

<b>Application Number:</b>	P/FUL/2023/05810		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Fairfield Car Park Fairfield Road Dorchester		
<b>Proposal:</b>	Construct footway along Fairfield Road and carry out vehicle restrictions works. Form pedestrian access from Weymouth Avenue.		
<b>Applicant name:</b>	Dorset Council		
<b>Case Officer:</b>	Jim Bennett		
<b>Ward Member(s):</b>	Cllr Canning and Cllr Fry		
<b>Publicity expiry date:</b>	10 November 2023	<b>Officer site visit date:</b>	17/10/2023
<b>Decision due date:</b>	30 November 2023	<b>Ext(s) of time:</b>	
<b>No. of Site Notices:</b>	3		
<b>SN displayed reasoning:</b>	Notices posted at x3 entrances to the site, closest to the proposed works.		

**1.0** The application is made by Dorset Council on land owned by Dorset Council and is reported to committee in accordance with the requirements of Dorset Council's Constitution for committee determination.

**2.0 Summary of recommendation:**

GRANT, subject to conditions.

**3.0 Reason for the recommendation:**

- The location is considered to be sustainable and the proposal is acceptable in its design, general visual and heritage impacts.
- The proposal will provide significant benefits in terms of pedestrian permeability, safety and accessibility and there is not considered to be any significant harm to highway safety, flood risk, biodiversity or neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

- Principle of development
- Impact on character and appearance of the area
- Impact on heritage assets and archaeology
- Impact on neighbouring amenity
- Impact on protected species
- Highway Impacts
- Flood Risk and Drainage
- Public Consultation

## **5.0 Description of Site**

Fairfield Road is privately owned by the Council, with parking spaces along it provided as part of the off-street Fairfield Car Park provision. It is an important route for pedestrians moving around the town, is the most direct, signposted route between the railway stations and the most direct route between Dorchester South station and the hospital.

The site is within Dorchester Conservation area, within the setting of the listed Brewery buildings opposite, within the defined Dorchester Roman Town Area, and Dorchester Town Centre Boundary.

## **6.0 Description of Development**

Dorset Council seek to enhance active travel and improve pedestrian safety on Fairfield Road, Dorchester, having received grant funding from the Department for Transport's (DfT) Active Travel Fund, by improving pedestrian accessibility and safety to/from Fairfield Car Park. Funding for the proposal is time-limited and needs to be built in this financial year to meet an agreement with DfT. With almost 600 spaces, Fairfield Car Park generates substantial levels of vehicular and pedestrian traffic along the road, but has no dedicated pedestrian footway, with walkers and wheelchair-users forced to use the road.

A footway separated from traffic will give pedestrians, particularly disabled people, a safe route between the car park and town centre amenities. The proposed design would improve the accessibility and safety of the route by:

- Creating a wide footway along the length of Fairfield Road
- Providing safer crossing points across Fairfield Road at junctions
- Installing a new access into the car park directly from the railway station (from Copper Street)
- Providing better street lighting on Fairfield Road
- Restricting vehicle access to Fairfield Road at the Weymouth Avenue end, creating a pedestrianised space in this busy area. This is largely due to collision records indicating a problem in this location, where three pedestrians

have been injured, two seriously, in collision with vehicles turning out of Fairfield Road.

- Drivers would access the car park from Maumbury Road or Upper Fairfield Road. It is proposed to remove 21 existing car parking spaces from the car park in order to facilitate the development.
- Providing environmental enhancements.
- A detailed design for the public realm area will be confirmed once a second round of funding is in place. Initial discussions have included a rain garden and/or additional street trees to act as a sustainable drainage system, together with benches, cycle parking and an enhancement to the setting of the granite horse trough.

## 7.0 Relevant Planning History

WD/D/18/001414 - Decision: GRA - Decision Date: 11/10/2018 - Erect gates, replace ridge to main building, replace cladding to gable ends, erect fence to front of North Linney and move pedestrian gate to Weymouth Avenue

P/PAP/2023/00199 - Dorset Highways sought pre-application advice from the LPA on Fairfield Road access improvements in May 2023. The proposals were acceptable in principle and a planning application supported by appropriate details was suggested as the next step to enable formal consideration.

## 8.0 List of Constraints

Grade: II Listed Building: GATEPIERS BETWEEN OFFICE BLOCK AND OLD BOTTLING STORES List Entry: 1290748.0; - Distance: 19.81

Application is within a Dorchester Conservation Area - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 and 1 in 1000- Distance: 0

Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely.; - Distance: 0

Scheduled Monument: Henge, Romano-British amphitheatre and Civil War fieldworks known collectively as Maumbury Rings; - Distance: 13.4

## 9.0 Consultations

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

### Consultees

**DC - Highways** - Following confirmation on 18/10/2023 for the slight change in the plan, drawing number HI 1290\_1\_101\_DD\_General Arrangement to introduce signs

showing no U-turn on Fairfield Road, the proposal does not present a material harm to the transport network or highway safety and consequently has no objection.

#### **Dorchester Town Council – No objection**

**DC Archaeology** - Previous archaeological trial trenching in Fairfield Car Park and other archaeological work in the vicinity has demonstrated the presence of burials of the Roman period also the Weymouth Avenue frontage (Weymouth Avenue being the line of the Roman road running south from Roman Dorchester). These burials seem to be around 600mm below the modern ground surface. The trial trenching also indicated that there was little of archaeological significance elsewhere in the car park, though. Looking at the details of the proposed scheme it is unlikely to have a significant effect on archaeological remains. However, I agree with the statement in paragraph 7.4 of the Design and Access Statement that future works that would not be part of the current application could well have an archaeological impact, and I would be happy to discuss these with all concerned in due course.

#### **Representations received**

**Dorchester Civic Society** supports this scheme which will provide a safer and more enjoyable experience for locals and the multitude of tourists visiting the market. For new-comers the mix of traffic and pedestrians has been confusing. Now would be a good time to complete the recent improvements in this area by not laying standard materials but echoing the feeling of Brewery Square in its choices of finishes. Section 106 or CIL money - from the proposed Maltings scheme - should be employed now. At the west end the speed of cars entering from the traffic lights to the north is unacceptable. Different colours and surfaces should be employed to highlight the priority of pedestrians, particularly of those, walking southward, whose eyes are fixed on the public conveniences to the south. These variations will enhance the safety and comfort of all.

Comments have been received from two other notified parties, raising the following points:

- The application does not deal with the issue of pedestrians crossing both ways directly between Dray Horse Yard and Fairfield Road, rather than using the puffin crossing located 20 metres or so away on Weymouth Avenue.
- What are the proposals for dealing with the regular flooding on the corner of Fairfield Road, which may impact on pedestrian routes.
- The improvements are generally supported, leading to a better and safer environment for local residents and visitors.
- The decision to use 'standard' materials is understandable but the conservation area status demands the use of 'non-standard' detailing to

coordinate with the quality materials used in Brewery Square. CIL funds or unspent S106 payments could supplement the restricted budget.

- In respect of the Copper Street exit/crossing works, the proposed location of the exit away from the Puffin crossing is potentially dangerous, as people exiting the car park are likely to follow their 'desire line' and attempt to cross Weymouth Avenue at the centre of the junction. If the exit was placed in-line with the Puffin crossing then people would 'naturally' use the crossing in front of them in the way envisioned.

**Dorchester Transport Action Group** – support, but note that the scheme could have been improved by the removal of redundant car parking spaces and extending a safe cycling path along the South side of Fairfield Road to assist with facilitation of a safe cycleway from Dorchester South Station to the Hospital.

## 10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## 11.0 Relevant Policies

### Development Plan

**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
- ENV3 – Green Infrastructure Network
- ENV4 - Heritage assets
- ENV5 – Flood Risk
- ENV10 - The landscape and townscape setting
- ENV11 – The pattern of streets and spaces
- ENV16 - Amenity

- COM7- Creating a safe & efficient transport network
- DOR3 – Dorchester Roman Town Area
- DOR6 - Weymouth Avenue Brewery Site

## **Material Considerations**

### **Emerging Dorset Local Plan**

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **Supplementary Planning Documents**

- Dorchester Conservation Area Appraisal
- Weymouth Avenue Development Brief

### **National Planning Policy Framework:**

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.

Other 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 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 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). 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).

## **12.0 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.

## **13.0 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.

A footway separated from traffic will give pedestrians, particularly disabled people, people with mobility impairments or pushing buggies a safe route with level crossing points between the car park and town centre amenities. The proposed design would improve town centre accessibility and safety for all pedestrians.

## **14.0 Planning Assessment**

### Principle of development

The principle of development is in line with Policy DOR6 (Weymouth Avenue Brewery Site), which seeks provision of effective open spaces and pedestrian cycle links connecting the Brewery Site with adjoining areas, subject to the material planning considerations set out below.

### Impact on the character and appearance of the area

The proposal site is currently hardstanded in its entirety, comprising parking, access and turning arrangements for the existing car park. Overall the proposal represents an opportunity to introduce a design that will enhance pedestrian permeability and safety as well as the character and appearance of the area. A Design and Access Statement is submitted with the application to explain the design rationale of the proposal and to demonstrate the benefits of the scheme.

The application site does not contain any significant landscaping features that would be lost as a result of the development. Unfortunately the plans do not provide details of any landscaping features or planting. The applicant explains that a detailed design for the public realm area will be confirmed once funding is in place. Initial discussions have included a rain garden and/or additional street trees to act as a sustainable drainage system, together with benches, cycle parking and an enhancement to the setting of the granite horse trough, but these do not form part of the submission.

What is known at this stage is that surfacing on the western side of Weymouth Avenue will be made up of buff-coloured slabs, used as a footway surface on many recent schemes in the central part of Dorchester. The proposed scheme extends this surface southwards across the mouth of Fairfield Road, where the footway continues as an asphalt footway southwards towards Maumbury Cross junction. The new footway from the carpark entrance west to the Maumbury Road junction will be surfaced as asphalt, matching much of the rest of the footways in the area. Bollards to protect footways from incursions and to restrict vehicle movement will use the typical 'cannon' style currently used in Dray Horse Yard in the Brewery Square area and along Weymouth Avenue. These will be fixed where no vehicle access is required, and demountable where needed to permit access. Details of surfacing materials, paving slabs, tactile paving, kerbs, bollards and lamp standards have been provided by the applicant.



A section of iron railing will be removed from Weymouth Avenue to facilitate pedestrian access from the car park opposite Copper Street, rather than directly opposite the Puffin Crossing. The applicant explains that this access point into the car park was chosen to minimise level changes to the adjoining footway, the car park being at a higher level adjoining the Puffin crossing. The proposal would not impact on any of the protected Lime Trees on Weymouth Avenue to any significant degree.

While the submitted proposal does not include hard and soft landscaping arrangements that would result in an enhancement to the character and appearance of the area, the proposal would not result in any detrimental impact and it should be noted that landscaping benefits will be delivered within the 'public realm area' by a subsequent phase of development, subject to a separate tranches of DfT and other funding. These details will be secured through the discharge of condition 3 recommended below. Overall the proposal would be acceptable in respect of its impact on the character and appearance of the area, in accordance with Policies ENV10 and ENV11 of the West Dorset and Weymouth & Portland Local Plan.

#### Impact on heritage assets and archaeology

The site is within Dorchester Conservation area, within the setting of the listed Brewery buildings, where there is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990). It is also opposite and the defined Dorchester Roman Town Area.

The submitted Design and Access Statement acknowledges heritage impacts and potential for archaeological interest on the site. The Council's Archaeologist does not raise any concerns over the proposal and agrees with the statement in paragraph 7.4 of the Design and Access Statement that future works that would not be part of the current application could well have an archaeological impact, and would be happy to discuss these in due course.

While the proposal does not include details of arrangements that would result in an enhancement to heritage assets in the area, the proposal would not result in any detrimental impact on heritage assets. Environmental benefits will be delivered within the 'public realm area' by a subsequent phase of development. Overall the proposal would be acceptable in respect of its heritage and archaeology impacts, in accordance with Policies ENV4 of the Adopted West Dorset and Weymouth & Portland Local Plan.

#### Impact on neighbouring amenity

The proposal will have no adverse impact upon adjoining amenity being well separated from adjoining residential occupiers. The relationship of the proposal to Dukes Auctioneers appears to be acceptable, with existing access and egress arrangements retained and uninterrupted. The proposal complies with Policy ENV16 of the Adopted West Dorset and Weymouth & Portland Local Plan.

### Impact on protected species

The Council has a legal duty to conserve and enhance biodiversity. The proposal will not adversely impact upon biodiversity, due to limited opportunity for wildlife currently on the site, which is confirmed by an Ecology Report prepared by the Council's Natural Environment Team. The report makes recommendations for biodiversity enhancements to the site, which will be provided as part of the public realm area, proposals for which will be submitted in discharging condition number 4, to bring the proposal into accordance with Policy ENV2 of the Local Plan.

### Highway Impacts

The current circulation arrangements will be affected, primarily by stopping up vehicular egress onto Weymouth Avenue from Fairfield Road and there will be a loss of 21 parking spaces. It is understood that a few hundred vehicles a day use Fairfield Road as a through route, when the road is open, which would need to find an alternative route.

The Highway Engineer considers the proposal does not present a material harm to the transport network or highway safety and raises no objection. Overall, the benefit of improving the safety of the route for all pedestrians and suggested environmental improvements, outweighs the disbenefit of a little extra driving for some people in getting to the car park, as a cut through and loss of 21 car parking spaces.

### Flood Risk and Drainage

The proposal site is in an area at Risk of Surface Water Flooding Extent 1 in 100 year and 1 in 1000 year and the JBA Ground Water Mapping service identifies a Risk of Groundwater Emergence with groundwater levels between 0.5m and 5m below the ground surface. However, the proposal is not flood vulnerable and does not propose a level of operational development that would increase the risk of flooding elsewhere.

The area is not within Floodzones 2, 3 nor in an area susceptible to groundwater flooding. However, the area near the Weymouth Avenue junction is subject to a low risk of surface water flooding. Reduction in runoff here might help mitigate the more severe risk of surface water flooding. However, this proposal does not include major resurfacing works to the carriageway and there are no realistic opportunities at this stage to reduce runoff through changes to surface drainage. The only change to the area is the creation of a footway, which will alter the location of the where surface water drains. One gully will be moved to the front of the new footway near the junction with Weymouth Avenue.

Drainage arrangements are set out in a drainage drawing, which indicates that the public realm drainage will be subject to design by others. Contingent on design and funding, the public realm area could incorporate features to reduce water intake through the inclusion of rain gardens, tree pits or another sustainable urban drainage

systems. Overall and subject to discharge of condition 3, the proposal complies with Policy ENV5 of the Local Plan on flood risk.

### Public Consultation

A consultation exercise was carried out earlier this year with over 400 responses received. Every aspect of the scheme was supported by most respondents, ranging from 89% for the provision of a footway, to 65% to the proposal to restrict vehicle access at the eastern end at Weymouth Avenue. In every case, those expressing disagreement was low, from 22% disagreeing with the vehicle restriction to 3% disagreeing with improved street lighting or safer crossing points of the road at junctions.

### **17.0 Conclusion**

- The location is considered to be sustainable and the proposal is acceptable in its design, general visual and heritage impacts.
- The proposal will provide significant benefits in terms of pedestrian permeability, safety and accessibility and there is not considered to be any significant harm to highway safety, flood risk, biodiversity or neighbouring residential amenity.
- Overall and subject to the discharge of conditions, the proposal complies with the policies of the Development Plan and there are no material considerations which would warrant refusal of this application.

### **18.0 Recommendation**

**Grant**, subject to conditions

**Recommendation:** Approve 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:

HI1290\_Location plan Location plan  
HI1290\_1\_101\_DD\_General Arrangement Site plan - Fairfield Road  
HI1290\_1\_102\_DD\_GA Copper Street Site plan - Copper Street  
HI1290\_1\_501\_DD\_Drainage Drainage drawing  
HI1290\_1\_1202\_DD\_Signage Signage Drawing  
HI1290\_1\_401\_DD\_Street Furniture Street Furniture drawing  
HI1290\_1\_1301\_DD\_lighting Street Lighting drawing  
HI1290\_1\_701\_DD\_Surfacing Footways and Carriageway surfacing drawing  
HI1290\_1\_1101\_DD\_Kerbing Kerbing drawing

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

3. Within two years of the date of the permission hereby approved, a soft and hard landscaping scheme, to include details of planting, surface treatments, street furniture and sustainable urban drainage measures to be incorporated, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests reducing floor risk and of enhancing the visual amenity and character of the area in accordance with Policies ENV5, ENV10 and ENV11 of the Adopted West Dorset and Weymouth & Portland Local Plan.

4. Within two years of the date of the permission hereby approved, details of biodiversity enhancement measures shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed measures shall be installed/provided in accordance with a timescale to be agreed in writing with the Local Planning Authority.

Reason: To enhance biodiversity in accordance with Policy ENV2 of the Adopted West Dorset and Weymouth & Portland Local Plan.

#### **Informative Notes:**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case: The applicant was provided with pre-application advice and was updated of any issues and provided with the opportunity to address issues identified by the case officer.