

Application Number:	P/FUL/2024/02407		
Webpage:	Planning application: P/FUL/2024/02407 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	51 North Street Wareham BH20 4AD		
Proposal:	Change of use of ground floor to residential dwelling. Replace existing single storey lean-to extension and internal alterations ensuring all heritage features are preserved.		
Applicant name:	Carly Frost		
Case Officer:	Simon Burditt		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	15 June 2024	Officer site visit date:	21 May 2024
Decision due date:	17 July 2024	Ext(s) of time:	17 July 2024
No of Site Notices:	Three		
SN displayed reasoning:	<p>One site notice was tied to the front of number 51 North Street.</p> <p>One site notice was tied to a fence post at the rear of number 51 North Street.</p> <p>One site notice was tied to a lamp post on the approach to the rear of number 51 North Street.</p> <p>The site notices were displayed in prominent positions in the interests of maximising awareness of the application.</p>		

1.0 The application has been referred to committee for consideration by the Chair of the Eastern Area Planning Committee.

2.0 Summary of recommendation:

The committee GRANT planning permission subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paragraphs 16 – 17 of this report and summarised as follows:

- 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.

- The proposal will result in the loss of retail/commercial space within Wareham Town Centre, but no harm to the viability and vitality of the town centre is anticipated; the modest floorspace appears to be surplus to requirements.
- The proposed residential use would not result in harm to the streetscene or undermine the character and diversity of the affected part of the Town Centre
- The proposed use would not harm the historic interest and character of the Conservation Area and Listed Buildings.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- no harm to the viability and vitality of Wareham Town Centre is anticipated
Scale, design, impact on character and appearance	Acceptable- the rear extension is appropriate, the front elevation remains unaltered
Impact on heritage assets	Acceptable- no harm identified
Impact on the living conditions of the occupants and neighbouring properties	Acceptable
Highway impacts, safety, access and parking	Acceptable- sustainable location, parking space to the rear retained.

5.0 Description of Site

- 5.1 The site lies to the west of North Street, which is a principal road when entering Wareham from the north. Number 51 is a Grade II terrace property re-built in the Georgian style following the great fire in Wareham in the eighteenth century.
- 5.2 Number 51 is on the northern extent of the Wareham Town Centre, sited approximately 230m north of the crossroads with West Street. To the north of 51 High Street there are only two properties in commercial use at ground floor: no. 67 is a tanning studio and no. 59 is a restaurant. Other properties are in wholly residential use.
- 5.3 To the south of the application site there is a predominance of commercial use at ground floor level on North Street; numbers 43 and 11 are residential properties.
- 5.4 The property at no. 51 currently benefits from a mixed use of retail (Use Class E) and residential. At ground floor level the property includes a shop floor/showroom served by a modern shopfront window. At the rear, the bathroom and utility room form part of the single unit of residential accommodation that spread across the first and second floors. The current layout provides access to the dwelling from North Street through the shop floor.

6.0 Description of Development

- 6.1 It is proposed to convert the shop/showroom to residential use. The single storey flat roof rear extension will be replaced by an extension with a pitched glazed roof. New stud partitions will facilitate the formation of a ground floor kitchen, dining room,

lounge and re-positioned toilet. Three bedrooms will be retained on the first and second floors together with a new bathroom and ensuite.

7.0 Relevant Planning History

6/1980/0840 - Decision: Granted - Decision date: 09/01/1981.
Erect projecting wall sign. (6/486 Listed Building Application).

6/2020/0573 Listed Building Consent - Decision: Refused- Decision date:
01/04/2021.

Swap kitchen & bathroom and opening of internal wall, create ensuite shower room, remove stud walls in shop area and renovations.

P/PAP/2024/00069 - Decision: Response given- Decision date: 05/04/2024.

Convert property back to one dwelling swap kitchen and bathroom locations and update throughout.

Only Conservation advice was sought. The Conservation Officer advised that the scheme, involving the replacement ground floor extension and internal works, could be supported, provided that changes to internal fabric (historic rear brick wall and doors) were reduced.

P/LBC/2024/02624- Decision: Granted - Decision date: 18/09/2024

Change of use of ground floor to residential dwelling. Replace existing single storey lean-to extension and internal alterations ensuring all heritage features are preserved. (Listed Building Application)

8.0 List of Constraints

The application site is located within the:

Wareham settlement boundary;

Wareham Town Centre;

Wareham 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;

Poole Harbour Recreation Zone;

Dorset Heathlands - 5km Heathland Buffer.

Poole Harbour RAMSAR site (UK11054) lies 210m away

Dorset Heathlands RAMSAR site (UK11021) lies 2855m away.

The property is also a Grade II Listed Building (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

No comments to make, the comments of the conservation department and archaeological department of the local planning authority should be sought.

2. Dorset Council Highways

The development proposals make no provision for on-site parking. This is considered to be acceptable due to the town centre location of the site and the links to local transport, retail and leisure facilities. The Highway Authority has no objection to the proposal.

3. Dorset Council Conservation Officers

Initial objection withdrawn following receipt of amended plans identifying the retention of historic doors.

4. Wareham Town Council

Objection- the loss of the retail unit in the Town Centre is contrary to both the local plans (Policy TC1 in Wareham Neighbourhood Plan and Chapter 5 of Purbeck Local Plan).

5. Ward Members

No comments received.

Representations received

The application was advertised by site notice. No comments were 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 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 areas.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan (2018-2034) adopted 2024:

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

Policy V1: Spatial strategy for sustainable communities

Policy E2: Historic environment

Policy E7: Conservation of protected sites

Policy E8: Dorset heathlands

Policy E9: Poole Harbour

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy I2: Improving accessibility and transport

Policy EE3: Vibrant town and local centres

Made neighbourhood plans

Wareham Town Neighbourhood Plan 2019-2034 (made November 2021)

H9- Settlement Boundary

TC1- Safeguarding Retail Provision in the Town Centre

LDP1- Design of New Development within Wareham Conservation Area

LDP3- Sustainable Design

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:

- Section 4. Decision making: Paragraph 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 7 'Ensuring the vitality of town centres'- planning policies and decisions should (inter alia): define a network and hierarchy of town centres and promote their long-term vitality and viability- by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters; b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre; f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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 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 (paragraph 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (paragraph 209).

Other material considerations

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document.

Purbeck District Design Guide - Supplementary planning document.
Wareham Conservation Area Appraisal.

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.

No disadvantage to persons with protected characteristics is anticipated by the proposed modest changes.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Business Rates	Potentially -£1,322 but more likely zero due to small business rate relief
CIL	Not liable since <100m ² floor area

15.0 Environmental Implications

The proposed replacement rear extension will be required to accord with Building Control regulations securing improved thermal performance.

16.0 Planning Assessment

- 16.1 The main planning considerations are:
- The principle of development
 - Impact on heritage assets
 - Highway safety and parking
 - Impact on neighbouring amenities

These are considered below.

Principle of development.

- 16.2 Planning permission is sought for a replacement rear extension and to change the ground floor of the property from a shop to part of the dwelling that is currently accommodated on the upper floors. The site is within the settlement boundary so there is no objection in principle to the building operations or residential use, provided that the proposals are acceptable in respect of all other material planning considerations.
- 16.3 As number 51 North Street is within the Wareham town centre, the Purbeck Local Plan (2018 – 2034) policy EE3 – ‘Vibrant town and local centres’ is of most relevance.
- 16.4 Policy EE3 states that “*Retail development in Purbeck will be managed in accordance with the settlement hierarchy*”. Reference is then made to the town centres, including Wareham.
- 16.5 Confirmation is given that “*Ground floor changes of use in town and local centres will be permitted, provided that the proposed use would not harm the vitality, viability and functionality of the centre as a whole*”.

- 16.6 Specific reference is made in policy EE3 to the existing provision of retail space by confirming that “*Development leading to the loss of uses within Class E will only be permitted if:*
- ... f) it can be proven that the provision is surplus to requirements and*
 - g) the change of use would not harm the vitality and viability of the town centre or local centre...”.*
- 16.7 Within the Wareham Neighbourhood Plan (made November 2021) of most relevance is Policy TC1 – ‘Safeguarding Retail Provision in the Town Centre’. Confirmation is given that within the town centre, as defined in the plan, development will be supported if the following four criteria are met.
- “a) the proposed ground floor use falls within the NPPF definition of a main town centre use;*
- b) the proposed use and any associated physical alterations would maintain an active and publicly-accessible ground floor use that enlivens the streetscene;*
- c) the proposed use would not undermine the character and diversity of that part of the Town Centre; and*
- d) the proposed use and associated works would not harm the historic interest and character of the Conservation Area and Listed Buildings”.*
- 16.8 Supporting information submitted with the application identifies that:
- i. Although within the designated town centre, the site lies at its northern extent
 - ii. Within the immediate locality of the application site there is a transition away from ground floor town centre uses; there is a mix of retail and residential use.
 - iii. The floor area of the shop is limited, for the front part (main shop area) is approximately 15.75 square metres. Part of this area is required to provide access to existing residential areas of the property including on the ground floor and the garden area and parking area are accessed via the ground floor utility room; this layout reduces the extent of potential retail floor space.
 - iv. There has been no retail use by the last two owners who used the area for informal residential purposes.
 - v. Permission was previously granted to convert the adjacent properties 53 and 55 North Street due to lack of demand for town centre uses.
 - vi. Estate agents have confirmed lack of demand for retail use in Wareham
 - 1. Email from Purbeck Property Office- unable to take on the unit due to the large number of empty retail units already in the town centre; low commercial rent demand.
 - 2. Email from DOMVS- low/no demand for retail premises

3. Email from South Circle- example of slightly larger premises in a more central location which has been advertised for 6 months.

- 16.9 Officers are mindful that the proposal fails to accord with policy TC1 (a) and (b) as residential use is not a main town centre use so will not maintain a publicly-accessible ground floor use.
- 16.10 Of the options available under Use Class E, the relationship of the commercial space to the existing residential use at ground and upper levels limits opportunities for diversification; it is judged that only retail or office use would be feasible.
- 16.11 The applicant has provided evidence that there is currently a low demand for premises for retail/town centre uses in Wareham, albeit that the site itself has not been subject to marketing. Other empty units further south along North Street, closer to the crossroads, supports their contention that the unit is surplus to requirements in accordance with policy EE3(f).
- 16.12 The property is located at the northern extent of the town centre designation. Planning permission was granted in 1994 for the conversion of no. 55 to residential and no. 53, immediately north of the application site, followed in 2016.
- 16.13 It is reasonable to assume that the position of the unit near the end of the spur extending from the centre of Wareham would be associated with reduced footfall, albeit it is on the route between the town centre and the station. It is recognised that the floor area of the shop is limited, with a maximum area of approximately 19sqm useable space and that it has not been in recent active use.
- 16.14 For these reasons it is judged, on balance, that loss of the retail unit would not harm the vitality and viability of Wareham town centre as required by policy EE3, nor that it would harm the character and diversity of this part of the Town Centre which is already in mixed residential and town centre uses, so the proposal accords with policy TC1(c).
- 16.15 The impact on the heritage value of the town centre is considered below.

Impact on Heritage Assets

- 16.16 Policy E2: Historic Environment requires that great weight is given to protecting, and where possible enhancing, Purbeck's designated heritage assets and their settings when assessing applications. The application was accompanied by a heritage statement providing context for the assessment.
- 16.17 The proposals do not include any external alterations to the front of the Grade II Listed Building which contributes to the setting of the Wareham Conservation Area so no harm has been identified to the character and appearance of this heritage asset which will be preserved.

- 16.18 With regard to the impact of the proposals upon the character, appearance and fabric of the Grade II Listed Building, the internal doors initially shown for replacement are now to be retained so the Conservation Officer has been able to withdraw their initial objection as the loss of historic fabric will now be limited. The proposed replacement of the modest single storey rear extension is acceptable in terms of size, scale and design. The heritage value of the listed building will be preserved in accordance with policy H2: Historic Environment.
- 16.19 As the associated listed building consent includes a condition to secure appropriate materials for the external alterations it is not necessary to duplicate conditions on this planning decision.

Highway safety and parking.

- 16.20 Policy I2 requires (inter alia) that proposals should be located in accessible locations, should maximise the use of alternative and sustainable forms of travel and protect adequate parking levels. To the rear of the application site there is an off-road parking space which already serves the residential property. On the basis that the dwelling is in a sustainable location and there is a parking space available, the proposals are acceptable in terms of parking and highway considerations in accordance with policy I2.

Impact upon the amenity and privacy of nearby properties and the occupants of the nearby properties.

- 16.21 The nature, size and scale of the proposals is such that they would not have any detrimental impact upon the amenity and privacy of any nearby properties or the occupants of such properties.

17.0 Conclusion

Whilst the proposal fails to accord with Wareham Neighbourhood Plan policy TC1 (a) and (b), the position of the application site combined with the modest size of the ground floor area available for a town centre use and evidence of lack of demand for such a unit from estate agents supports a conclusion that the current use is surplus to requirements and its loss would not harm the vitality and viability of the town centre. There are material considerations which justify departure from the Neighbourhood Plan.

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:
drawing number 001 (location plan and block plan),
drawing number 002 (site plan),
drawing number 010 (proposed location plan and block plan),
drawing number 011 (proposed site plan) and
drawing number 014 (proposed cross section)
submitted as part of the application, plus
drawing number 012 – revision B (proposed ground floor plan, first floor plan and second floor plan)
received on 28 August 2024 and
drawing number 013 – revision B (proposed rear elevation)
received on 3 September 2024.

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

Informative Notes:

1. Informative - Community Infrastructure Levy (CIL).

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

2. Informative note - Matching plans.

Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

3. Informative - National Planning Policy Framework Statement.

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 applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant / agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

4. Informative note - Refer to listed building consent.

This planning permission should be read in conjunction with the associated grant of listed building consent, including the conditions and informative notes upon the grant of listed building consent.