

Application Number:	P/FUL/2022/01062		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Barnack Chambers 9-9A West Street Blandford Forum DT11 7AW		
Proposal:	Change of use of the first and second floors from offices (use class E(g)) to a house in multiple occupation.		
Applicant name:	JKL (Enterprises) Ltd		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllr Lacey-Clarke And Cllr Byron Quayle		
Publicity expiry date:	12 April 2022	Officer site visit date:	22 nd March 2022
Decision due date:	16 May 2022	Ext(s) of time:	

1.0 Reason for committee referral

- 1.1 The application is being referred to committee due to the objection from the Town Council.

2.0 Summary of recommendation:

- 2.1 Grant permission subject to conditions.

3.0 Reason for the recommendation:

- 3.1 The location is considered to be sustainable
- 3.2 There is no harm to the architectural and historical qualities of the listed building, the setting of nearby listed buildings will be preserved as will the character and appearance of the conservation area.
- 3.3 The room sizes are considered to be acceptable; they comply with the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
- 3.4 There are no adverse residential amenity impacts arising from this proposal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Within Blandford Forum's settlement limit (as defined in the Neighbourhood Plan) and within a sustainable location. Although in the Neighbourhood Plan's defined primary shopping area of the Town Centre, the ground floor retail is not affected by the proposal. The Neighbourhood Plan policy is silent on HMO uses on upper floors but does support C3 dwellings in such locations. The introduction of residential accommodation on the upper floor is considered to contribute positively to the vitality and viability of the town centre and brings vacant space back into use.
Scale, design, impact on character and appearance	Minimal external interventions proposed and all confined to the rear elevation which has been the subject of previous, insensitive alterations in the past.
Impact on amenity	Acceptable room sizes and layout with communal space propose. Access for residents to the river frontage public open space within 2 minutes' walk.
Impact on landscape or heritage assets	There is no harm to the architectural and historical qualities of the listed building, the setting of nearby listed buildings will be preserved as will the character and appearance of the conservation area.
Economic benefits	Reintroduction of residential use on upper floors of town centre building has potential to contribute to the area's viability and vitality.
Access and Parking	No on-site parking is proposed but the site is within a sustainable location and the demands of the existing office use must be considered in the overall balance.

5.0 Description of Site

- 5.1 Barnack Chambers is a grade II listed, three storey building within the heart of Blandford Forum's town centre.
- 5.2 The building dates from the late C18th with seven bays of sash windows paired between the first and second floors. Altered Victorian shop fronts flank a covered passage (Barnack Walk) leading to a row of shops. The ground floor retail units and chambers above are independent of each other with no internal link. The building is

listed for its group value as part of the row along this side of West Street. Surrounding land uses are predominantly commercial including ground floor shops and public houses and offices above.

6.0 Description of Development

- 6.1 The application is for the material change of use of the first and second floors from offices to a house in multiple occupation with 7 bedrooms (this is a sui generis use above the 3-6 persons occupation threshold for class C4).
- 6.2 There are limited external interventions proposed which are limited to the rear elevation. The first of these are the replacement of a window with a door to serve the proposed room at the rear of the building on the first floor (the door leads out onto the existing fire escape landing). The second alteration is the introduction of a window to the proposed second floor.

7.0 Relevant Planning History

- 7.1 There is a concurrent application for listed building consent (LBC/2022/01062).

8.0 List of Constraints

- 8.1 The site is in flood zone 3.
- 8.2 The following are listed buildings: -
 - a) 9 and 11 West Street (Grade II). This is the site.
 - b) 5 and 7, West Street (Grade II). This building abuts the site to the east.
 - c) Crown and Anchor Public House (Grade II). This building abuts the site to the west.
 - d) 6 and 8, West Street (Grade II). This building is opposite.

9.0 Consultations

9.1 Blandford Forum Town Council

Objects. Whilst the Town Council welcomes residential development above retail, as supported by B+NP policy B8, and agrees that the proposals do less than significant harm to the listed building, we do not believe that the proposals, as stated, are sustainable. The planning portal sets the minimum space requirements for such developments as 37sqm for each flat. The applicant has not demonstrated that this is the case. (The largest flat is 16.05sqm square and the smallest 10.4sqm). Therefore, the Town Council believes that the application for four studio flats (first floor) and three studio flats (second floor) will lead to a cramped and unsustainable form of development, which gives less than the minimum space required for individual occupancy. The Town Council is also concerned about fire safety regulations.

9.2 DC Highways

No objections.

9.3 Other representations received

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

Petitions Objecting	Petitions Supporting
0	0

10.0 Duties

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

This sets the development plan’s primacy in decision making.

10.2 The site is a listed building and adjoins listed buildings. Section 66 of the Listed Buildings Act 1990 states: -

“(for) development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

10.3 The site is within the Blandford Forum Conservation Area. Section 72(1) of the Listed Buildings Act 1990 applies:-

“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

11.1 Development Plan policies

North Dorset Local Plan Part 1 (2016)

11.1 The site is within the defined town centre and within the town’s settlement limits. It’s also within a conservation area and is a listed building. The following policies are therefore considered relevant: -

Policy 1 – Presumption in favour of sustainable development.

Policy 2 – Core Spatial Strategy

Policy 5 – The Historic Environment

Policy 6 – Housing distribution

Policy 7 – Delivering homes

Policy 16 – Blandford

Policy 25 – Amenity

Blandford + Neighbourhood Plan

11.2 The site is within the defined town centre and within the town's settlement limits. It's also within a conservation area and is a listed building. The following policies are therefore considered relevant: -

B1 - Blandford Forum and Blandford St. Mary settlement boundaries.

B8 - Blandford Forum Town Centre

B11 - Managing Design in the Conservation Area: Blandford Forum

12.0 Other material considerations

National Planning Policy Framework 2021

12.1 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.

12.2 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.

12.3 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).

12.4 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 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.

13.0 Human rights

13.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

14.0 Public Sector Equalities Duty

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

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

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

14.1 All of the rooms are on the first floor and there is no lift proposed. This will prevent occupancy to people with mobility difficulties. However, this matter needs to be balanced against the duties arising from the fact that the building is grade II listed and shops are being retained on the ground floor and the start of Barnack Walk.

15.0 Financial benefits

15.1 There will be minor benefits in terms of employment to those in the construction sector derived from the conversion phase of the development.

15.2 The space is currently vacant. There will be benefits derived from the receipt of Council Tax by the authority.

16.0 Climate Implications

16.1 The proposal secures the efficient reuse of the upper floors of an existing building within a sustainable location.

17.0 Planning Assessment

Principle

- 17.1 The site is within Blandford Forum's settlement limit (as defined in the Neighbourhood Plan) and within a sustainable location. Healthcare, employment and other facilities are all within an acceptable, short walk of less than 200m in most cases, along lit, segregated footways. The town centre's bus stops are a short distance away with connections to larger centres, including Poole.
- 17.2 Although in the Neighbourhood Plan's defined primary shopping area of the Town Centre, the ground floor retail is not affected by the proposal. The Neighbourhood Plan policy is silent on HMO uses on upper floors but does support C3 dwellings in such locations. The introduction of residential accommodation on the upper floor is considered to accord with the spirit of the policy and contributes positively to the vitality and viability of the town centre and brings vacant space back into use. The loss of office space is not considered to be material to the determination of the application given the availability of such office space elsewhere in the town and that these floors are currently vacant.
- 17.3 The principle of the development is considered acceptable.

Heritage

- 17.4 The significance of the listed building is derived mostly from its group value with other buildings in the same row on this side of West Street. The façade is therefore important; the interior is much altered and contributes little if anything to the significance. Likewise, the rear elevation has been altered and, whilst visible from Barnack Walk, is of no particular historic or architectural merit.
- 17.5 All of the site is within the town's conservation area. There is no approved conservation area appraisal but there is a document dating from 1970 – Blandford Conserve and Enhance which, despite being published so long ago, still remains relevant as a reference for describing the character and appearance of the area. The document focuses on the main street scene on West Street, which will remain unchanged as a result of this proposal.
- 17.6 There will be no harm to the significance of the listed building (9-11 West Street) the architectural and historical qualities of which will be preserved. The character and appearance of the conservation area will also be preserved as will the setting of adjoining listed buildings.

Residential amenity (including space standards)

- 17.7 The Town Council's comments are material planning considerations, but the case officer believes they may have been fuelled by a mistaken application of the national

space standards for new dwellings rather than the relevant regulations for Houses in Multiple Occupations (HMOs).

17.8 The case officer has checked the room sizes and noted the existence of communal kitchens etc. and considers that the proposal does comply with the Regulations' standards. The relevant Housing Improvement Team officer within the Council has been consulted but no comment has been received. Members are advised that the proposal will need Licensing as well as Building Regulations approval.

17.9 The development is therefore not considered to be cramped and unsustainable.

Flood risk

17.10 The site is within flood zone 3 but the proposal involves the conversion of upper floors of a building. The sequential assessment of sites of less probability of flooding is therefore not applicable. The proposal will not increase the risk of flooding within the site or off-site.

Parking

17.11 The proposal does not include any on-site parking. However, the proposal includes the loss of office space (which would include a demand for parking). It is also, in North Dorset terms, in a very sustainable location within Blandford Forum's town centre. In this context, the proposal is considered acceptable. The Highways Officer raises no objection.

Other matters

17.12 The Town Council have raised concerns in relation to fire safety. This is a matter for Building Regulations.

16.0 Conclusion

16.1 This is a development plan accordant proposal for residential accommodation in a sustainable location that has the potential to contribute positively to rather than adversely impact on the viability and vitality of the town centre. The proposal brings back into use the upper floors of a designated heritage asset.

17.0 Recommendation

17.1 Grant permission 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:

020/005/02 Rev A

020/005/03 Rev B

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