

Eastern Area Planning Committee

6 November 2024

<b>Application Number:</b>	P/FUL/2022/01319		
<b>Webpage:</b>	<a href="https://www.dorsetforyou.com">Planning application: P/FUL/2022/01319 - dorsetforyou.com</a>		
<b>Site address:</b>	Land to the rear of 12 West Street Wareham BH20 4JX		
<b>Proposal:</b>	Removal of existing shed and carport, construction of 2 bed dwelling with associated parking and garden (as amended by plans rec'd 26/07/2022)		
<b>Applicant name:</b>	Mr Alan Ould		
<b>Case Officer:</b>	James Brightman		
<b>Ward Member(s):</b>	Cllr Ezzard, Cllr Holloway		
<b>Publicity expiry date:</b>	23 April 2022	<b>Officer site visit date:</b>	Conservation & Enforcement Officer visited November 2021
<b>Decision due date:</b>	30 September 2024	<b>Ext(s) of time:</b>	30 September 2024 Further extension requested until 8/11/24
<b>No of Site Notices:</b>	2 – One at the access onto Mill Lane to the east and one outside Goadsbys estate agent in West Street to the south		
<b>SN displayed reasoning:</b>	To ensure effective notification of the application		

**1.0** The application comes before Members at the request of the Chair of the Eastern Area Planning Committee

**2.0 Summary of recommendation:**

GRANT subject to conditions

**3.0 Reason for the recommendation:** as set out in paragraphs 17.1 to 17.6 at the end of this report:

- The principle of the development is acceptable in the settlement, and the proposal represents sustainable development
- The proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity

6 November 2024

- The proposal would be nutrient-neutral as it is proposed to purchase nutrient credits from an approved provider.
- There are no material considerations which would warrant refusal of this application

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – site in the settlement boundary of Wareham and compliant with the settlement hierarchy and Policy V1 of the adopted Purbeck Local Plan 2018-2034 (Purbeck Local Plan)
Impact on heritage assets (conservation area, setting of listed buildings & archaeology)	Acceptable – no harmful impact on the character and appearance of the Wareham Conservation Area, the setting of nearby listed buildings or archaeology. Compliant with Policy E2 of the Purbeck Local Plan
Impact on highway safety	Acceptable – no adverse impact on highway safety and on-site parking appropriate. Compliant with Policy I2 of the Purbeck Local Plan
Impact on the living conditions of the occupants and neighbouring properties	Acceptable – no demonstrable harm to the amenity of occupants of adjacent dwellings

#### 5.0 Description of Site

- 5.1 The site is to the north of West Street and west of Mill Lane behind 1-3 Mill Lane and 10 & 12 West Street. It is within the development boundary of Wareham and the Wareham Conservation Area. Adjacent buildings in Mill Lane and West Street are listed.
- 5.2 The site is accessed via Mill Lane under a first-floor section of building between 1 and 1a Mill Lane. This is a gated access and views into the site are not possible when the gate is closed. The application form states that the current use of the site is as a garden and service yard for no. 12 with parking, a garage and shed.
- 5.3 A number of two-storey dwellings back onto the site to the north and east in Mill Lane and to the south in West Street. The Rex cinema in West Street has its eastern flank facing the site.

#### 6.0 Description of Development

- 6.1 A single storey, hipped roofed dwelling is proposed with L-shaped footprint and low roof to be sited adjacent to the site's north and west boundaries. This would require the removal of the existing single storey flat roofed garage and the timber fencing enclosing a timber shed at the rear of 12 West Street.

## Eastern Area Planning Committee

6 November 2024

- 6.2 External materials would be plain clay tile for the roof, vertical timber cladding and brick for the walls, timber framed windows and UPVC rainwater goods. A large roof light is shown in the northwest elevation.
- 6.3 Two parking spaces (2.4m x 4.8m each) are to be provided adjacent to the rear boundary with 12 West Street. Vehicles would be able to turn in front of these spaces.

### 7.0 Relevant Planning History

#### 1 Mill Lane

6/2010/0227 - Decision: GRA - Decision Date: 04/06/2010

Make alterations to convert first floor storeroom into a bedroom and bathroom. Install new steel beam at first floor level; insert new joists and replace rotten joists; insert new ceilings; insulate walls; insert new timber panel and obscure glazed window at first floor; replace front door; replace window frames to dormer windows and install secondary glazing to all windows.

#### 3A Mill Lane

6/2005/1081 - Decision: GRA - Decision Date: 08/03/2006

Erect rear extension and glaze gable end at first floor level.

*Additional rear extension not constructed*

#### 10 West Street

6/1995/0730 - Decision: GRA - Decision Date: 06/02/1996

Convert store to self contained office.

6/2010/0017 & 0018 - Decision: GRA - Decision Date: 23/04/2010

Change of use from estate agents to residential accommodation and make minor alterations.

6/2011/0575 - Decision: GRA - Decision Date: 27/01/2012

Alterations and conversion of first and second floor maisonette into a one bedroom flat and a one bedroom maisonette including new rooflight on rear elevation.

6/2011/0576 - Decision: GRA - Decision Date: 27/01/2012

Material amendment to PA 6/2010/0017 (Change of use from estate agents to residential accommodation and make minor alterations). Deletion of one window installation of two rooflights and a window and relocate internal wall.

6/2011/0569 - Decision: GRA - Decision Date: 27/01/2012

Install two rooflights and a window, block up window and internal alterations to facilitate change of use from office to dwelling

## Eastern Area Planning Committee

6 November 2024

### 10A West Street

6/2011/0564 - Decision: GRA - Decision Date: 27/01/2012  
Alterations and conversion of first and second floor maisonette into a one bedroom flat and a one bedroom maisonette including new rooflight on rear elevation.

### 12 West Street

6/1982/0070 - Decision: GRA - Decision Date: 16/03/1982  
Alterations to change use from shop & house to 2 shops and self-contained flat.  
(6/82/45LB)

6/1985/0142 - Decision: GRA - Decision Date: 29/04/1985  
Erect extension at rear of shop.

P/PAP/2021/00402 - Decision: Response Given- Decision Date: 23/11/2021  
Listed Building advice (no planning input) for new dwelling at r/o 12 West Street –  
*support in principle for single storey dwelling*

### 14 West Street

6/1990/0133 - Decision: GRA - Decision Date: 09/07/1990  
Change use of residential property to coffee room on ground floor and exhibition and meeting hall on first and second floors.

6/2019/0317 - Decision: GRA - Decision Date: 02/08/2019  
Remodelling existing toilets to provide disabled facilities, improving disabled access, installation of replacement stair lift, extension of bar into former store room, replacement timber sash windows, replacement of uPVC windows with timber sash windows, installation of air conditioning unit to projection booth and repairs to rear extension

## **8.0 List of Constraints**

Grade: II Listed Building: THE REX CINEMA List Entry: 1380558.0; - Distance: 11.13

Grade: II Listed Building: 10, WEST STREET List Entry: 1153770.0; - Distance: 8.38

Grade: II Listed Building: 8, WEST STREET List Entry: 1119947.0; - Distance: 16.85

Grade: II Listed Building: COACHHOUSE IMMEDIATELY SOUTH OF NO 1 List Entry: 132543.0; - Distance: 4.16

Eastern Area Planning Committee

6 November 2024

Grade: II Listed Building: 1 AND 3, MILL LANE List Entry: 1120020.0; - Distance: 3.84

Grade: II Listed Building: SENIOR CITIZENS ROOM (FORMER WORKMEN'S CLUB) List Entry: 1120019.0; - Distance: 17.73

Grade: II Listed Building: 18, WEST STREET List Entry: 1323586.0; - Distance: 18.43

Grade: II\* Listed Building: 12, WEST STREET List Entry: 1119948.0; - Distance: 6.9

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

Inside PDC Settlement Boundary: Wareham

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

Statutory Settlement Boundary; Wareham

Neighbourhood Area; Name: Wareham Neighbourhood Plan; Status Designated 10/09/2015

Risk of Surface Water Flooding (ROSWF) Extent 1 in 30 – Not on application site – in Mill Lane to the east

ROSWF Extent 1 in 100 - Not on application site - in Mill Lane to the east

ROSWF Extent 1 in 1000 - Not on application site - in Mill Lane to the east

RAMSAR: Poole Harbour (UK11054); - Distance: 304.34

RAMSAR: Dorset Heathlands (UK11021); - Distance: 2776.15

SSSI (400m buffer): Wareham Meadows; - Distance: 236.58

SSSI (400m buffer): River Frome; - Distance: 199.22

SSSI (5km buffer): Poole Harbour ; - Distance: 1879.6

Within 5km of internationally protected Dorset Heathland

Minerals and Waste - Sand and Gravel - Distance: 239.36

## 9.0 Consultations

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

### **Consultees**

**1. Historic England - Comment**

Suggest advice sought from the Council's specialist conservation and archaeological advisers.

**2. Natural England –** No objection on the basis of the Appropriate Assessment which requires the purchase of nutrient credits from a registered nutrient credit provider to achieve nutrient neutrality.

**3. Dorset Council Highways –** No objection subject to conditions & informative

Conditions to secure turning, manoeuvring & parking; no gates to open onto highway; approval of a construction method statement and informative note to agree waste collection

**4. Dorset Council Conservation Officers –** No objection

The proposal would cause no harm to the setting of the designated assets, nor the character and appearance of the Conservation Area subject to conditions to require details of external materials and window and door details to be approved; roof light to be flush rooflight & details of landscaping to be approved.

**5. Dorset Council – Archaeology Officer –** Comments

If the applicant can demonstrate that no disturbance to a depth of 0.5m or more is to take place, then there would be no need for archaeological mitigation. Otherwise, a condition requiring a programme of archaeological works should be attached to any grant of planning consent, to ensure that any remains that are disturbed are recorded to an appropriate professional standard.

**6. Dorset Council - Building Control Purbeck Team –** No comments received

**7. Wareham Town Council –** Object

- Removes parking and amenity spaces from existing residential units in 12 West Street.
- Vehicular access is very difficult- entrance is too narrow and therefore parking spaces impossible- fails H10 of Neighbourhood Plan.
- Height of roof will have significant impact on daylight received to rear yards of No 1 and 3 Mill Lane.
- Existing large flat roof structure is harmful to setting of Listed Building.

**8. Ward Members –** No comments received

**Representations received**

<b>Objections</b>	<b>No Objections</b>	<b>Comments</b>
<b>5</b>	<b>0</b>	<b>0</b>

**Summary of comments of objections:**

- Loss of light to surrounding very small courtyard gardens and dwellings.
- Proposed hipped roof of dwelling abuts boundary wall of café at 14 West Street and it will reduce sunlight/daylight to the café garden.
- Overdevelopment
- Cars cannot access the proposed car parking without having to reverse through narrow access or undertake slow difficult manoeuvres, therefore no parking provision and contrary to Wareham Neighbourhood Plan (NP) policy H10.
- Narrow entrance from a narrow road means that existing parking problems are likely to be exacerbated.
- An increase in on street parking will harm the setting of Listed Buildings and the Conservation Area.
- Loss of amenity space for existing residents of No 12. Contrary to NP policy LDP3.
- Loss of natural habitats.

**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 Building 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)**

Relevant policies include:

Eastern Area Planning Committee

6 November 2024

V1: Spatial strategy for sustainable communities

H1: Local Housing requirement

H2: Housing Land supply

E2: Historic environment

E4: Assessing flood risk

E5: Sustainable drainage systems

E8: Dorset heathlands

E9: Poole Harbour

E10: Biodiversity and geodiversity

E12: Design

I2: Improving accessibility and transport

### **Neighbourhood Plan**

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

Relevant policies include:

H1- Housing Requirement

H2- Housing Mix

H3- Nationally, European and Internationally Important Wildlife Sites and protected species and locally important habitats

H9- Settlement boundary

H10- Parking Space

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

Eastern Area Planning Committee

6 November 2024

- 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 draft 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 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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- 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.

6 November 2024

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 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).

#### Other material considerations

Nitrogen Reduction in Poole Harbour SPD Adopted- *limited weight now given*

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Poole Harbour Recreation 2019-2024 SPD

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.

During the construction phase there could be a greater impact on neighbours with protected characteristics who are unable to leave their homes. Otherwise, it is considered that the proposed development would not disadvantage persons with protected characteristics.

### 14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Community Infrastructure Levy (CIL)	Nil – self-build exemption
Council Tax	2117.05 (based on Band C)

### 15.0 Environmental Implications

15.1 There will be some localised environmental impacts in construction from noise, dust, vehicle and machinery emissions and these would not be significant given the small-scale of the build.

### 16.0 Planning Assessment

16.1 The main considerations are:

- The principle of development
- The impact on the character of the area and heritage assets
- Impact on highways
- Impact on amenity

- Impact on protected sites.

These and other considerations are set out below.

### **The principle of development**

- 16.2 Policy V1 'Spatial strategy for sustainable communities' of the Purbeck Local Plan identifies that high quality, small scale development on unallocated sites within the boundaries of settlements will be supported where they meet 4 criteria which relate to scale and character, contribution to a mix of housing types and avoidance of adverse impacts on protected habitat sites. These issues are considered further below.
- 16.3 Wareham is at the top of the Purbeck settlement hierarchy, being one of the largest settlements with a town centre and range of community facilities. The Neighbourhood Plan policy H1 'Housing Requirement' anticipates approximately 100 windfall site houses in Wareham over the plan period 2019-2034. In principle development of one, two bedroom dwelling would accord with policies V1, H1 and H2 'Housing Mix' which encourages smaller dwellings subject to other material considerations.

### **Impact on the character of the area and heritage assets (HAs)**

#### *Impact on the character of the area*

- 16.4 Policy E12 requires, among other things, that development should positively integrate with their surroundings, reflect localised traditions of building materials and support efficient use of land taking account of the local area's prevailing character and the requirement to deliver high quality buildings and places.
- 16.5 It is proposed to construct a single storey hipped roofed dwelling with an L-shaped footprint and low roof adjacent to the site's north and west boundaries, with the existing access used from Mill Lane. This would see the removal of the existing single storey flat roofed garage structure and the timber fencing enclosing a timber shed at the rear of 12 West Street.
- 16.6 Although the proposed building is in a relatively tight, courtyard setting and would occupy a large area of the application site, it would leave an acceptable area for outdoor amenity for the new occupants and is not considered to be overdevelopment given the single storey fully hipped roof design for the dwelling and location in a commercial/residential area of the town. Bins for 12 West Street are currently stored on the site and this would continue with the proposal and bins for the new dwelling would be kept here too. No adverse impact would result for the character of the area.

#### *Listed Buildings*

Eastern Area Planning Committee

6 November 2024

- 16.7 Local Plan policy E2 requires that great weight is given to protecting and, where possible, enhancing designated heritage assets and their settings when assessing applications. This accords with the NPPF chapter 16.
- 16.8 The application site is an important heritage asset of individual and group value to the wider Conservation Area and has high historic and architectural significance.
- 16.9 The site is in Zone 1 of the Wareham Conservation Area as set out in the Wareham Conservation Appraisal January 2012. This is defined as the core of the settlement comprising the principal streets and lanes and dominated by Georgian and Victorian architecture following an ancient street layout which holds significant architectural and historic interest.
- 16.10 The land proposed for redevelopment is in the historic service yard to the rear of the Grade II\* listed 12 West Street. The site is surrounded by Grade II designated heritage assets including 10 West Street, 1-3 Mill Lane, 1A Mill Lane, and The Rex Cinema. To the west is a dry-stone boundary wall with a modern concrete block wall to the north. The courtyard itself is shown on the 1774 map of Wareham, with the boundaries unchanged from that date and the proposed dwelling follows the outline of an historic outbuilding. The modest form of the dwelling will ensure that it remains subservient to its listed neighbours and maintains an appearance of a building which is ancillary to no. 12 West Street thereby avoiding harm to the setting of the heritage assets.
- 16.11 Following concerns raised by the Council's Conservation Officer, clay tiles are now proposed for the roof covering of the dwelling with a rooflight on the north-west elevation and a condition is advised to require the rainwater goods to be black metal with half round guttering. These materials reflect the local palette of materials and will ensure compliance with Neighbourhood Plan policy LDP1 and Local Plan policy E12 as well as avoiding harm to heritage assets and their setting.
- 16.12 It is recognised that the intention of Policy H10 of the Wareham Neighbourhood Plan was to reduce the pressure on on-street parking spaces which was judged to have a negative impact on the character and appearance of the conservation area. However two parking spaces will be retained on the site and the small number of spaces displaced is not considered likely to result in harm to the character and appearance of the conservation area and it is not reasonable to resist the development on this basis
- 16.13 The Conservation Officer has identified the need for conditions to control hard surfacing materials and ensure no division of the site by fencing or walls so that the development maintains a courtyard appearance and connection with no. 12 West Street. It is also judged necessary and reasonable to remove permitted development rights for extensions to the dwelling under class A of Part 1 and new windows under Classes A and C of Part 1. As the site lies within the conservation area no class B rights for roof extensions are available.

- 16.14 Subject to conditions the proposal will preserve the setting of the listed buildings that surround it and the proposed dwelling, which follows the footprint of an historic building, will also preserve the setting and significance of Wareham Conservation Area so no harm to heritage assets has been identified in line with Local Plan policy E2.

*Archaeology*

- 16.15 The County Archaeologist has also been consulted on this proposal, due to its location within the historic town centre and extensive groundworks proposed.
- 16.16 The archaeologist has advised that it appears highly likely that the proposed development will affect archaeological remains relating to the early development of the town.
- 16.17 An archaeological evaluation has been submitted, the results of which have been considered by the County Archaeologist (CA) and the CA advises a condition to require the archaeological work at the site to be undertaken in accordance with a written scheme of investigation to be submitted to and approved by the Council. This is recommended as Condition 5.
- 16.18 On this basis, with a condition to require samples of external materials for the new building and hard surfacing materials to be agreed, the proposal complies with Policy E2: Historic Environment of the Purbeck Local Plan and no harm to below ground archaeology would result.

**Impact on highways**

- 16.19 The proposal technically accords with Policy H10 of the Wareham Neighbourhood Plan as it would provide 2 parking spaces on site. The proposal would increase the number of dwellings and would reduce available parking spaces on the site but from a highway perspective the site lies in a sustainable location where there it would be unreasonable to refuse permission on the grounds of lack of parking provision.
- 16.20 Several neighbours and the Town Council have raised the narrow access serving the site as a concern. The access is under buildings fronting Mill Lane and measures between 2.8m (at Mill Lane) to 2.4m (where it meets the courtyard to the rear). The concerns have identified difficulties associated with manoeuvring and that reversing in and out of the narrow access will be required if utilised as shown on the plans. Although the vehicular access is narrow and would require care to negotiate, the parking spaces shown would be useable and vehicles able to leave the site in a forward gear given the turning space proposed.
- 16.21 The Council Highways Officer has assessed the proposal and found the access to be adequate and has raised no objection to the use of the existing access in association with the new dwelling, subject to standard conditions. The proposal accords with adopted local plan Policy I2 and provides parking spaces for the new

6 November 2024

dwelling in accordance with neighbourhood plan policy H10 so no adverse impact on highway safety is anticipated.

**Impact on the amenity of the occupants of neighbouring property and the living conditions of the occupants of the new dwelling**

- 16.22 Design policy E12 requires, amongst other things that development proposals should avoid and mitigate any harmful impacts from overshadowing, overlooking, noise and any other adverse impacts on local amenity.
- 16.23 The impact on amenity has been raised as an issue by the Town Council and neighbours, due primarily to the height of the development and the resultant impact on light levels to surrounding dwellings and amenity areas.
- 16.24 The proposed dwelling has a northern element with 3m high eaves and a ridge height of 5m and southern, lower, wing with 2.4m high eaves and a 4.3m ridge. The roof is hipped.
- 16.25 The northern elevation of the proposed building would be sited adjacent to the north boundary with 3a Mill Lane, a dwellinghouse which has been extended to the rear. The dwelling would extend west beyond the rear elevation at no. 3a by approximately 5.5m and the 5m high roof would be evident above the approx. 2.7m high boundary wall. Due to the pitched nature of the roof it is not judged that the proposal would be overbearing. The presence of the dwelling is likely to result in some shading of part of the garden of no. 3a, particularly during winter months when the sun is low, but the extent is not judged significant in the context of the larger garden area.
- 16.26 The west elevation of the dwelling runs along the boundary with 14 West Street. This is understood to be in commercial use as part of the Rex Cinema. The eastern part of the building provides a bar, bar service area and toilets with limited fenestration. No harm is anticipated from the proposed dwelling.
- 16.27 Part of the east boundary is shared with the walled rear courtyard garden of the terraced houses at 1 & 3 Mill Lane. These properties have very limited external amenity space measuring approx. 4.3m deep surrounded by a wall over 2m high. Again, the eaves and roof of the dwelling will be visually prominent for the occupiers of these dwellings above their boundary wall but, on balance, the pitched roof will ensure that the development avoids a harmful overbearing impact or loss of light that would justify refusal.
- 16.28 The proposed dwelling would not give rise to harmful overlooking of adjacent properties given that there is no first floor and the ground floor windows would have their outlook to boundary walls at the rear of 1 & 1a Mill Lane.

*Living conditions for the occupants of the proposed dwelling*

- 16.29 The outside amenity area for the proposed dwelling would abut the rear elevation of 12 West Street and this elevation has ground floor doors and windows looking out onto the application site.

- 16.30 The applicant's agent has advised that the 2 ground floor windows and door facing the application site in the rear of 12 West St serve ancillary spaces for the shops at ground floor level in 12 West Street and the first-floor dormer window on this elevation serves a rest room for the shops.
- 16.31 Therefore, there would be no harmful overlooking from these windows of the application site and no harmful impact on the occupants of 12 West Street from the proposal. The proposal complies with Policy E12: Design of the adopted local plan.
- 16.32 The height of the roof of the proposed dwelling, given its hipped design (which would pitch the roof away from the site boundaries) and low ridge and eaves height would not have a significant impact on daylight received to the rear yards of 1 and 3 Mill Lane.

### **Impact on the Dorset Heathlands and Poole Harbour Protected Sites**

- 16.33 The application site lies within 5km of protected Dorset Heathland and within the catchment of Poole Harbour which is a Special Protection Area and Ramsar site. The proposed additional dwelling would have a significant harmful impact on Dorset Heathland as set out in the Dorset Heathlands Planning Framework 2020-2025 SPD and on Poole Harbour from the release of nitrates from the foul sewage generated from the occupation of the dwelling.
- 16.34 Since Natural England advised that improvements to waste water treatment works secured via the Levelling Up Bill removes their concerns about phosphates in Poole Harbour, the applicant has submitted an updated nutrient neutrality calculator and has identified the opportunity to secure nutrient credits from an approved provider to mitigate the impacts of the additional nitrate loading on the protected habitat. The Council has prepared a Habitats Regulations Appropriate Assessment which concludes no harm to the Dorset Heathlands from a contribution under the Community Infrastructure Levy (CIL) and the purchase of nutrient credits from a registered provider and Natural England has raised no objection to the proposal on this basis.
- 16.35 Subject to a condition requiring evidence that the credits have been secured prior to commencement, a condition controlling water efficiency measures and contributions from the Community Infrastructure Levy to secure heathland mitigation in line with the SPD it has been possible for an appropriate assessment under the Habitat Regulations to conclude that the proposal would have no adverse impact on Poole Harbour or Dorset Heathlands.
- 16.36 The proposal accords with Purbeck Local Plan Policies E8: Dorset Heathlands and E9: Poole Harbour as with the purchase of the appropriate nutrient credits secured via condition, the development would be 'nutrient neutral' and consequently would not have an adverse effect on the integrity of the Poole Harbour SPA, SSSI and Ramsar site due to increased nutrient loading.

### **Sustainability of the design**

- 16.37 Neighbourhood plan policy LDP3 seeks sustainable design. In this case the dwelling is oriented so that the kitchen/dining room window faces south and bedroom windows face east to utilise solar gain. The rooflight was originally proposed in the south elevation but was moved to the north of the building to avoid harm to the setting of the Grade II\* listed 12 West Street.
- 16.38 The proposal includes an 'Urban Biodiversity Checklist' that advises there is no biodiversity interest on the site, so the Dorset Biodiversity Appraisal Protocol has been complied with. The development provides an opportunity to reinstate a modest area of soft landscaping and secure a nesting box (condition 14). The application is not subject to Biodiversity Net Gain (BNG) requirements because it was received in 2022, prior to the introduction of BNG.

### **17.0 Conclusion**

- 17.1 The proposal would provide an additional small dwelling in the development boundary of Wareham on a site where services and facilities are easily accessible by means of transport other than the private car and where employment is accessible by public transport and the location is sustainable accordingly.
- 17.2 The impacts from the proposal are not considered harmful and the proposed dwelling would have no adverse impact on the street scene or character of the immediate area, being set behind existing buildings.
- 17.3 The scale and design of the dwelling are appropriate and there would be no adverse impact on the adjacent buildings that are designated Heritage Assets or the character and appearance of the conservation area.
- 17.4 There would be no adverse impact on highway safety and the on-site parking provision is acceptable.
- 17.5 A Habitats Regulations Appropriate Assessment has concluded there would be no significant impact on the Dorset Heathlands and Poole Harbour SPA, SAC, Ramsar and SSSI providing the appropriate mitigation is secured.
- 17.6 The proposal complies with the adopted Purbeck Local Plan, Wareham Neighbourhood Plan and the policy set out in the NPPF.

### **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.

Eastern Area Planning Committee

6 November 2024

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 21144.11 A: Location & proposed block plan

Drawing 21144.13 A: Proposed site & floor plan (excluding the reference to tarmac)

Drawing 21144.14 B: Proposed NE & SE elevations (excluding reference to UPVC rainwater goods)

Drawing 21144.15 B: Proposed NW & SW Elevations (excluding reference to UPVC rainwater goods)

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

3. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Special Protection Area and Ramsar have been secured from a nutrient provider accredited by Dorset Council and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour Special Protection Area and Ramsar.

4. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

5. No ground works shall take place 0.5m or more below the ground surface unless the applicant has first secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted

Eastern Area Planning Committee

6 November 2024

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 protect below ground Heritage Assets that may be present on the site.

6. Prior to development above damp course level, and notwithstanding the details shown on the submitted site plan, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the setting of the adjacent listed buildings.

7. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure a satisfactory appearance for the development in the interests of the character and appearance of the Conservation Area and setting of adjacent listed buildings.

8. Notwithstanding the details of materials on the approved elevation plans, the rainwater goods for the dwelling hereby approved shall be cast metal with half round guttering and painted/coloured black unless a minor amendment to this has been agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Area and setting of the adjacent listed buildings.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect the amenity of occupants of adjacent dwellings, the character and appearance of the conservation area and the setting of adjacent listed buildings.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no walls, fencing or other means of enclosure permitted by Class A of Part 2 of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect the character of the area and setting of the adjacent listed buildings.

Eastern Area Planning Committee

6 November 2024

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) in the walls or roof permitted by Class A and C of Schedule 2 Part 1 of the 2015 Order shall be constructed in the dwelling hereby approved.

Reason: To protect the character of the area and setting of the adjacent listed buildings.

12. Before the development is occupied or utilised the turning/manoeuvring and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon

13. Any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

14. Prior to first occupation, one bird nesting box shall be incorporated into the build and photographs shall be provided to the Council. These features shall thereafter be retained and maintained for biodiversity.

Reason: To secure opportunities for biodiversity enhancement.

15. Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 120 litres per person per day as measured in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved by the Local Planning Authority before the dwelling is occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To secure nutrient neutrality through effective mitigation in the interests of protected Habitat Sites

**Informative Notes:**

1. 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

6 November 2024

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. [OBJ]

In this case:

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

2. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474 or by email at [bincharges@dorsetcouncil.gov.uk](mailto:bincharges@dorsetcouncil.gov.uk).
3. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
4. Informative: 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.
5. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
6. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Eastern Area Planning Committee

6 November 2024

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the application for planning permission was made before 2 April 2024;

Read more about Biodiversity Net Gain at  
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>