehicle use) on neighbouring properties, albeit modestly. The proposed residential use is therefore considered to be acceptable in this largely residential area. In terms of specific impacts, these are likely to remain the same for the neighbouring property to the south with no additional impacts from the change of use and no loss of privacy from the proposed insertion of roof lights to serve the smaller shop area.

- 16.11 To the north, the ground floor flat of no. 88 Wareham Road has a side facing habitable window (bedroom) that looks directly onto the side elevation of the proposed flat. The proposed conversion intends to retain the existing large side facing window. Condition 12 of planning permission 6/2018/0362 and the earlier appeal decision required this window to be obscure glazed to prevent any direct overlooking and loss of privacy from the approved shop:

'Before the shop / coffee shop is brought into use, the window in the north elevation must be glazed with obscure glass to a minimum Pilkington privacy 3 or equivalent as agreed in writing with the Council. It must be maintained in that condition thereafter.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.'

- 16.12 The plans now under consideration would see the top half of the section of the window serving the proposed bedroom remaining clear glazed and opening. The lower part, up to 0.9m in height from finished floor level will be obscure glazed with the part above (up to a height of 2.1m from finished floor level) non—obscured and capable of opening. The remainder of the window (including the section serving the entrance hall) is to remain obscure glazed. This alteration is proposed to provide additional light and outlook to the bedroom of the new flat.
- 16.13 The neighbour at flat no. 88 raised an objection to the insertion of clear glazing panels and the loss of privacy to her side facing bedroom window. The proposed clear glazed and opening bedroom window is located directly opposite the side entrance door to no. 88. Direct outlook from the bedroom window is therefore of the opaque glazed entrance door to no. 88 and slightly further to the west, a higher level small obscure glazed bathroom window. Further to the west, with an offset between windows and at a distance of approximately 4.9m is the bedroom window of no. 88. Views between both bedroom windows would be at an angle and across the driveway between the properties. In addition, due to differences in finished floor levels, the clear glazed and opening section of the new bedroom window would be at a lower level than the bedroom window of no. 88. Therefore, whilst officers accept that there would be some additional loss of privacy to the occupier of no. 88, the direct harm to no. 88s side facing bedroom window is, on balance, not considered to be so significant that it would necessitate full obscure glazing to make it acceptable. However, for consistency and to ensure that all windows identified to be obscure glazed and remain obscure glazed in the future in accordance with the approved plan, a condition (Condition 3) will be included on the decision in this respect.
- 16.14 In addition, Officers have considered the impact of the reduced retail floor space and customer movement on the privacy of the occupier of no. 88. Given that the proposed residential use would form the part of the building nearest to no. 88, with a single shop entrance now proposed further away to the south, harmful impacts from the movement of shop customers and related loss of privacy are considered to be reduced and improved by the additional residential flat.
- 16.15 The new one bedroom residential unit will have a floor area of approx. 53sqm. This is above the 50sqm national floor space requirement for a flat of this type as set out in Table 1 of the DCLG guidance 'Technical housing standards – nationally described space standard' 2015. Built in storage space is also provided and the unit is considered to provide an acceptable of amenity for future residents.

- 16.16 In summary, the proposed change of use to residential and reduced retail floor space is considered to be acceptable in terms of the impact on the living conditions of the occupants of the neighbouring properties and future residents.

Highway impacts and parking

- 16.17 The proposed change of use from retail to residential is unlikely to result in any additional impacts on highway safety. The Council's highway Engineer has been consulted on the proposed change of use and has raised no objection. This is subject to one of the three spaces on the site frontage being allocated to the new flat and the remaining two being retained for the smaller shop unit. The submitted plans detail this separation, with one space provided to serve the new flat in accordance with County parking guidance, and the proposed development is therefore considered to be acceptable. A condition (condition 4) is recommended to ensure that the parking provision is provided in accordance with the approved plans and that the provision for both the flat and retail unit is made available before first use.

Drainage Impacts

- 16.18 A sustainable drainage scheme for the entire site has previously been agreed in accordance with planning application 6/2018/0362. Given that the footprint of the development is not increasing in size and the risk from flooding is not considered to be any greater than that to the two existing ground floor flats, the Council's Drainage Engineer has raised no objection to the proposal.

Biodiversity Impacts

- 16.19 The site lies within 5km of internationally designated Dorset Heathland and Poole Harbour. An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance.
- 16.20 Natural England was consulted on the application and have raised no objection subject to appropriate mitigation being secured. This will be achieved in accordance with the existing policy framework in relation to impacts on Dorset Heathlands and Poole Harbour. Natural England also advised that it is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraphs 8, 170 and 175. Without enhancement, the development would not be complying with National Policy (NPPF 2018 as amended). Natural England advise that an appropriate level of enhancement is secured through a planning condition.
- 16.21 Biodiversity Enhancements in the form of bird boxes and bat tubes/boxes were secured for the entire site through condition 8 on the original planning approval

6/2018/0362. Officers consider that this level of enhancement for the entire site continues to remain acceptable and that given there is no increase in floor area as part of the current proposal, it would be unreasonable to request further enhancements on the basis of the change of use alone. The proposed development is therefore considered to be acceptable in terms of biodiversity impacts.

17.0 Conclusion

The proposed change of use from retail to residential accords with local and national planning policy and is considered to be acceptable in principle, particularly bearing in mind recent changes set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The proposed change of use is considered to be of an appropriate scale, size and design and acceptable in terms of impact on the character and appearance of the local area. The impact on neighbouring amenity, highway safety, biodiversity and drainage are also considered to be acceptable. The proposed dwelling will make a positive contribution to the local housing supply.

Approval is recommended subject to the conditions as set out below.

18.0 Recommendation

To grant planning permission subject to the following conditions:

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: MDS/1271/600 Site Location Plan, MDS/1271/603A Proposed Floor Plan & MDS/1271/604A Elevations.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the ground floor flat is brought into use, the windows on the north elevation must be glazed with obscure glass to a minimum Pilkington privacy 3 as detailed on approved plan MDS/1271/604/A, or equivalent as agreed in writing with the Council. Thereafter, the window must be maintained in that condition.
Reason: To safeguard the amenity and privacy of the occupiers of the neighbouring residential property.
4. Prior to the first occupation of the flat and/or the first use of the retail unit, whichever is the sooner, the vehicle and cycle parking provision detailed on approved plan MDS/1271/603A must be laid out, constructed and

made available for use. Thereafter, the parking areas must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

5. The hard and soft landscaping must be completed in accordance with approved plan MDS/1271/603A prior to first occupation of the flat or first use of the retail unit, whichever is sooner. Any plants found damaged, dead or dying in the first five years shall be replaced in the next planting season (October to March).

Reason: To maintain the character and appearance of the locality and in the interests of neighbouring residential amenity.

Informative Notes:

1. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
2. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: the applicant/agent was updated of any issues after the initial site visit; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable; the application was approved without delay.