

## 1. Background

Application Reference:	<a href="#">P/PAOD/2021/02481</a>
Proposal:	Change of use from offices (Class B1(a)) to 41 no. 1-bed, 2-bed and 3-bed apartments (Class C3)
Site Location:	South Walks House, South Walks Road, Dorchester, DT1 1UZ
Applicant:	Dorset Council – Assets & Property
Agent:	Mr Chris Geddes, Albion Planning
Case Officer:	Huw Williams
Parish:	Dorchester
Ward:	Dorchester West
Ward Members:	Councillor Andy Canning Councillor Les Fry
Publicity Expiry Date:	15 August 2021
Decision Due Date:	08 September 2021
Background Papers:	The application, the plans and further information about the application may be inspected by entering the application reference at <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> .

### Reason Referred to Committee:

The application is made by Dorset Council and relates to land owned by Dorset Council. It is reported to the Northern Area Planning Committee in accordance with Dorset Council's constitution.

## 2. Recommendation

- 2.1 That the Committee resolve that it would be minded to grant approval subject to the conditions set out at paragraph 12.1 of this report and that the Service Manager for Development Management and Enforcement determines the application accordingly.

## 3. Reason for Recommendation

- 3.1 The recommendation is made taking account of:
- (i) the nature and details of the application proposal;
  - (ii) the information submitted in support of the application;
  - (iii) national planning policy and guidance;
  - (iv) consultation responses and other representations made about the application; and
  - (v) other material planning considerations set out in this report.

- 3.2 The application proposal falls within the scope of permitted development as defined in Part 3 Class O of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 establishing the acceptability in principle of the proposed development.
- 3.3 Subject to the imposition of conditions, no further information is required to secure a satisfactory level of compliance with the provisions of national planning policy relating to:
- (a) the transport and highways impacts of the development,
  - (b) contamination risks on the site,
  - (c) flooding risks on the site,
  - (d) impacts of noise from commercial premises on the intended occupiers of the development, or
  - (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

#### 4. Summary of Main Issues

Issue	Conclusion
Assessment Against Permitted Development Criteria	Proposal is within the scope of permitted development as defined in Part 3 Class O of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
Transport and highways impacts of the development	Adequate information has been provided and impacts considered acceptable.
Contamination risks on the site	Risks can be adequately addressed by condition.
Flooding risks on the site	Site at low risk such that no further information considered necessary.
Impacts of noise from commercial premises on the intended occupiers of the development.	Existing uses in the near vicinity of Application Site compatible with proposed residential use such that further information and mitigation is not necessary.
Provision of adequate natural light in all habitable rooms of the dwellinghouses	Proposed floor plans demonstrate all proposed habitable rooms would receive adequate levels of natural light.

#### 5. The Application Site

- 5.1 The Application Site is shown edged red on the submitted Application Site Location Plan (Drawing No. SLO1 Rev A). It comprises approximately 0.37 hectares of land that is situated within Dorchester town centre and which is located entirely within the designated Dorchester Conservation Area. South Walks House is located entirely within the Application Site with:
- (i) the pedestrian route of South Walks to the south of the Application Site, beyond which is South Walks Road;

- (ii) the Old Market Pay and Display Car Park to the north of the Application Site, beyond which is Charles Street and the larger Ackland Road Pay and Display Car Park;
- (iii) Ackland Road to the east of the Application Site, with the roundabout junction of Ackland Road, Charles Street and Linden Avenue to the northeast; and
- (iv) mixed town centre development along the opposite (western) side of Charles Street to the west of the Application Site.

- 5.2 South Walks House was constructed in 2012 as a part-three and part five-storey mixed used building under planning permission 1/D/10/000763. The building provides office floor space on the upper ground, first, second and third floors with parking for 41 cars on the lower ground floor level. On the western side of the building, Dorchester Library and Learning Centre spreads across parts of the upper ground, lower ground and first floors.
- 5.3 The building is partially clad in stone-effect concrete block on the lower and upper ground floors with mixed brown brick above. The Library and Learning Centre has of a glazed entrance on the western side of the building, with the principal entrances to other parts of the building being on its northern and southern sides.
- 5.4 The Old Market Car Park is located outside the Application Site but provides approximately 65 parking spaces including 5 disabled spaces. The car park also provides the only means of vehicular access to and egress from the lower ground floor parking spaces and associated service areas in South Walks House.
- 5.5 To the south of the Application Site, South Walks comprises a wide, tree-lined and attractive promenade constructed along the banks that formed part of the Roman town defences that and today forms part of the Dorchester Roman walls Scheduled Monument (Heritage List Entry No. 1002449) as well as part of the Grade II listed Town Walks with the Register of Parks and Gardens of Special Historic Interest (Heritage List Entry No. 1001594).
- 5.6 Further designated heritage assets comprising listed buildings are located along and beyond the Charles Street to the west of the Application Site, the nearest being South Lodge and 22 South Street, the former being Grade II\* listed and the latter Grade II listed.
- 5.7 South Lodge is in residential use, 22 South Street retail use.
- 5.8 To the south of South Walks Road is a mix of residential and commercial uses, ranging from two to three storeys. Further two and three storey residential development is located on the eastern side of Acland Road.

## **6. The Application and the Proposal**

- 6.1 Subject to provisions, the Town and Country Planning (General Permitted Development Order 2015 ('the GPDO')) grants planning permission for various classes of development identified within Schedule 2 of the Order as "permitted development".

- 6.2 Subject to exceptions and conditions, Part 3 Class O of Schedule 2 defines as permitted development, development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule providing the building was used as offices on 29 May 2013.
- 6.3 Development under Part 3 Class O is permitted on condition that, amongst other matters, before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
- (a) transport and highways impacts of the development,
  - (b) contamination risks on the site,
  - (c) flooding risks on the site,
  - (d) impacts of noise from commercial premises on the intended occupiers of the development, and
  - (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- 6.4 The subject application seeks such a determination in relation to the potential change of use of parts of South Walks House from Class B1(a) (offices) to 41 no. Class C3 (dwelling houses) comprising:
- 20 x 1-bed 2-person apartments;
  - 5 x 2-bed 3-person apartments;
  - 14 x 2-bed 4-person apartments; and
  - 2 x 3-bed 5-person apartments 2.
- 6.5 In addition to the requisite forms, fee and site location plan (Drawing No. SLO1 Rev A), the application includes:
- (i) existing and proposed floor plans;
  - (ii) existing and proposed elevation drawings;
  - (iii) a Planning Statement presented as a covering letter dated 12<sup>th</sup> July 2021; and
  - (iv) a Transport Statement dated June 2021.
- 6.6 The application makes clear that the Library and Learning Centre on the lower ground, upper ground and first floors of South Walks House will be retained. It is further noted that that office floorspace on the upper ground floor will be converted to 3 no. Class E (Commercial, business and service) units and that converting part of the property from offices to commercial uses (e.g. café/restaurant, gymnasium, shop, clinic, health centre, creche, day nursery and day centre etc) would not comprise development and, as such, would not require planning permission.

## **7. Relevant Planning History**

- 7.1 Planning permission 1/D/10/000763 granted full and outline planning permission for the redevelopment of approximately 2.5 hectares of land for the demolition of existing buildings and structures and comprehensive redevelopment comprising retail units (Use Class A1), restaurants and cafes (Use Class A3), financial and professional services (Use Class A2), a hotel (Use Class C1), residential apartments (Use Class C3), offices (Use Class B1), library (Use Class D1) and adult learning centre (Use Class D1) with associated undercroft car parking, new streets including

new pedestrian links, public square, public art, public toilets, access (including highway improvements), servicing, landscaping and boundary treatments.

- 7.2 Planning permission 1/D/10/00763 does not contain a planning condition removing permitted development rights or otherwise restricting the change of use of South Walks House as permitted development.

## **8. Consultee Responses**

### **8.1 Dorset Council Ward Members – Dorchester West**

No response received.

### **8.2 Dorchester Town Council**

Responded on 03 August 2021 advising that the application was considered at the Dorchester Town Council Planning and Environment Committee meeting held on 2 August 2021 and noting that:

“The Committee would like the opportunity to comment on the actual planning proposal and will await the legal determination as to whether prior approval is required.”

### **8.3 Dorset Council Transport Development Liaison Engineer**

Responded on 04 August 2021 noting:

“Under the Prior Approval Procedure given the sites location the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION, subject to the development hereby approved being carried out in accordance with the submitted plans.”

### **8.4 Dorset Council Senior Technical Officer Environmental Protection**

Responded on 21 July 2021 offering no comment.

### **8.5 Dorset Council Senior Archaeologist**

Responded on 03 August 2021 noting that the Application Site lies within Dorchester’s Roman town and that archaeological work ahead of the construction of South Walks House found remains from the Roman period.

Further noted that if any new groundworks are to take place, they are likely to have archaeological implications and that an archaeological assessment and evaluation may be necessary.

### **8.6 Dorset and Wiltshire Fire and Rescue Service**

Responded on 29 July 2021 noting

“In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building

Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.

The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
- Recommendations to improve safety and reduce property loss in the event of fire”

## **9. Publicity and Other Representations**

- 9.1 The application was advertised by site notices displayed on 23 July 2021 providing 21 days for the submission of representations (comments in writing).
- 9.2 In addition to the consultee responses noted above, 5 other written representations have been received, comprising 3 objections and 2 comments.
- 9.3 The comment concerns wastage of public resources. The objections relate to:
- (i) the principle of development (noting that residential conversion is not in the best interests of the community in Dorchester and surrounding area);
  - (ii) traffic impact;
  - (iii) parking;
  - (iv) town centre and community needs;
  - (v) use options other than residential flats; and
  - (vi) wasting council taxes.

## **10. Statutory and Policy Context**

- 10.1 Procedure for prior approval applications under Part 3 of Schedule 2 of the GPDO provides that when determining an application, the local planning authority must–
- (a) take into account any representations made to them as a result of any consultation on or publicity of the application;
  - (b) have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
  - (c) in relation to contamination risks on the site–
    - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
    - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.
- 10.2 In determining applications, local planning authorities may, subject to limitations:

- (i) refuse an application;
  - (ii) determine that prior approval is not required; or
  - (iii) determine that prior approval is required.
- 10.3 The subject application may only be refused where, in the opinion of the authority—
  - (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions applicable to the subject development.
- 10.4 Prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.
- 10.5 The National Planning Policy Framework ('the NPPF') was updated in July 2021 and sets out the Government's policies on a range of matters.
- 10.6 Paragraph 7 of the NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 8 of the NPPF that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives.
- 10.7 Amongst other matters, the overarching objectives identified in paragraph 8 of the NPPF indicate that the planning system has a role in:
  - (a) helping to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support economic growth, innovation and improved productivity;
  - (b) supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and
  - (c) making effective use of land and mitigating and adapting to climate change, including a move to a low carbon economy.
- 10.8 The NPPF further sets out pertinent policy relating to:
  - Decision making – paragraphs 38-59;
  - Promoting sustainable transport – paragraphs 104-113;
  - Making effective use of land – paragraphs 119-125;
  - Achieving well-designed places – paragraphs 126-136; and
  - Meeting the challenge of climate change, flooding and coastal change – paragraphs 152-173.
- 10.9 Supplementary advice is provided in the Government's online Planning Practice Guidance ('NPPG'), which in relation to permitted development rights and related applications notes that:

“The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the

development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion as to what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.”

(NPPG, Reference ID: 13-028-20140306)

10.10 The NPPG further provides that:

“Prior approval means that a developer has to seek approval from the local planning authority specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.”

(NPPG, Reference ID: 13-026-20140306)

## **11. Appraisal**

11.1 The main issues in the determination of the application are:

- (i) whether the proposed development falls within the scope of Part 3 Class O of Schedule 2 of the GPDO and is in accordance with the provisions of the GPDO more generally;
- (ii) whether any additional information is necessary in relation to any of the subject matters to which the application relates; and
- (iii) whether it is appropriate to impose any additional conditions relating to any of those matters.

### Assessment Against Permitted Development Criteria

11.2 Taking account of the site context and having regard to the details of the application proposal, I am satisfied that the application proposal falls within the scope of permitted development as defined in Class O of Part 3 of Schedule 2 of the GPDO. In particular, it is noted that:

- (i) the application was made by 31<sup>st</sup> July 2021;
- (ii) the parts of South Walks House proposed to be used as dwellinghouses were in use for a purpose falling with Class B1(a) (offices) of the Schedule to the Use Classes Order on 29<sup>th</sup> May 2013;
- (iii) the Application Site is not, nor does it form part of, a safety hazard area;
- (iv) the Application Site is not, nor does it form part of, a military explosives area;
- (v) South Walks House is not a listed building, nor is it within the curtilage of a listed building;
- (vi) the Application Site is not, nor does it contain, a scheduled monument.

11.3 I am further satisfied that:

- (i) South Walks House was constructed lawfully with the benefit of planning permission 1/D/10/000763;
- (ii) the proposed development would not be in breach of any condition imposed by any planning permission;



- (iii) none of the proposed dwellings would have a gross internal floor area of less than 37 metres;
- (iv) each of the proposed dwellings would comply with nationally described space standard issued by the Department for Communities and Local Government on 27<sup>th</sup> March 2015;
- (v) the proposed development does not comprise EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- (vi) that adequate information has been provided, such that the application should not be refused.

#### Transport and Highways Impacts

- 11.4 Various concerns and objections have been expressed in representations made about the application including, although not limited to, anxieties relating to transport and highway impacts, and most particularly parking.
- 11.5 Paragraph 104 of the NPPF provides that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed and the environmental impacts of traffic can be identified, assessed and taken into account. Paragraph 110 of the NPPF provides that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 11.6 However, paragraph 111 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.7 The application is supported by a Transport Statement which demonstrates that:
- “The site is accessible by the more sustainable modes of travel including foot, cycle and public transport and is well located to enable future residents to walk to a range of local facilities and amenities;
  - The proposed conversion of office space to residential use will lead to a material reduction in the traffic associated with the site;
  - The proposals make suitable provision for parking and servicing; and
  - The proposals will not lead to any harm to the existing operation and free-flow of traffic on the adjoining highway network.

11.8 The Planning Statement submitted in support of the application further comments that:

- “No changes are proposed to the access strategy, given that; (a) no accidents have been recorded at the access in the last three years; (b) the traffic generating potential of 41 dwellings is considerably lower than that associated with the current use (see below); and (c) it can satisfactorily accommodate vehicles that are likely to visit the site on a regular basis.”
- “The Dorset residential parking calculator identifies a requirement for 41no allocated spaces with 3no. unallocated and 9no. visitors. A total of 41no. allocated parking spaces will be provided within the lower ground floor of the building. The sites’ location within the town centre, proximity to public transport connections and abundance of public parking in the immediate vicinity are such that no visitor or unallocated parking is provided. The quantum of visitors to the building will significantly reduce vis-à-vis its previous office use. As such there is likely to be a net reduction in the demand for public parking in the vicinity of the site. Parking controls in the vicinity of the site are also such that on-street parking can be managed to ensure there is no impact in terms of highway safety or network capacity.
- The existing cycle store will be retained within the ground floor parking area. This will accommodate a level of cycle parking in accordance with the adopted cycle parking standards.
- The proposals make suitable provision for servicing. Refuse will be stored and collected from the existing refuse store next to the entrance to the car parking area, in addition to a further purpose-built refuse store created by converting the toilets and locker room for the office use. The stores, which are provided within the curtilage of the site, are: (a) positioned within an easy walk of the main pedestrian accesses off South Walks Road; and (b) are capable of being accessed by the refuse vehicle that Dorset Council currently use and will not require turning movements to be undertaken, both entering and existing the neighbouring Old Market Car Park in a forward gear. All other deliveries are likely to be undertaken using similar vehicles to that which currently serve the existing offices. It is considered that home deliveries can be satisfactorily accommodated within the boundary of the site and neighbouring car park.”

11.9 Dorset Council’s Transport Development Liaison Engineer has responded to the application indicating that the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection subject to the development hereby approved being carried out in accordance with the submitted plans.

11.10 Development under Part 3 Class O of the GPDO is permitted on condition that, amongst other matters that the development must be carried out–

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where approval is not required, in accordance with the details provided in the application for prior determination,

unless the local planning authority and the developer agree otherwise in writing.

- 11.11 Accordingly, a condition requiring that the development be carried out in accordance with the submitted plans is not necessary, but a condition requiring that the parking spaces, accessways and service areas shown on the proposed Basement and Ground Floor Plan (Dwg no. FB.p 01 Rev. A) shall be maintained for the purposes indicated would be appropriate to ensure ongoing control.
- 11.12 Having regard to the information submitted in support of the application and to the views of Dorset Council's Transport Development Liaison Engineer, notwithstanding other representations made about the application, I am satisfied that no further information is necessary relating to transport and highways impacts and am further satisfied that the proposed change of use would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

#### Contamination Risks on the Site

- 11.13 Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. However, paragraph 183 of the NPPF provides that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and that, after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 11A of the Environmental Protection Act 1990.
- 11.14 The Planning Statement submitted in support of the application notes that any potential contamination risks on the site were addressed when South Walks House was constructed and further notes that the change of use of the building from offices to dwellinghouses would not involve the breaking of ground, so would not result in the creation of any new pathways for any potential contamination. It is also noted that the prior approval could be granted on an unconditional basis or with conditions, such that a condition could be applied relating to contamination risk management.
- 11.15 A detailed remediation scheme to bring the land within in the Application Site to a condition suitable for its then permitted use by removing any unacceptable risks to human health, buildings and other property and the natural and historical environment was approved under condition 15 of planning permission 1/D/10/000763, with that scheme designed and implemented so as to ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990. A condition addressing contamination risk associated with unexpected contamination that may be encountered during the development is recommended.
- 11.16 Taking account of the recent planning history of the Application Site, its recent usage and of the nature of surrounding land uses, I am satisfied that the imposition of a condition addressing the management of any unexpected contamination encountered during the development works is sufficient to secure compliance with NPPF policy in relation to contamination risks on the Application Site.

### Flooding Risks on the Site

- 11.17 Paragraph 152 of the NPPF provides that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk, and should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and encourage the reuse of existing resources, including the conversion of existing buildings.
- 11.18 The Environment Agency's Flood Map for Planning shows that the Application Site is in Flood Zone 1, so is considered to be at law risk of fluvial flooding. The site is not located within a Critical Drainage Area, and is not considered to be at elevated risk of either surface or ground water flooding.
- 11.19 The proposed change of use would not result in a material increase in flood risk on the Application, such that no further information relating to flood risks is necessary.

### Impacts of Noise from Commercial Premises on Intended Occupiers

- 11.20 Paragraph 185 of the NPPF provides that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the health, living conditions and the natural environment and that in doing so they should avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 11.21 Paragraph 187 of the NPPF provides that planning decisions should ensure that new development can be integrated with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs) and further provides that:

“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

- 11.22 The Application Site is located within a mixed used area accommodating a range of commercial and residential properties. The commercial uses accommodated in the buildings in the near vicinity of the Application Site are such that they are compatible with the proposed residential use of South Walks House such that further information and mitigation is not deemed necessary.

### Adequate Natural Light in All Habitable Rooms

- 11.23 Paragraph 126 of the NPPF provides that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development processes should achieve. Amongst other matters paragraph 130 of the NPPF provides that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

11.24 The application includes proposed floor plans which demonstrate that all of the proposed habitable rooms would receive adequate levels of natural light. In relation to the proposed arrangements, the Planning Statement comments that:

“The provision of adequate natural light has involved very limited external alterations, which are indicated on the elevations. 2no. new windows are required to serve the living room of a 2nd floor apartment on the South elevation.

In addition, the existing glazing needs to be adapted for all of the 3rd floor apartments on the North and South elevations. All of these changes are shown on the submitted elevations and floor plans.

It is considered that the nature of these changes is such that they would not materially affect the external appearance of the building. As a result, the changes would not comprise development.”

### Conclusion

- 11.25 The application must be determined taking account of representations received and having regard to the NPPF.
- 11.26 The application has been publicised with the public and statutory consultees afforded an adequate opportunity to make representations. The representations received are addressed in this report.
- 11.27 The application proposal falls within the scope of permitted development as defined in Part 3 Class O of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 establishing the acceptability in principle of the proposed development.
- 11.28 In so far as it relates to the subject matter of the application and subject to the imposition of conditions, no further information is required to secure a satisfactory level of compliance with the provisions of national planning policy set out in the NPPF.
- 11.29 The conditional approval of the application would not unduly nor unreasonably interfere with human rights and, being focussed on the provision of residential accommodation for which there is a recognised local need and through the incorporation and retention of design measures including disabled parking spaces, the proposal would:
- (i) help to advance equality of opportunity;
  - (ii) help to eliminate discrimination and victimisation; and
  - (iii) promote good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.30 Conditional approval is therefore recommended.

## 12. Details for Inclusion in Decision Notice

### 12.1 Recommended Conditions

#### (1) Unexpected Contamination

In the event that unexpected contamination is found at any time when carrying out the development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be conducted in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme including a timetable for implementation shall be submitted to the Local Planning Authority for approval. The remediation scheme shall be carried out in accordance with the approved scheme and there shall be no residential occupation of any of the proposed dwellings until a remediation scheme verification report has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that any risks to future occupiers from any unexpected contamination encountered during the development are mitigated adequately and ensure that the application site will not be determined as contaminated land under Part IIA of the Environmental Protection Act 1990 (as amended).

#### (2) Maintenance of Access, Parking and Service Areas

The parking spaces, accessways and service areas indicated on the proposed Basement and Ground Floor Plan (Dwg no. FB.p 01 Rev. A) shall be permanently maintained free from other obstruction for the indicated purposes.

Reason: To ensure satisfactory parking and services arrangements are maintained.

### 12.2 Informative Notes to be Included on Decision Notice

#### (1) Further Information

Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorsetcouncil.gov.uk/>.

Report Prepared By: Huw Williams MRTPI - Lead Project Officer  
Economic Growth and Infrastructure, Dorset Council

Completed: 16 August 2021