

Application Number:	P/FUL/2024/03916		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	County Hall Colliton Park Dorchester DT1 1XJ		
Proposal:	Demolish and rebuild sections of the boundary walls		
Applicant name:	Dorset Council		
Case Officer:	Claire Lewis		
Ward Member(s):	Cllr Canning and Cllr Fry		
Publicity expiry date:	16 August 2024	Officer site visit date:	23 July 2024
Decision due date:	4 October 2024	Ext(s) of time:	4 October 2024
No of Site Notices:	x3		
SN displayed reasoning:	<ol style="list-style-type: none"> 1. Adjacent to the wall, attached to the herras fencing around the site within the private County Hall car park. 2. Attached to herras fencing to the rear of the wall on West Walks which is a public footpath following the Roman Walls. 3. Attached to a lamp post adjacent to the footpath and highway on Grove Road, opposite the proposed development site. 		

1.0 This application comes before Planning Committee as the site is council-owned land.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation: as set out in Sections 16 & 17 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposals accord with all relevant paragraphs of the National Planning Policy Framework (NPPF) as detailed in Section 11.
- The proposal is acceptable in relation to all planning issues outlined in Sections 4 and 16.
- The proposals result in less than substantial harm to designated heritage assets, with public benefit that is judged to outweigh the harm.

- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of the proposal is acceptable.
Scale, design, impact on character and appearance	There is no change to the scale and design of the visible parts of the proposed replacement wall compared to existing.
Impact on the living and working conditions of the occupants of neighbouring properties	There is no demonstrable long-term impact on the living or working conditions of neighbouring residential and commercial properties.
Impact on landscape or heritage assets	The 'less than substantial harm' resulting from demolishing and rebuilding part of a listed structure and Scheduled Monument is considered to be outweighed by public benefit.
Flood risk and drainage	There is no demonstrable risk in relation to flooding and drainage.
Economic benefits	There are potential economic benefits derived from ensuring the safety and longevity of a notable tourist asset.
Highway impacts, safety, access and parking	There is no demonstrably unacceptable impact on highway safety.
Impact on trees	There are no trees proposed to be removed, all trees will be protected during demolition and construction in accordance with the associated Arboricultural Method Statement.
Biodiversity	There is no demonstrable impact on biodiversity.

5.0 Description of Site

The application site forms part of Dorchester's Roman Walls which is a Grade II listed structure forming part of the Dorchester Roman Walls Scheduled Monument. West Walks, North Walks and Colliton Park lie adjacent to the Roman Walls, on land to the east of The Grove and south of Northernhay, raised significantly above these highways. The site lies on the edge of the designated Dorchester Conservation Area and Colliton Park Roman House, also a Scheduled Monument with Grade I listed structure, lies just over 5 metres to the east. The adjacent 'Town Walk' is also a designated listed Park and Garden heritage asset.

Most of the affected site is a linear stretch of the west wall, but also includes a small section of the north wall as it turns to the east.

The walls are a heritage asset of significant archaeological and historical importance. In terms of use, the walls are considered an important tourist attraction for the town and access to the walls is open to the public via existing footpaths leading from The Grove and Northernhay.

The walks are lined with mature trees immediately adjacent to the walls. The tree canopy shades the walls and the roots spread immediately under the structure. The surrounding area is of mixed use. Immediately to the east is the extensive car park and buildings forming County Hall at Colliton Park, with the undulating topography laid mainly to tarmac. Within the grounds of Colliton Park is the protected Roman House site, which is a notable tourist attraction, and further again to the east lie a range of residential and commercial buildings, including Grade II listed 8 Glyde Path Road. To the west, the topography slopes steeply down to The Grove with its blend of modern residential and commercial uses. On Northernhay immediately to the north of the wall is a small run of residential dwellings, north of which is a large commercial development with a supermarket, car showroom and garage.

Given the raised topography on which the wall sits, and the extensive greenery of the Walks results in limited visibility of the development site from surrounding roads and buildings.

6.0 Description of Development

The proposal seeks to partially dismantle a section of the boundary walls due to their poor condition, salvaging all the original historic materials and rebuilt incorporating these using traditional construction methods.

The works will also involve reducing the ground levels on the Colliton Park side, thereby relieving ground pressure and the formation of a buffer zone to prevent cars parking directly adjacent to the wall. This designated area will be planted with a wildflower grass mix.

The once freestanding walls now act as a retaining structure for the infill of County Hall and the surrounding car park. As a result of this pressure and load, the walls have suffered significant stress resulting in deformations such as leaning, tilting, cracking and bulging to the extent that the walls are at risk of collapse, have been temporarily supported with props and there is no alternative but to demolish and rebuild the asset.

7.0 Relevant Planning History

WD/D/19/001377 - Decision: GRA - Decision Date: 24/07/2019

Carry out improvement works to Roman Town House complex to include seating, lighting, access, parking, circulation, new timber steps and paths, laying of hard surfaces and other landscaping works

WD/D/19/001378 - Decision: GRA - Decision Date: 24/07/2019

Carry out improvement works to Roman Town House complex to include seating, lighting, access, parking, circulation, new timber steps and paths, laying of hard surfaces, other landscaping works and relocation of Roman sarcophagus

WD/D/19/002732 - Decision: RES - Decision Date: 06/11/2019

Request for confirmation of compliance with condition 3 of planning approval
WD/D/19/001377

WD/D/19/002741 - Decision: RES - Decision Date: 06/11/2019

Request for confirmation of compliance with condition 4 of listed building consent
WD/D/19/001738

WD/D/20/002414 - Decision: RES - Decision Date: 09/10/2021

Request for confirmation of compliance with condition 5 of WD/D/19/001377

8.0 List of Constraints

WALL ON WEST AND NORTH SIDES OF COLLITON PARK listed building grade G2. HE Reference: 1110625 - Distance: 0

Grade: II Listed Building: WALL ON WEST AND NORTH SIDES OF COLLITON PARK List Entry: 1110625.0; - Distance: 23.16

Dorchester Conservation Area - Distance: 0

Boundary; West Dorset District Boundary; West Dorset - Distance: 0

Nutrient Catchment Areas - Distance: 0

PROW - Right of Way: Footpath S2/10; - Distance: 35.85

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Parks and Gardens: TOWN WALKS, DORCHESTER List Entry: 1001594.0 - Distance: 0

Scheduled Monument: Poundbury Camp, associated monuments and section of Roman aqueduct. (List Entry: 1013337.0); - Distance: 267.8

Scheduled Monument: Dorchester Roman walls (List Entry: 1002449.0); - Distance: 0

Scheduled Monument: Colliton Park Roman house (List Entry: 1002721.0); - Distance: 5.17

Poole Harbour Catchment Area - Distance: 0

Groundwater Source Protection Zone - Distance: 0

Radon: Class: Class 1: Less than 1% - Distance: 0

Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

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)

9.0 Consultations

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

Consultees

1. **Historic England** – Supports the scheme which it believes will have considerable public benefits through improved conservation of the site.
2. **National Amenity Societies** – No comments received
3. **Ramblers Association** – No comments received
4. **DC - Rights of Way Officer** – No comments received
5. **DC - Highways** – No objection. Conditions and informatives recommended.
6. **DC - Conservation Officers** – Supports the scheme. Less than substantial harm with public benefit to outweigh. Condition recommended.

7. **DC – Archaeology** – No further archaeological work required for the scheme to commence due to previous works at the site. Archaeological recordings to be made during the proposed works in accordance with the plans. Condition recommended.
8. **Dorchester Town Council** – No objection. Cllr Jones declared an interest as a member of Dorset Council’s Planning and Environment Committee and Chairman of Dorset Council.
9. **Ward Councillors - Dorchester West** – No comments received from either Ward Member.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections: None received

Summary of comments of support: None received

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.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to 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.

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

11.0 Relevant Policies

Development Plan

West Dorset, Weymouth & Portland Local Plan (Adopted 2015)

ENV 4- Conservation Area; DORCHESTER CONSERVATION AREA

ENV10- The Landscape and Townscape Setting

ENV12- The Design and Positioning of Buildings

ENV16- Amenity

COM7 – Creating a safe and efficient transport network

DOR3 – Dorchester Roman Town Area

Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council 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 relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

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:

Paragraph 196 - Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through

neglect, decay or other threats. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 205 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 208 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 211 - Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷³. However, the ability

to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Other material considerations

Dorchester Conservation Area Appraisal, 2003

- Sub-Area 'a': Colliton Park area, The Grove & Friary Hill

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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. Partial closure of the walls and pedestrian access to the County Hall car park and Roman House will impact on persons with protected characteristics, especially disability and age, but the disruption would be short term during demolition and construction works and there are alternative access points and walkways that would remain available during this period.

14.0 Financial benefits

No measurable financial benefits are considered to result from the proposed works.

15.0 Environmental Implications

Potential impact to trees has been identified and assessed. Measures to protect trees at the site as outlined in the Arboricultural Method Statement are acceptable and have been conditioned.

No further demonstrable environmental implications have been identified.

16.0 Planning Assessment

16.1 Principle of development

The proposal to demolish and rebuild sections of a listed wall is considered development and is, in principle, acceptable in this location subject to consideration of all material factors.

16.2 Scale, design, impact on character and appearance

The scale and design of all visible elements of the proposed replacement wall is the same as existing, and every effort will be made to ensure the original wall is replicated to match its original form and build quality. This is ensured through the detailed methods outlined in the structural plans to be followed by the contractor(s), and the condition requiring a sample panel to be approved prior to the rebuild commencing.

The Wall and the Town Walks are heritage assets of considerable value and importance, and taking into account that Dorset Conservation Officers, Historic England and Dorset Archaeology are supportive of the proposals due to their essential nature, it is considered that the works will result in minimal harm to the character and appearance of the assets and the wider area.

16.3 Impact on the living and working conditions of the occupants of neighbouring properties

Whilst the proposals do not directly affect residential property or occupants, the removal of props, herras fencing and unsightly signage will improve any views towards the site from surrounding dwellings. The works would also ensure the safety of local residents, council workers, visitors to County Hall and tourists using the Town Walks.

16.4 Impact on heritage assets

Given its heritage status, the impact of the proposed works on heritage assets should be given great weight when assessing and deciding this application.

The main issues considered are:

- 1) Impact on the Grade II listed wall;

- 2) Impact on the special character and appearance of the Conservation Area;
- 3) Impact on the setting and character of adjacent heritage assets and Scheduled Monuments;.

In considering issue 1), it is clear that the proposed demolition and loss of some historic fabric of the original Roman wall is harmful to the designated heritage asset. Sections of the wall would no longer exist in their original state and this loss would be irreversible. However, as most of the wall will remain unaltered and will very likely be protected from being further undermined in time, the harm is considered less than substantial. Furthermore, the harm can be balanced against the reuse of historic fabric in the rebuilding of the demolished wall sections, and also in the improvements to public safety that would result from stabilising the wall using modern construction techniques. As such, the harm is less than substantial with public benefit to outweigh.

Issue 2) relates to impact on the Conservation Area. The wall is an important feature of the designated Dorchester Conservation Area so the loss of its original form and some historic fabric will harm the heritage asset's special character and appearance. Again however, the harm is less than substantial and is offset by public benefit, and the appearance and visual amenity of the rebuilt wall will be as similar as possible to existing due to the proposed methodology and reuse of historic fabric.

Issue 3) relates to impacts on the nearby Grade I listed Roman House, the Registered Park and Garden 'Town Walks' and 2no. Scheduled Monuments (Colliton Park Roman House and Roman Walls). As outlined in the responses to 1) and 2) above, the less than substantial harm with public benefits deemed to outweigh that harm will ensure that there is minimal impact to these nearby designated heritage assets and Scheduled Monuments, and given their close proximity, conservation and protection of the wall should also help to secure both longevity of these assets and continued safe access for the public to view and enjoy them.

In addition, a proposed programme of archaeological works will take place in tandem with the demolition works that will ensure a detailed historic record of the wall is compiled. This will be submitted to both Dorset Council and Historic England, and any artefacts uncovered would be preserved. The development therefore complies with Policy ENV.4 of the Local Plan and relevant sections of the NPPF as outlined in Section 11.0 of this report.

16.5 Flood risk and drainage

The site is located in Flood Zone 1 on raised ground. As such, there is no demonstrable risk in relation to flooding and drainage.

16.6 Economic benefits

Whilst no measurable financial benefit can be accorded with the proposals, given that the Roman Walls and surrounding designated and non-designated heritage assets are a draw for tourists visiting the historic town, the protection and conservation of those assets might be considered beneficial to the wider local economy.

16.7 Highway impacts, safety, access and parking

The Dorset Highways Authority has no objection to the scheme. However, the proposal involves a structure located within 6 metres of the edge of the highway. Therefore, the works are subject to Technical Approval by the Technical Approval Authority through submission of a Full Structural Report. Works must not commence until the Structural Report has been accepted and signed off by the Local Authority, as per the informative below.

Access will be restricted around the proposal site during the works, but there are alternative access points on the Town Walks and Colliton Park so this is considered short term, necessary and therefore acceptable.

The proposed buffer zone planted with wildflower grass mix adjacent to the Roman Wall on the Colliton Park side will ensure vehicles are parked away from the wall, reducing future force and weight on the structure.

16.8 Impact on trees

There are 8 trees directly within the proposed area of works. A detailed arboricultural assessment concluded that no trees would be removed or likely to be lost as a result of the proposed demolition and repair works, despite the trees being sited adjacent to the wall with their roots spread underneath the structure.

A method statement outlines a detailed plan for the works, including tree protection measures such as fencing, geo-textile matting and boarding to be installed pre-construction, and a detailed methodology for protecting tree roots during the demolition and excavation stage. During the rebuild, a specific methodology must be followed to ensure construction debris does not damage the trees. Throughout the process, site supervision is required and all of the above is conditioned.

16.9 Biodiversity

The addition of a small area of wildflower grass planting adjacent to the repaired stretch of the wall will encourage increased biodiversity as a direct result of the proposal.

16.10 Scheduled Monument Consent

The works also require SMC from the SoS. An application for Scheduled Monument Consent was acknowledged by Historic England in its consultation response.

17.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as listed above, and the development plan as a whole, and no material planning considerations indicate otherwise.

18.0 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:

- 24/03/1 Site plan
- 24/03/2 East and West elevation
- 24/03/3 Location, block plan & North and South elevations
- 01 Wall Sections A to D
- 02 Wall sections E to H
- 03 Wall sections I to K
- 04 Wall sections L to O
- 05 Wall sections P to S
- 06 Wall sections T and U
- 07 Wall sections reference drawing
Section E

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 by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To safeguard and/or record the archaeological interest on and around the site.

- 4.All works relating to demolition, groundworks, reconstruction and landscaping must be carried out in accordance with the 'Initial Works Schedule' as outlined in the Heritage Impact, Design and Access Statement reference AW/22/80 received by the Local Planning Authority on 12/07/2024, and Drwg. Nos. 24/03/1 and 24/03/2, and shall be maintained as such thereafter.

Reason: To ensure the protection of assets of special archaeological and historic interest.

- 4) The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 30th May 2024 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