Application Num	bor	D/I DC/2024/02225			
Application Number:		P/LBC/2024/03235			
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:	1 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:	 Adjacent to the wall, attached to the herras fencing around the site within the private County Hall car park. Attached to herras fencing to the rear of the wall on West Walks which is a public footpath following the Roman Walls. 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 LISTED BUILDING CONSENT subject to conditions.

- **3.0 Reason for the recommendation**: as set out in Sections 16 & 17 at end of this report.
 - 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 other relevant paragraphs of the National Planning Policy Framework (NPPF) as detailed in Section 11 of this report.
 - The proposal is acceptable in relation to all planning issues outlined in Sections 4 and 16 of this report.

- 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.	
Impact on 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.	

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 Town 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 as mentioned in more detail elsewhere.

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

DOR3; Dorchester Roman Town Area; Dorchester - Distance: 0

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

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

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. DC Rights of Way Officer No comments received
- **4. DC Conservation Officers** Supports the scheme. Less than substantial harm with public benefit to outweigh. Condition recommended.
- 5. 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.

- 6. Dorchester Town Council No objection.
- 7. Ward Councillors Dorchester West (x2) No comments received from either ward member.

Representations received

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

Petitions Supporting	
0	
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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 16 includes 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 when considering whether to grant listed building consent.

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

West Dorset, Weymouth & Portland Local Plan (Adopted 2015) ENV 4- Heritage Assets ENV10- The Landscape and Townscape Setting ENV16- Amenity

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 adjacent to the Grade II listed wall and within the designated Conservation Area and Scheduled Monument Site 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 as part of associated planning application P/FUL/2024/03916.

No further demonstrable environmental implications have been identified.

16.0 Planning Assessment

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 issue to be considered is the impact on the historic significance of the Grade II listed wall. 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 the identified harm.

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.

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 no material planning considerations indicate otherwise.

18.0 Recommendation

Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted. Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

24/03/3 Location and block plans 24/03/1 Site plan 24/03/2 East and West Elevation 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: To preserve the architectural and historical qualities of the structure.

3.Prior to the commencement of work to the stone walls, a sample panel of stonework shall be constructed on site and shall be inspected and approved in writing by the Local Planning Authority. The sample panel shall be approximately 2 square metres in size. Once approved the panel shall remain on site until the completion of works and stonework shall be constructed to match the approved sample panel.

Reason: For the avoidance of doubt and in the interests of preserving the character and appearance of the listed structure.