

Application Number:	P/FUL/2021/00826
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Old Military Hospital, Grove Trading Estate Dorchester Dorset
Proposal:	Change of use & conversion of former military hospital to 5 No. flats (C3)
Applicant name:	George Crook & Sons
Case Officer:	Simon Sharp
Ward Members:	Cllr Canning and Cllr Fry

1.0 Reason for referral

The application is being referred under the Scheme of Delegation given the outstanding objections from the ward councillors and the Town Council. Their objections raise matters which are material to the determination of the application.

2.0 Summary of recommendation:

Grant permission subject to conditions

3.0 Reason for the recommendation

The development secures the preservation of a designated heritage asset, the applicant having robustly evidenced the lack of demand for an employment use at the site. The level of harm to this asset is less than substantial and outweighed by the public benefits of securing a new use for the building. There is a degree of conflict with development plan policies in relation to protecting key employment sites and protecting residential amenity but, on balance, when considered against the development plan as a whole, it is considered that there is overall accordance with this plan and the proposal should be supported subject to conditions. The provision of 5 dwellings is afforded relatively modest weight in the overall assessment but the adverse impacts do not significantly or demonstrably outweigh this benefit.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"> The site is within a sustainable location within the defined development boundaries of Dorchester. There is conflict with policy ECON2 of the adopted Local Plan which states that “uses that do not provide direct, on-going local employment opportunities will not

	<p>be permitted.” However, the building has been vacant a number of years and has been actively marketed for employment uses without success.</p> <ul style="list-style-type: none"> • This is a sensitive residential conversion that secures the preservation of this designated heritage asset.
Heritage	<ul style="list-style-type: none"> • The less than substantial harm arising from the proposal is outweighed by the public benefits of securing a new use for this prominent building within the street scene and one of the few surviving elements of this former military site. • There is no harm to the significance of the Poundbury Camp Scheduled Monument. Its setting has already been substantially and irrevocably harmed by previous development across the Grove Trading Estate and previous development means that the works proposed such as the car parking will have no harm to archaeological assets.
Residential amenity	<ul style="list-style-type: none"> • There is a degree of conflict with Local Plan policy insofar as the residential amenity of future residents of the development could be affected by noise and disturbance arising from nearby general industrial and storage and distribution uses. However, the weight afforded to this matter is tempered by the fact that residents moving into the development will be aware of the surroundings when they decide to live in that location.

Landscape and visual amenity	<ul style="list-style-type: none"> Surrounding the site, Grove Trading Estate is characterised by an eclectic mix of C20th century buildings of no particular architectural or historical quality. The outside realm visible from public receptors is characterised by a series of open storage and parking areas. This sympathetic preservation of this architectural and historic gem can only serve to enhance rather than harm the urban landscape and visual amenity.
Access and Highway Safety	<ul style="list-style-type: none"> The Highways Authority raise no objection.
Economic benefits	<ul style="list-style-type: none"> In the absence of a deliverable 5-year housing land supply, the provision of – dwellings is afforded relatively modest weight in the overall assessment.

5.0 Description of Site

- 5.1 The building to be converted is grade II listed. It is the former military hospital serving the Marabout Barracks.
- 5.2 The building sits on the west side, street frontage of Miller's Close within the heart of the Grove Trading Estate. The original range is the northern, lower element, built in Flemish bonded red brick in 1799. The façade features paired six-over-six vertical sliding sashes. A later, timber porch projects from this façade. Of similar date to the porch, a higher range faced in red stretcher bond brick extends southwards from the original range.
- 5.3 In the later 1950s the military use of the site and the barracks ceased. Extensive demolition and redevelopment of the surrounding area occurred in the 1960s and 1970s and the development from this time characterises the physical setting of the building today.
- 5.4 The surrounding area includes an extensive mix of industrial and storage and distribution uses (classes E, B2 and B8 as defined by the amended Use Classes Order 1987). These are housed in an eclectic mix of predominantly late C20th buildings.
- 5.5 The building's last use in the 1990s was offices for a coach/travel company. This use is not considered to have been abandoned, indeed, as will be evidenced in this report, the building has been marketed for office use in recent times. This office use is considered to fall within class E of the amended Use Classes Order 1987.

6.0 Description of Development

- 6.1 The proposal is for the conversion of the building into 5 dwellings (operational development and a material change of use). The plans were amended during the course of the application – the amended layout provides more open plan living space.
- 6.2 The principal façade facing the street is to be preserved with no changes. The same is true of the north and south facing side elevations. The interventions to the rear, west facing elevation are limited. They include the insertion of windows at ground floor level to the later C19th range and an additional ground floor window on the same elevation within the earlier, original building.
- 6.3 Internally, there is a reordering of the spaces at ground and first floor levels both within the original, 1799, building and the Victorian extension (the C19th range). The resultant floor plans propose 5 self-contained, open market flats. They can be summarised thus: -
- 2-bed ground floor flat within the original building with separate lounge and kitchen/diner with retention of existing central chimney breast (the original layout was divided into rooms). Access to this dwelling is via a retained subservient door within the principal façade.
 - 1-bed ground floor flat within the original building with separate kitchen, dining and sitting rooms (the original layout was divided into rooms). Access to this dwelling is via the retained shared lobby which, in turn, is accessed from the retained Victorian porch.
 - 2-bed ground floor flat within the Victorian element with open plan kitchen/dining/sitting space. Access to this dwelling is via another subservient, existing doorway within the principal façade (it is proposed that one would descend a short flight of stairs into the living space where one currently uses a ramp to gain the ground floor level).
 - 2-bed first floor flat within the original building with separate kitchen plan sitting/dining room with retention of the existing central chimney breast (the original layout was divided into rooms). Access to this dwelling is via an existing secondary, external staircase attached to the north facing gable end of the building (with enclosed landing porch).
 - 3-bed first floor flat that spans the Victorian element and part of the original building. It has an open plan kitchen/dining/sitting space. Access is via the original stairs that ascend from the shared lobby (shared with the 1-bed ground floor flat). Entrance to the ground floor lobby is through the retained porch projecting from the principal façade.
- 6.4 Externally the existing metalled, open plan forecourt is replaced by 3 parking spaces parallel to the road, paved pedestrian walkways and a planting bed. To the rear the existing parking and servicing area is retained for use as 7 further parking spaces and a shared bin storage corralle.

7.0 Relevant Planning History

- 7.1 On 22nd March 2019 applications for planning permission (WD/D/19/000867) and listed building consent (WD/D/19/000868) were received by West Dorset District Council. The applications were by the same applicant as for the application under consideration now but were for conversion of the offices to 6 dwellings. The applicant appealed against non-determination and the Inspector appointed by the Secretary of State issued a joint decision letter for both appeals on 4th August 2020 (appeal ref APP/D1265/W/20/3248499).
- 7.2 The appeals were dismissed.
- 7.3 In the decision letter, the Inspector determined that: -
- “The proposed conversion of the building to residential accommodation would require the erection of a number of partition walls which would appreciably erode the evidential and historic value of the listed building as a former hospital. As a result of the proposed subdivisions, the open plan form of the building would be unacceptably diminished. In the absence of clear evidence to the contrary, I find that the proposed development and works would be too invasive and cause unacceptable harm to the special interest and significance of the listed building.” (para. 11)
- 7.4 They continued by stating: -
- “Although external alterations would overall remain limited, it is of note that one of the ground floor windows to the rear elevation would be blocked and a new opening would be created, thus disrupting the otherwise largely cohesive pattern of fenestration which contributes to the significance of this designated heritage asset. Whilst the proposed changes to the openings would not be fatal to the scheme by themselves, they nevertheless add to my concerns in respect of the proposed development and works.” (para. 12).
- 7.5 In summarising the heritage duties, the concluded: -
- “The proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building. As well as being contrary to the requirements of the Act, the proposal would therefore not accord with paragraphs 194 and 196 of the Framework and LP Policy ENV4. Amongst other things, this policy requires applications to be weighed against the public benefits of the proposal, showing that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset.” (para. 14)
- 7.6 Turning to the loss of an employment site the Inspector determined: -
- “Whilst I understand that the premises have been advertised, I have not been presented with substantive evidence showing the extent and form of the marketing exercise. I have had regard to the submitted viability information, and it is clear that the appeal building would require significant investment in order to meet modern standards, notably to improve its accessibility. However, it cannot be ascertained from the presented information whether the premises were marketed appropriately, particularly given their current condition. Consequently, there is no certainty that all suitable uses providing direct, ongoing local employment opportunities, including mixed use options, have been fully explored and if so, why they were not pursued further.”
- 7.7 Summing up in respect of the proposed loss of an employment site, they stated: -

“I cannot conclude that there is no reasonable prospect of the appeal building being brought back into employment use, and therefore consider that the proposal would not accord with LP Policy COM2¹, by resulting in the unjustified loss of employment premises in Dorchester.” (para. 18)

7.8 In the overall concluding balance of considerations, they determined;-

“Whilst it is accepted that the proposal would provide additional dwellings and sustain the long term retention of the appeal building by bringing it back into use, I am not however convinced that, having regard to the available evidence, the proposal would secure the optimum viable use of this designated heritage asset. Overall, the proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building, and the harm would not be outweighed by the relatively limited public benefits which have been identified.” (para. 23).

7.9 As will be identified in this report, the appeal decision is clearly a material consideration in the determination of this current application.

8.0 List of Constraints

8.1 The building is Grade II listed. It is identified in the statutory listing as: -

“Former Hospital, Marabout Barracks. SY 6890 7/273 II 2. 1799. Chequer brick. Hipped slate roof. Brick stacks. 2 storeys. 10 ranges of sashes with glazing bars, those 3 at west end much taller. 2 doors with fanlights. 1 C19 porch.”

8.2 The site is within the Poundbury Camp Scheduled Monument. The reason for its designation is: -

“Poundbury consists of a major settlement complex which spans four millennia from at least the late Neolithic period onwards. Its central focus is an Iron Age hillfort with multiple defences which together with Maiden Castle, Hod Hill and others formed an important network of hillforts within the Durotrigian tribal area. Its significance is indicated by the fact that the Romans founded the civitas capital of Durnovaria alongside the hillfort soon after the invasion. The cemetery associated with the town is one of the largest Late Roman examples so far identified and archaeologically excavated in Britain if not Europe, and its Christian connections give it exceptional added value.”²

8.3 The site and its surroundings are in the Urban Area: Dorchester Landscape Character Zone.

8.4 The site is within the Environment Agency's Poole Harbour Catchment Area and Ground Water Protection Zone.

9.0 Consultations

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

¹ It is believed the Inspector meant ECON2 rather than COM2.

² [Poundbury Camp, associated monuments and section of Roman aqueduct., Bradford Peverell - 1013337 | Historic England](#) List Entry: 1013337.0);

9.2 DC Ward Councillors

Cllr Fry – “I have noted the amendments. The location of this development is wrong and placing housing in the middle of an industrial estate potentially offers a poor quality of life for those who might be unlucky enough to end up living here. I base my concerns on the potential for noise, dust, traffic and air pollution all factors outside the applicant’s control. The area offered for amenity is smaller than a double bed in width and does not offer anywhere for children to play or residents to sit outside without being exposed to the industrial estate’s adverse health implications. Any child or pet escaping runs the serious risk during estate operating hours of being run down and at weekends or evenings this estate is a cut through for traffic by passing the top of town. Dorset Council has a responsibility to provide good quality housing and this does not fulfil that criteria. The build quality may be good, the location is extremely poor. I object to this development.” “Should the officer dealing be in any doubt, then please send this to committee for decision.”

Cllr Canning – “I completely agree with and support the comments made against this proposal by Cllr Fry.”

9.3 Dorchester Town Council

Objection – “The Committee continued to feel that the air pollution, noise and disturbance caused by passing traffic and established businesses in the immediate area would cause long term detriment to the amenity of the residential properties and therefore the development would be contrary to Policy ENV16. of the adopted Local Plan. Additionally, the loss of business premises on the industrial estate would be contrary to Policy ECON2. of the adopted Local Plan.”

9.4 Historic England

Regarding listed building considerations for the proposed alterations, we refer you to the advice of the council’s Building Conservation specialists *Archaeological considerations*.

The building also stands within the scheduled monument (designated as *Poundbury Camp, associated monuments and section of Roman aqueduct* (National Heritage List. no. 1013337). Regarding setting, all heritage assets have a setting, including those consisting of buried archaeological remains. In this particular case, given the nature of the development and the existing surrounding development, we do not consider the development will have an impact on the setting of the monument.

With regard to potential archaeological impacts, it is uncertain what groundworks may be involved in the present scheme. Any disturbance of previously undisturbed ground might impact on archaeological remains, however in this case it is likely to be small scale and thus bring relatively little loss harm to the monument, and we consider any impacts could be dealt with through a suitable archaeological programme for investigation and recording. We therefore recommend that any grant of planning permission include a condition ensuring that archaeological considerations are taken into account

9.5 Natural England

- a) Protected Species - Standing advice should apply.

- b) Poole Harbour - Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

9.6 DC Highways

No objection, subject to condition securing the implementation of the parking, turning and cycle parking areas shown on the submitted plans prior to first occupation of the development.

9.7 DC - Conservation Officers

Support, subject to conditions:

In our previous comments we raise a number of concerns relating to the extent of subdivision of the S wing; to the apparent differences in the rebuilt chimney stack and fireplaces in the N wing; to the over-domestication of the building's setting; to the lack of certainty as to the optimum viable use; and to the extent of stripping out of the building's interior, for which no justification (or was provided and which is likely to have reduced the chances of the building's potential reuse owing to the resulting costs for refitting.

Revised drawings and additional information have been submitted in response to some of these concerns. The ground- and first-floor plans of the S wing have been revised to attempt to retain a greater legibility of the open-plan space, which we have previously identified as contributing to the building's significance. The site boundary has been revised to comprise a (taller) brick wall with piers at gate positions.

Additional information on the occupation and marketing of the building has been provided in the form of a timeline and viability data. The only matters which appear unchanged are the reinstated chimney and the lack of information, or Listed Building Consent information, relating to the extent of stripping out of ceilings and wall finishes internally.

The amendments have resulted in some improvements to the arrangement of new partitions and spaces in the S wing and continues to reinstate some previous partitions, though these are not themselves original to the building. Notwithstanding these improvements, the subdivision of the ward

space still represents a detrimental change to the legibility and appreciation of the building and its original purpose.

However, the revised boundary treatment results in a much-improved external aesthetic, one more reflective of the building's former use and current, very non-domestic setting. In addition, the supplementary marketing information has demonstrated more clearly that the period in which the building has sought a more complementary use has been extensive.

Taking all the above into account, we still consider that the proposals would result in **less than substantial harm** to the significance of this designated heritage asset, which again remains consistent with the assessment of the applicant's Heritage Statement (p. 17).

PUBLIC BENEFITS / BALANCED JUDGEMENT (NPPF, PARAS. 201-203) Designated Heritage Assets

The proposals will result in **less than substantial harm** to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal, including securing the asset's optimum viable use, though taking into account the 'great weight' to be given to the asset's conservation.

Whilst the overall planning balance is a matter for the Planning Officer, we consider it appropriate to offer our advisory view here in the context of section 16 of the NPPF.

Though the improvements to the scheme still result in less than substantial harm, on the basis of the additional evidence provided in the form of marketing information and viability, we consider that there is now the potential for the harm to be outweighed by the public benefit of bringing a longvacant designated heritage asset back into a viable use that will ensure its long term use.

9.8 DC Building Control

Building Regulations Approval will be required for these works. Pre-consultation work with agent is underway regarding this application.

9.9 DC Environmental Health

Concerns -

- a) Loss of amenity from noise from the road and from commercial units adjacent.
- b) Possible contaminative historic use
- c) There appears to be only certain flats that have amenity use.

- d) The car parking will need to be accessible only for those residing of visiting the units as otherwise non-associated parking is likely to occur.
- e) I note that at ground floor level that there are bedrooms on the road-side, further sound insulation may be required in this location and also on other party walls despite the density of the wall.
- f) I also note that there is living space above a bedroom which may cause problems (dependent on the tenants) in the future.

But recommend conditions addressing concerns

- i. Prior to any conversion occurs a full noise survey with regard to the impact of the road and neighbouring commercial units is undertaken using the worst case scenario background noise level in a similar fashion to BS4142 report with appropriate planning approval required on any mitigation measures proposed.
- ii. Prior to any conversion the provision of full contaminated land report using the template of BS10175 with appropriate planning approval be obtained.
- iii. The amenity land should be secured and shielded against noise levels. It is recommended that suitable acoustic (dense) fencing is placed in this area to assist with achieving this.

Other Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0

10. Duties and policies

Duties

- 10.1 Section 66(1) of the Listed Buildings Act 1990 applies – For development affecting listed buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Development Plan Policies

West Dorset, Weymouth & Portland Local Plan 2015

- 10.2 The site is within the defined development boundaries for Dorchester. It is also within a Key Employment Site designation. The building is listed and within the Poundbury

Camp Scheduled Monument. Therefore, the following policies are considered relevant:-

ENV2 Wildlife and habitats

ENV4 Heritage assets

ENV5 Flood risk

ENV9 Pollution and contaminated land

ENV10 The landscape and the townscape setting

ENV12 The design and positioning of buildings

ENV13 Achieving high levels of environmental performance

ENV15 Efficient and appropriate use of land

ENV16 Amenity

SUS1 The level of economic and housing growth

SUS2 Distribution of development

ECON2 Protection of Key Employment Sites.

HOUS3 Open market housing mix

HOUS4 Developments of flats, hostels and houses in multiple occupation.

COM1 Making sure that new development makes suitable provision for community infrastructure

COM7 Creating and safe and efficient transport network.

COM9 Parking standards in new developments

Other material considerations

Appeal decision

- 10.3 The appeal decision (ref APP/D1265/W/20/3248499) detailed in section 7 of this report is clearly a material consideration. It is noted that the policy and site context has not changed materially since the decision.

5 yr Housing Land Supply

- 10.4 The latest published figure for West Dorset, Weymouth and Portland is 4.93 years³. This has relevance in terms of what sections of paragraph 11 of the NPPF are engaged (see below).

National Planning Policy Framework 2021

- 10.5 A new iteration of the NPPF has been issued since the appeal decision but the salient content and thrust of the framework relevant to this application has not changed from the 2019 iteration.
- 10.6 Particularly relevant content includes: -
- a) Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.
 - b) Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
 - c) Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - d) Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).
 - e) In Annex 1, paragraph 218 advises that the policies in the NPPF are material considerations which should be taken into account in dealing with applications from the day of its publication. The following paragraph (219) states that development plan policies should not be considered out-of-date simply

³ West Dorset, Weymouth and Portland Five-year housing land supply April 2020 (published March 2021)

because they were adopted or made prior to the publication of NPPF. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Dorset Council Local Plan

10.7 The Options Consultation took place between 18 January and 15 March 2021. The plan is at an early stage of preparation and there are also a substantial number of comments to review following the Options Consultation. Minimal weight of afforded to this Plan as a material consideration.

11.0 Human rights

11.1 Human Rights Act 1998: -

- 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. As the proposal involves the conversion of a historic building, adaptations and accessibility requirements that might otherwise be secured in a new building, would not necessarily be possible in this instance due to the listed nature of the building.

13.0 Financial benefits

- 13.1 There will be CIL payments, Council Tax revenues and New Homes Bonus payments (the latter currently under review) arising from this development.

14.0 Climate Implications

The site is located within a sustainable location within the town of Dorchester. There is the ability to walk to shops, services and facilities.

15.0 Planning Assessment

Weighting

- 15.1 The duty under section 66 of the Listed Building Act must be fulfilled in this assessment. In other words, outside of any balancing of other considerations, special regard must be had to the setting or any features of special architectural or historic interest which the building possesses. Assessment against policy ENV4 of the Local Plan and the provisions of section 16 of the NPPF inform this process, notably whether and to what extent there is any harm to the significance of the listed building. Similar considerations apply to the impact on the Scheduled Monument albeit this is not a duty under section 66 of the Listed Buildings Act.
- 15.2 Notwithstanding the duty above, the development plan's primacy in decision making is secured through, most recently, section 38(6) of the Planning & Compulsory Purchase Act 2004.
- 15.3 The weighting afforded to Development Plan policies is affected by the provisions of the NPPF, most noticeably paragraphs 11 and 218. With regards to the latter, there is general consistency of the relevant development plan policies with the NPPF and therefore the weight is not tempered as a result. Turning to the application of paragraph 11 of the NPPF, it is common ground between the Council and the applicant that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites. However, just because the Council cannot demonstrate this balance, does not mean that paragraph 11's so called "tilted balance is engaged. Amongst others, Sir Keith Lindblom's judgement in *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 104 stated that the Council as the decision maker, is not legally bound to disregard policies of the development plan when applying paragraph 11's so called "tilted balance". The development plan's primacy in law must be unaffected. In addition, the titled balance is not engaged if certain other policies in the Framework provide a clear reason for refusal, including (under footnote 7) the impact on designated heritage assets.
- 15.4 In this context, examining paragraph 11(d), it is considered that there are "relevant" policies from within a post 2004 Plan i.e. those listed in paragraph 10.2 of this report. As per *Paul Newman Homes v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 15 there only needs to be one relevant policy for the first part of 11(d) of the NPPF not to be engaged. This is the case here. "Relevant" here just means that the policy must have a real role to play in the determination of the application, there is no requirement that it should be enough in

itself to enable the decision maker to grant or refuse that application. "*Relevant*" does not mean "*determinative*".

15.5 Moving to the second part of 11(d), the Paul Newman Homes case confirmed the approach from *Wavendon Properties Limited v Secretary of State of Housing Communities and Local Government, Milton Keynes Council* for identifying which "basket" of development plan policies are most important for determining the application. In this case, certainly policy ENV4 dealing with heritage is one of them as are ECON2 (loss of employment site) and SUS2 (locational sustainability). It is not considered that this basket of policies is, overall, out of date.

15.6 The remainder of the assessment below will demonstrate that "footnote 7" reasons for refusal do not apply in this instance. It is therefore considered that it is the development plan's policies that will be determinative to the determination of the application (when considered as a whole) albeit, of course, the inspector's appeal decision is material to the consideration of the current proposal against these policies.

Principle

15.7 There is no doubt as to the sustainability of the location in terms of accessibility to services and facilities by future residents of the development. The location is within the adopted Local Plan's defined development boundaries. Dorchester is the main town for focus of housing growth. All of the town centre is within 700m-1km accessed via lit segregated footways. This includes the Atrium Health Centre, shops, post office, banks and the two railway stations. The hospital is within 600m walk and similarly accessible. Employment providers are obviously within the direct vicinity of the site on the Grove Trading Estate or nearby in the town centre. There is accordance with policy SUS 2 of the Local Plan.

15.8 There is conflict with policy ECON2 of the adopted Local Plan which states that "uses that do not provide direct, on-going local employment opportunities will not be permitted." The policy itself does not explicitly provide any flexibility in its application, nor does the supporting text provide assistance. However, it would be unreasonable to maintain a position of resistance if it has been robustly shown that there is a lack of demand for an employment use at the site and exhaustive steps have been taken to seek occupation such a use.

15.9 It is acknowledged that, as a significant majority of the site is occupied by the listed building, the retention of this building is a necessity as is the sensitivity of any interventions to its significance as a designated heritage asset to accommodate the needs of any employment use.

15.10 Within their appeal decision, the inspector was not convinced that the inferred constraints provided by the listing prohibited an employment use per se. Whilst accepting that some employment uses including, for example, general industrial businesses, would need spaces and openings and internal and external flow patterns that the building couldn't accommodate without substantial, harmful interventions, there were other uses, such as offices, that could be implemented with minimal intervention. Indeed, the last and still extant use was as offices.

15.11 In the absence of evidence of marketing and efforts to find an employment use, the inspector's only reasonable course of action was to dismiss the appeal. 15 months have elapsed since the appeal decision. In that time the site has been marketed for employment use by Symonds and Sampson. Indeed, they were marketing the site

before August 2020 but the detail of this marketing was not before the inspector at the time of the appeal. On file now is confirmation from Symonds and Sampson that they have been marketing the site online, via discreet targeting and using site display boards. Indeed, at the time of the case officer's two site visits (in August and October 2021) their advertisement boards were clearly displayed on the public facing façade. There is also now evidence that the building had previously been marketed by Goadsby's as well as Symonds and Sampson.

- 15.12 The marketing was on a flexible term, with no fixed sizing or pricing; this would allow potential end-users to request the space they required, on a first come first serve basis. This is considered to be robust and demonstrates that there wasn't a prohibitive price or restrictions on use that could have prohibited interested parties from pursuing a let.
- 15.13 The submitted evidence also shows the significant costs of £140,000 that the applicant has born to keep the building maintained and marketable. It is acknowledged that the work undertaken will be useful in preparation for any residential conversion. However, having inspected the details of the costs and the building, it is clear that the work was restricted to that needed for maintenance and to demonstrate to potential tenants/leaseholders that the building was in good order, rather than a commencement of a residential conversion itself.
- 15.14 It is also accepted that, despite the financial outlay by the applicant, the level of interest in the building by those wishing to use it for employment purposes was minimal. The evidence submitted describes the interest as "causal" and that "no parties were prepared to take on the cost of completing the restoration of the buildings." Symonds and Sampson opine in their supporting document that "there is simply no enquiry and, in general, when office leases are expiring, office tenants are vacating or downsizing as offices (sic) cultures change to working from home. We expect this to continue now for several years. Where this good enquiry is the industrial market for storage and workshops, this property is not in this category as there is no loading access or floor loading capabilities...flat pallet access is particularly a minimum requirement. Whilst we get "day dreamer" enquiries from time to time such as artists etc. this is always unrealistic of the costs or commitment they would have to meet in order to make the property lettable."
- 15.15 There is no evidence from other sources, including Council officers, to suggest that isn't a fair summary of the level of interest that would be expected for this building, in this location, in these times (and prior to the pandemic too).
- 15.16 In summary, whilst there is clearly conflict still with policy ECON2, the evidence now before the Council, which was not before the appeal Inspector, demonstrates that there are no realistic prospects of the building being used for employment use. This conclusion is reached in the context of both demand and viability. Finally, although not afforded weight by the Appeal inspector, it is of some relevance that, had the building not been listed, a change of use from offices to residential would currently constitute permitted development.

Heritage

- 15.17 Identifying the significance of the listed building, the appeal inspector determined: -

“The setting of this Grade II listed building is somewhat compromised by its location at the heart of an industrial estate, as it is surrounded by commercial premises. Nevertheless, the former hospital certainly stands out as a building of institutional yet restrained character, with its chequered brick walls, hipped slate roof, prominent brick chimney stacks, and the strong rhythm provided by the large, slender timber sash windows which dominate the front elevation.” (para. 9).

They continued: -

“Like other health and welfare buildings constructed at that time, this former hospital combines architectural presence with functional interest. The large sash windows and substantial chimneys reflect the greater emphasis which was placed on the importance of heating and ventilation. Despite the fact that internal alterations have taken place over time, including some subdivisions, the original plan form of the building as a medical institution is in part still apparent, with a central entrance, a number of staircases and evidence of regular, linear open spaces which may have historically functioned as wards. Having regard to the available evidence, I therefore consider that the significance of this Grade II listed building derives principally from its architectural and historic interest as a military and medical institution, including its characteristic layout.” (para. 10).

15.18 There is no reason to disagree with the inspector’s opinion. The building’s former use is certainly legible still despite the intervening years of other use and vacancy. The preserved external elevations have undergone negligible alterations since the Victorian era – the sizeable sashes that let in light and ventilation remain as does the clean -cut Flemish and stretcher bonded red brick. The interior is less reflective of the original use, especially the original 1799 element with its domestic sized rooms. The larger spaces within the Victorian range when seen with their large window openings provide more clues of the history and certainly contribute to the significance of the asset. There is clearly evidence of partition in these “ward” rooms but one is unclear as to whether this subdivision was there at the time of listing. It is pure conjecture that they were there in 1975 with no evidence either way. It is of little significance and certainly not a baseline with which to construct a case of multiple subdivisions to replicate these, now removed partitions.

15.19 With regards to setting, again the inspector’s conclusions are accepted. The physical and functional setting of the building has been considerably and irrevocably changed even since its last use as a hospital in mid C20th. Setting contributes little to significance other than its relative proximity to the Keep.

15.20 Turning to the impact on the significance of the listed building, the proposals dismissed at appeal changed little of the exterior envelope. The same is true of the new proposals. Both schemes limited the change to the rear elevation. For this dismissed appeal scheme the inspector remarked: -

“Although external alterations would overall remain limited, it is of note that one of the ground floor windows to the rear elevation would be blocked and a new opening would be created, thus disrupting the otherwise largely cohesive pattern of fenestration which contributes to the significance of this designated heritage asset. Whilst the proposed changes to the openings would not be fatal

to the scheme by themselves, they nevertheless add to my concerns in respect of the proposed development and works.” (para. 12)

15.21 The interventions to this area of the rear elevation are different this time, but still as marked and noticeable. The case officer disagrees with the inspector’s opinion that the disruption would be to a “largely cohesive pattern of fenestration.” The principal façade features paired sashes and is very ordered, the rear elevation significantly less so. Indeed, it is characterised by a variety of window sizes, some windows paired (ground and first floor), some not. This is very much a subservient elevation not in public view and not designed to be. In the greater scheme of things, the introduction of what is a minor change to this elevation is not considered to harm the significance of the asset. It also noted that the inspector acknowledged that this intervention was not individually “fatal” to the scheme. Conditions are necessary to ensure the detailing of the window frames is appropriate.

15.22 For the interior, the interventions proposed for this dismissed scheme, and that proposed now, are more significant than those proposed for the exterior. Of the dismissed appeal, the inspector determined: -

“As part of the proposal, it is of note that some architectural features, such as the steel columns situated at ground floor level and the fireplaces, would be retained and, where necessary, restored. However, the proposed conversion of the building to residential accommodation would require the erection of a number of partition walls which would appreciably erode the evidential and historic value of the listed building as a former hospital. As a result of the proposed subdivisions, the open plan form of the building would be unacceptably diminished. In the absence of clear evidence to the contrary, I find that the proposed development and works would be too invasive and cause unacceptable harm to the special interest and significance of the listed building.” (para. 11)

15.23 It is presumed that the inspector’s remarks in relation to the open plan form were focused on the later Victorian element of the building. The 1799 part is currently lacking subdivision but the shape of the chimney breast with its canted fireplaces and the traces of older stud walls are clear evidence that this was not an open plan building. Indeed, as stated earlier in this report, the rooms would have been rather domestic in scale. The reintroduction of partitions to both floors in this part is not considered harmful.

15.24 The Victorian range, judging by the ceiling and window heights, did appear to have been open plan and is so now (the case officer could not find any records of the plans when the building was in use as a hospital). The scheme dismissed at appeal introduced many subdivisions into the floorspace on both floors. In contrast the new proposal includes less subdivision on the ground floor and substantially less on the first floor. Indeed, both floors feature the majority of the space being open plan whereas they did not previously. This is to be commended and is considered to be a material difference which reduces the level of harm markedly. The legibility of the rooms’ original uses as wards would be clearly legible. There would be less than substantial harm.

15.25 This less than substantial harm arising from the proposal is outweighed by the significant public benefits of securing a new use for this prominent building within the street scene and one of the few surviving elements of this former military site. A

residential use is now considered to be the optimum viable use that is most sensitive to the building's significance.

- 15.26 There is no harm to the significance of the Poundbury Camp Scheduled Monument. Its setting has already been substantially and irrevocably harmed by previous development across the Grove Trading Estate and previous development means that the intrusive works proposed such as the car parking will unlikely to have any harm to archaeological assets. To ensure no harm a condition is considered necessary.

Residential amenity

- 15.27 Policies ENV16 and HOUS4 of the Local Plan are particularly relevant to the proposal. There is a degree of conflict with both.
- 15.28 It is clear from a desktop examination of the extant planning uses for the surrounding sites that there are a number of these that could potentially give rise to noise and disturbance. This assessment is corroborated by the findings of the case officer's site visits. The MOT and Service Centre to the south is characterised by noises such as air ratchets, horn tests and hydraulic ramps being raised and lowered as well as regular car manoeuvres. Their advertised business hours are daytime weekdays and Saturday mornings. On the opposite side of the road there are smaller units with less noise and disturbance associated with them such as a pet care suppliers. There is a branch of a national care hire business in the vicinity too with its characteristic comings and goings of cars and small vans. Cars appear to get washed there but with no mechanical maintenance. To the rear of the site there is coach/bus storage. These vehicles do come and go infrequently from the site but this appears to be predominantly daytime.
- 15.29 Operating hours of these businesses do not appear to be restricted by planning conditions, there being no need given the current lack of nearby residential properties. However, it was observed that after 6pm at night on weekdays (and also on Saturday afternoons and Sundays) the levels of noise and disturbance decrease markedly. Very few businesses were observed to be operating and the general level of hubbub had ceased.
- 15.30 In terms of impact, future residents of the development will undoubtedly notice the neighbouring uses. The characteristics of these uses are markedly different to those one would associate with a purely residential area, even on a busy street. However, the weight afforded to this matter is tempered by the fact that the residential amenity of existing residents is not affected; those residents moving into the development will be aware of the surroundings when they decide to live in that location. This is an open market development and residents will, when they choose to live there, be able to observe and hear their surroundings.
- 15.31 In this context, it is considered that this issue is not determinative or, indeed, afforded significant weight in the overall balance subject to the Council's Environmental Health Officer advised conditions in relation noise and disturbance. These would require a noise survey and mitigation being identified if necessary as well as acoustic screens around the external amenity area. Mitigation to protect internal areas has typically involved acoustic glazing and, potentially dry lining. The latter would not be an issue per se as there is little of significance in terms of detailing on the walls or ceiling (there are no skirting boards, wainscoting, dado rails,

cornices or ceiling roses to retain for example). The windows pose more of an issue as the retention of the existing sashes are necessary because of their contribution to the overall significance of the heritage asset.

- 15.32 Nevertheless, in the officer's experience, the issue is surmountable without challenging the viability of the development and could also improve the thermal efficiency of the building too with, perhaps, secondary glazing, better seals etc..
- 15.33 Ultimately, this would be something for the developer to propose and the Council, as the local planning authority, to approve informed by advice from the Environmental Health Officer and Conservation Officer.
- 15.34 Policy HOUS4 of the Local Plan requires that sufficient private amenity space is provided within the site for the likely future occupants, normally comprising at least 10% of the site area for conversions providing 4 or more flats. This is achieved for this development.

Landscape and visual amenity

- 15.35 Policy ENV10 of the Local Plan is applicable and the development accords with its objectives. Surrounding the site, Grove Trading Estate is characterised by an eclectic mix of C20th century buildings of no particular architectural or historical quality. The outside realm visible from public receptors is characterised by a series of open storage and parking areas. This sympathetic preservation of this architectural and historic gem can only serve to enhance rather than harm the urban landscape and visual amenity.

Access, parking and highway safety

- 15.36 The general thrust of the Local Plan policy is to achieve sustainable development and, part of this, is to reduce trips by car. The inclusion of cycle parking/storage is a necessary component to achieve this objective as is proximity to services and facilities (and/or regular public transport). There will inevitably be residual trips by car. Policy COM9 of the Local Plan advises that parking should be provided in association with the new residential development although the amount will take into account levels of local accessibility as well as historic and forecast car ownership levels and the size, type and tenure of the dwellings proposed.
- 15.37 The proposal is policy compliant and the Council's Highways Officer has raised no objections subject to implementation of the submitted details prior to first occupation of the dwellings they serve and retention thereafter.

Balanced and mixed communities

- 15.38 Policy HOUS3 of the Local Plan seeks that, wherever possible, residential developments should include a mix in the size, type and affordability of dwellings proposed, taking into account the current range of house types and sizes and likely demand in view of the changing demographics in that locality.
- 15.39 There isn't a prevailing residential character to reference in this instance, but it is noted that the development does propose 1, 2 and 3 bed units. The proposal falls below the thresholds for an affordable housing requirement.

Other matters

- 15.40 The site is in flood zone 1, the zone sequentially preferred for more vulnerable uses such as that proposed. No known surface water problems exist and the development will have a neutral effect on surface water runoff and infrastructure. There is accordance with policy ENV5 of the Local Plan as a result
- 15.41 There is support from policy ENV15 as the reuse of this vacant building is an efficient use of land.
- 15.42 The Environmental Health Officer has advised that there could be potential contamination present given the historic uses but these would be at a level that permits determination of the application subject to a condition. With this condition in place, the proposal accords with ENV9 of the Local Plan.
- 15.43 The proposal is not of a scale that generates need for an increase or enhancement of community infrastructure.
- 15.44 The sealed envelope of the building with secure, glazed windows, maintained soffits and roof tiles means that there is no evidence of bats.

16.0 Balance and Conclusion

- 16.1 It is of no benefit to let the building remain empty, not to the fabric and its preservation and not economically either.

There is still conflict with development plan policy which is unequivocal in its thrust, this arising from the non-employment use proposed. However, there is now clear evidence of robust marketing of the building for employment uses.

There is also limited potential for a residential amenity impact although this can be successfully mitigated, the mitigation secured by condition.

Harm will also arise to the significance of the listed building, but this is less than substantial following the changes proposed to the floorplans. The harm is outweighed by the public benefits of restoring this building sensitively and sustainably to a viable use.

There are benefits too arising from the contribution of 5 dwellings to the Council's housing land supply and these benefits are not significantly or demonstrably outweighed by the impacts of the development, specifically with the measures secured by conditions.

- 16.2 The development can be supported subject to conditions.

17.0 Recommendation

Grant permission subject to conditions

1. 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).

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

PL-1103-101E Ground floor proposed
PL-1103-102E First floor proposed
PL-1103-103 Basement plan proposed
PL-1103-104D Proposed elevations
PL-1103-02B Site Plan
PL-1103-01 Location Plan

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

3. Prior to any of the dwellings hereby approved being first occupied, the turning, vehicle and cycle parking shall be completed in accordance with the approved plan PL-1103-02B. 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 in the interest of highway safety.

4. No development affecting the rear (west elevation) shall commence until detailed drawings and specifications showing the design and construction of the new external windows to be inserted into this elevation (at a scale no less than 1:10) as well as detail of the brickwork, its bonding and mortar mix for the areas around these new insertions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To preserve the architectural and historical qualities of the heritage asset.

5. Prior to any of the dwellings hereby approved being first occupied, noise attenuation measures shall have been completed informed by a full noise survey with regard to the impact of the road and neighbouring commercial units using the worst case scenario background noise level. The said measures and survey shall have been previously submitted to and approved by the local planning authority and the measures shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the living conditions of residents of the development.

6. Prior to the commencement of the development hereby approved a Remediation Scheme including the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and

measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a 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. The approved monitoring and maintenance scheme shall thereafter be implemented for the lifetime of the development.

Reason: To ensure potential land contamination is addressed.

7. No development of the parking, turning and hard landscaping areas shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant to and approved by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To ensure the development makes provision for the investigation and recording of any archaeological heritage assets lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible.