

Application Number:	P/FUL/2021/01864		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Vespasian House Barrack Road Dorchester DT1 1TF		
Proposal:	Erect a four storey extension comprising of 4 No. 2-bedroom apartments and a two storey detached building comprising 83 sqm of commercial, business and services uses (Use Class E) on the ground floor and 2 No. 1-bedroom apartments on the first floor. Carry out associated landscaping and car parking.		
Applicant name:	RTI Estates Limited.		
Case Officer:	Emily Jones		
Ward Member(s):	Cllr Biggs		
Publicity expiry date:	15 November 2021	Officer site visit date:	
Decision due date:	26 October 2021	Ext(s) of time:	

1.0 The application comes to committee in light of the request made by Cllr Fry due the nature and location of the proposals.

2.0 Summary of recommendation:

Grant, subject to conditions. The application complies with the relevant national and local policies and there are no material considerations that would warrant refusal of this application.

3.0 Reason for the recommendation:

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 of the National Planning Policy Framework (NPPF) provides that development proposals that accord with an up to date development plan should be approved without delay.

The site is situated in a sustainable location and the proposal is acceptable in design terms and would not result in harm to nearby heritage assets or to neighbour amenity. The development proposals accord with the development plan and there are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is within the defined development boundary for Dorchester, a main town where growth is focused.
Scale, design, impact on character and appearance	The design of the blocks are appropriate and subservient to the host structure with materials complementing the surrounding area.
Impact on heritage assets	The design of the proposal would not result in harm to the character of the Conservation Area nor to the setting of the listed buildings: The Keep and The Little Keep.
Impact on residential amenity	Each flat has sufficient living space. Potential for noise disturbance from road, alternative means of ventilation required so windows don't have to be opened.
Impact on neighbour amenity	The distance between the proposal and the nearest neighbouring residential dwellings means the proposal would not result in being overbearing, overshadowing, or overlooking.
Access and Parking	No highway safety concerns have been raised. One parking space per apartment is provided which meets the standards and is appropriate for a town centre location.
Impact on trees	No TPOs on the site. There is one mature tree of importance which would be protected during construction.
Impact on biodiversity	The proposal would not harm any protected species and only result in the loss of grassland which has low ecological importance. Biodiversity enhancements are proposed and would be conditioned.

5.0 Description of Site

Vespasian House is a four-storey T-shaped building situated in a corner plot with Barrack Road to the north and north-east and Bridport Road to the south. Prior approval for the conversion of the building from offices to up to 65 one and two bed apartments was granted under WD/D/20/001686.

6.0 Description of Development

This application seeks to extend the building to the south-east, and south to form a commercial premise and a further six apartments.

7.0 Relevant Planning History

Application Ref	Description	Decision	Decision Date
WD/D/20/001686	Change of use of the building from Class B1 (a) (offices) to Class C3 (dwelling houses) to comprise of up to 65no. 1 and 2 bed apartments	Prior approval granted	15/09/2022
WD/D/20/000329	Pre Application consultation: 5 storey extension comprising 3no. apartments and a café, together with a pocket park and redesign of space fronting the Dorset History Centre	Response given	28/04/2020
WD/D/19/002641	Enclose existing porch to create an entrance lobby, new combined access/egress to the existing car park from Barrack Road, creation of a loading bay/pull-in area, rationalisation of the existing 10no. car parking spaces and the provision of 2no. new cycle stores, together with improved hard and soft landscaping	Granted	08/01/2020
1/D/10/000336	Replace redundant secondary entrance doors within the ground floor with window sets to match existing. Replace 6 window panes with powder coated aluminium ventilation extract louvres. Install air condenser compounds. Improvements to car park entrance & exit including layout re-marking & entrance barrier upgrade	Granted	21/06/2010

8.0 List of Constraints

Within Dorchester defined development boundary

Within the Dorchester Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Poole Harbour Nutrient Catchment Area – SSSI impact risk zone

Groundwater source protection zone

9.0 Consultations

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

Consultees

1. Wessex Water

No objection

2. Natural Environment Team

No comments received

3. DC Highways

No objection, subject to condition

4. Dorset Waste Partnership

No comments received

5. Conservation Officers

No objection, subject to conditions. There would be no harm to the conservation area or nearby listed buildings.

6. Public Protection

No objection - Noise report acceptable, however windows would need to be kept shut. Could potentially be overcome by mechanical ventilation.

7. Dorchester Town Council

Objection - Overbearing on Vespasian House; loss of greenspace – harming conservation area; should provide pedestrian crossing of Poundbury Road

8. Dorchester West Ward Member(s)

No comments received

Representations received

Total - Objections	Total - No Objections	Total - Comments
27	1	1

Petitions Objecting	Petitions Supporting
0	0

0 Signatures	0 Signatures
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Comments made in support	Comments made objecting
<ul style="list-style-type: none"> • In-keeping with character of area • Green roof will increase biodiversity • Good design • Needed homes 	<ul style="list-style-type: none"> • Increased traffic – highway safety • Pedestrian safety • Parking • Loss of privacy/overlooking • Harm to conservation area • Design of building not in-keeping • Loss of greenspace • No need for commercial premise • Loss of light • Light pollution • Overdevelopment • Harm to environment • Increase noise/disturbance • Insufficient infrastructure • Lack of affordable housing • Loss of view • Pollution for new residents

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- INT1 – Presumption in favour of sustainable development
- ENV2 – Wildlife and habitats
- ENV4 – Heritage assets
- ENV10 – The landscape and 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 housing and economic growth

- SUS2 – Distribution of development
- ECON4 – Retail and town centre development
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development

National Planning Policy Framework (NPPF) 2021:

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.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 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.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- 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.

- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- 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).

Other material considerations

National Planning Practice Guidance

The Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

13.0 Planning Assessment

Principle of development

The site is situated within the defined development boundary for Dorchester where residential, employment, and other development to meet the needs of the local area is normally permitted under SUS2 of the Local Plan. The Council is able to demonstrate a 4.93 year housing land supply however the site is located within the Dorchester Defined Development Boundary where the principle for residential use is acceptable, subject to site specific criteria. The provision of a single commercial premise of this size is considered to be appropriate for the location and complies with policy ECON4 of the Local Plan. Therefore, the principle of development is considered to be acceptable.

Design and the impact on the character of the area and designated heritage assets

As already noted, the site lies within the built-up area of Dorchester. It is situated adjacent to the Dorchester Conservation Area, with the line appearing to have been intentionally drawn to skirt around the site and therefore it is not within the designated heritage asset. The site also lies within the setting of two GII listed buildings: Dorset Military Museum (The Keep) and North-West Block of Former Infantry Barracks (The Little Keep).

The scheme proposes two blocks of extension to Vespasian House. Block A is a situated to the south and comprises of a 4-storey block of 4, 2-bed apartments. A two-storey extension is to be sited to the south-east of Vespasian House and houses the ground floor commercial unit and the 2, 1-bed apartments (Block B).

Block A has been designed as a modern interpretation of the 1970s style building it fronts. The flat roof assists in reducing the potential bulk of the extension and allows it to be as a subservient addition to the host structure. Furthermore, the materials are reflective of those used for Vespasian House and would not detract from the prominence of The Keep’s stone wall.

By contrast, Block B will be two storeys and have a modern design, the flat roof allowing views of Vespasian House to the side and reducing its mass and appearing

subservient addition to Vespasian House. The use of render is not considered to be an inappropriate material choice in this location, helping provide some interest, and not harming the setting of nearby listed buildings.

Taken together, the proposed extensions would enhance the façade of Vespasian House fronting Bridport Road. Whilst the mass of the building would inevitably increase, this is off-set by the subservient appearances through the utilisation of flat roof, appropriate materials and detailing. The host structure is respected and the scheme is not considered to harm the character of the area or the setting of Dorchester Conservation Area and the two listed buildings. As such the proposed complies with policies ENV4, ENV10, and ENV12 of the Local Plan.

Residential Amenity

The proposal extends residential accommodation towards Bridport Road, which is a busy route through Dorchester. As such, sensitive receptors to noise are situated in close proximity to the road. A noise report accompanies the application, based on window being closed with ventilation provided from trickle vents. The opening of windows onto Barrack Road would result in occupants experiencing considerable noise from traffic. Given this, no objection has been raised by environmental protection provided the windows remain closed, and this can be secured via condition.

Whilst the reliance on trickle vents as the sole source of ventilation would be acceptable during the winter months, additional ventilation could be required for the warmer months. There are a number of alternative options that could be utilised however this would fall to be considered under building regulations.

The commercial unit on the ground floor of Block B would have a use class of E which has a wide range of potential uses. As such, and to ensure that the occupants of the flats are not unduly disturbed, it would be reasonable to condition the opening hours of the unit.

Internally, the flats have sufficient living space. Externally, each flat would have access to their own balcony area. Whilst these face Bridport Road, the situation is not uncommon in town centres, and the choice of using them would lie with the occupant. Given their central location, residents would also have relatively easy access to greenspaces and other amenities within the town.

It is therefore not considered that the amenities of the future residents would not be unduly compromised by the proposal and accords with policy ENV16 of the Local Plan.

Impact on neighbouring properties

The nearest residential neighbouring properties to the proposal are the terraced dwellings on the opposite side of Bridport Road.

Both blocks are angled away from the dwellings. The minimum building separation distance for Block A would be approximately 23.4m, rising to a minimum separation distance of 25.7m for Block B. This combined with the intervening road is such that the proposal would not be overbearing on those dwellings. Sited to the north, and with the backdrop of Vespasian House (itself four storeys with a hipped roof) would not result in overshadowing of neighbouring dwellings.

There would be a limited increase in the light levels from the additional apartments, however this would not be unduly excessive above levels for a town centre location and therefore would not result in significant disturbance.

The offset positions of the extensions from Bridport Road mean that there would be no direct window-to-window overlooking. This, in addition to a separation distance of over 23m is such that there would not be a significant loss of privacy that would warrant a reason for refusal on this ground.

The apartments would not give rise to any significant disturbance to neighbouring dwellings and would not be above levels typically experienced for a residential area.

Impact on highway safety and parking

No changes to vehicular access for Vespasian House are proposed with access onto Barrack Road. Pedestrian entrance would be created along Bridport Road. As such no concerns regarding highway safety have been raised by the highway officer.

The Town Council have requested that the pedestrian crossing is enhanced however highways, in considering this application, have advised that this would not be required of the proposed development due to its small scale and the likely pedestrian trips during morning and afternoon peaks not being justifiable to ask for this.

In terms of parking, it is proposed to provide each apartment with one parking space to the rear of the site. This is an appropriate level of provision for the town centre location, where residents have access to public transport and town facilities, meeting the parking standards set out in the relevant local guidance document. Therefore, parking has not been raised as a concern by the highways officer, subject to a condition requiring those spaces to be provided. The proposal thereby complies with COM7 and COM9 of the Local Plan.

Impact on trees

There are no protected trees on the site. Nevertheless, the application is accompanied by an arboricultural survey. This indicates that two low-quality trees, a rowan and a small weeping birch, would not to be removed to facilitate the development. A mature London plane on Barrack Road can be retained and a tree protection plan has been submitted. This would be conditioned to ensure that the tree is not harmed during construction.

Impact on biodiversity

The application is accompanied by an ecological impact assessment. This indicates that there would be a loss of amenity grassland to facilitate the extensions however this is of negligible ecological importance. The site is of negligible/low importance as suitable habitat for protected species and no evidence of any was found during the survey. Biodiversity enhancements have been proposed and the biodiversity mitigation plan has been approved by the Natural Environment Team. This would be conditioned.

Other matters

The application is only proposed six dwellings and therefore there is no policy requirement to provide for affordable housing.

Loss of view is not a material planning consideration.

14.0 Conclusion

The Council has published its five-year housing land supply figures, which confirms that the Council are unable to demonstrate a five-year housing land supply. Under these circumstances, paragraph 11 of the NPPF places a presumption in favour of sustainable development, and the application has to be assessed in light of this.

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact; it would not harm the character of the conservation area or setting of the listed buildings and it would not cause significant harm to neighbouring residential amenity. The development provides acceptable amenity for future occupants and parking provision is acceptable for the town centre location. No harm would be caused to important trees or to biodiversity. The application complies with the relevant national and local policies and there are no material considerations that would warrant refusal of this application.

15.0 Recommendation

Grant, subject to the following 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:

Site Location Plan - drawing no. SLP.01 Rev A - dated 08 September 2020

Site Layout - drawing no. SL.01 Rev A - dated 08 September 2020

Street Elevation Bridport Road - drawing no. SE.01 Rev A - dated 06 October 2020

Flat Block A.01 Front Elevation - drawing no. FB.e1 Rev A - dated 05 September 2020

Flat Block A.01 Rear Elevation - drawing no. FB.e1 Rev A - dated 15 September 2020

Flat Block A.01 Second and Third Floor Plans - drawing no. FB.p2 Rev B - dated 15 September 2020

Flat Block A.01 South-West Elevation - drawing no. FB.e3 Rev A - dated 27 August 2021

Ground and First Floor Plans - drawing no. FBA.p1 Rev A - dated 1 September 2020

Flat Block A.01 Coloured Front Elevation Bridport Road - drawing no. FBB.e1 Rev A - dated 25 September 2020

Flat Block B.01 Coloured Front Elevation Bridport Road - drawing no. FBB.e1 Rev A dated 25 September 2020

Flat Block B.01 Rear Elevation and Eastern Side Elevation - drawing no. FBB.e2 Rv A - dated 25 Spetember 2020

Flat Block B.01 Indicative Ground Floor Plan - drawing no. FBB.p1 Rev A - dated 25 September 2020

Flat Block B.01 First Floor Plan - drawing no. FBB.p1 Rev A - dated 25 September 2020

Flat Block B.01 Rear Elevations, Eastern and Western Side Elevations - drawing no. FBB.e2 Rev B - dated 25 September 2020

Site Sections.01 Section 1 - drawing no. SS.s1 Rev A - dated 04 September 2020

Site Sections.01 Section 2 - drawing no. SS.s2 Rev A - dated 04 September 2020

Site Section.01 Section 3 - drawing no. SS.s3 Rev A - dated 04 September 2020

Dwellings and Boundaries Material Layout.01 - drawing no. BDML.01 Rev A - dated 28 September 2020

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

3. No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: This condition is required pre-commencement to ensure that any burials that are affected by the development are recorded and moved in an appropriate manner.

4. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

5. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement, reference 05652 VESPASIAN HOUSE AIA 07.05.21, setting out how the existing trees are to be protected and managed before, during and after development.

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

6. The development hereby approved must not be first brought into use unless and until a report or photographs providing evidence of compliance with the Biodiversity Plan certified by Dorset Natural Environment Team on 15 September 2021, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure mitigation, compensation and enhancement/net gain for impacts on biodiversity.

7. Each flat hereby permitted will be fitted with an alternative source of ventilation from open windows.

Reason: To protect the occupants from high noise levels that may otherwise be experienced if there is a reliance on opening windows for ventilation.

8. The Class E premises on the ground floor of Block B shall not be used for the purposes hereby permitted outside the hours of 6:00 to 22:00, or Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.