

Eastern Area Planning Committee

6 November 2024

Application Number:	P/FUL/2024/02975		
Webpage:	Planning application: P/FUL/2024/02975 - dorsetforyou.com		
Site address:	7 West Borough Wimborne Minster BH21 1LT		
Proposal:	Demolition and re-location of wall across site to provide additional parking spaces for retail use with gated and ramped customer access. Install wall mounted steel railings along northern boundary and gate on West Borough frontage to provide side access.		
Applicant name:	Ovan Properties Ltd		
Case Officer:	Ellie Lee		
Ward Member(s):	Cllr Bartlett and Cllr Morgan		
Publicity expiry date:	23 August 2024	Officer site visit date:	4 June 2024
Decision due date:	7 November 2024	Ext(s) of time:	7 November 2024
No of Site Notices:	3 Site Notices		
SN displayed reasoning:	To ensure that the application is sufficiently advertised.		

- 1.0** This planning application is to be considered at Planning Committee 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 16 and 17 at the end of this report.
 - 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.

- 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The development does not result in harm to heritage assets including the Grade II Listed Building at 7 West Borough and the Wimborne Minster Conservation Area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is not considered to be a material harm to the transport network or to highway safety.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Acceptable as redevelopment of existing walls and access.
Design, Character and Heritage	Acceptable as no harmful impacts upon the character and appearance of the Conservation Area or the Listed Building.
Impact upon Neighbouring Amenity and Bicycle Storage	Acceptable as no significantly harmful impacts upon neighbouring amenity, and bicycle storage is provided.
Highways and Parking	Proposal does not present a material harm to the transport network or to highway safety.

5.0 Description of Site

The application site lies within the main urban area of Wimborne Minster and the Wimborne Minster Conservation Area. The building at 7 West Borough is a Grade II Listed Building.

The existing building includes residential flats above the ground floor space, there is a car park to the rear of the site, and there are boundary walls to the rear and sides of the application site.

To the south side of the application site is a restaurant business, and beyond the public right of way adjacent to the north site boundary are further restaurants and bars. Beyond the northern site boundary on the other side of the public right of way (near to Redcotts Lane) is the Royal British Legion.

6.0 Description of Development

This Planning Application P/FUL/2024/02975 is a dual application alongside Listed Building Application ref: P/LBC/2024/02976.

The proposals under consideration include the following:

- Demolition and the re-location of a wall across the site, to provide additional parking spaces for retail use. Changes to parts of the walls in terms of appearance & height.
- Re-arrangement of bin store to separate residential bin store from retail bin store area.
- Gates and ramped customer access to rear (west) of building.
- Removal of existing steps up to the car park from the existing bin store.
- New gate within existing northern boundary wall for access to retail unit.
- Changes to the appearance of the external openings to the building.

The proposals are predominantly external, to facilitate the approved retail use of the Grade II Listed Building within the Wimborne Minster Conservation Area.

During the course of the application, the proposed steel railings along the northern boundary and the tall gate to West Borough have been withdrawn from the application. The Conservation Officer was re-consulted.

7.0 Relevant Planning History

The officer report for previous application P/FUL/2021/05352 notes that the planning records available indicate that the building was previously occupied by NatWest Bank from approximately 1972. Since that time, there have been a number of relatively minor Listed Building Applications, Advertisement Applications and Planning Applications seeking internal and external alterations, in response to the changing nature of banking over the past 50 or so years.

The applications within the table below include planning history from the past 12 years and include the approvals for the conversion of the upper floors into flats.

Application No.	Description	Decision	Date
P/VOL/2024/04696	Internal alterations and refurbishment to ground floor only of former banking hall and ancillary accommodation. Reinstatement of original entrance door on frontage. Addition of loading access doors and window on rear and side elevation. (Variation of Condition 2 of Listed Building Consent P/LBC/2024/01473 - drawing no. to be re-numbered to reflect revised ground floor plan: 0210B due to relocation of widened	<i>Under consideration</i>	<i>Under consideration</i>

Eastern Area Planning Committee

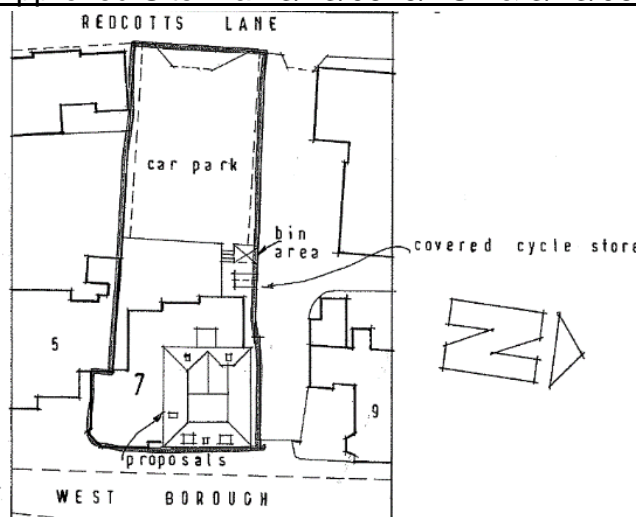
6 November 2024

	opening in corridor wall outside room on NE corner towards frontage).		
P/VOC/2024/04630	Internal alterations and refurbishment to Ground Floor only of former banking hall and ancillary accommodation. Reinstatement of original entrance door on frontage. Addition of loading access doors and window on rear and side elevation. (Variation of Condition 2 of Planning Permission P/FUL/2024/01472 - drawing no. to be re-numbered to reflect revised ground floor plan: 0210B due to relocation of widened opening in corridor wall outside room on NE corner towards frontage).	<i>Under consideration</i>	<i>Under consideration</i>
P/ADV/2024/03701	Fascia signage in form of cut out letters and symbol to front elevation with trough lighting over. Graphic signage to windows. Projecting sign to front elevation. Fascia sign to rear door. Marketing sign to rear door. 2 no. direction signs to carpark area. Customer Parking signs x 5no. to carpark.	Granted	28/10/2024
P/LBC/2024/03890	Fascia signage in form of cut out letters and symbol to front elevation with trough lighting over. Fascia signage in form of cut out letters and symbol to corner entrance with trough lighting over. Graphic signage to windows. Projecting sign to front elevation. Fascia sign to rear door. Marketing sign to rear door. 2 no direction signs to carpark area. Customer Parking signs x 5 no to carpark.	Granted	28/10/2024
P/LBC/2024/02976	Demolition and re-location of wall across site to provide additional parking spaces for retail use with gated and	<i>Under consideration by the</i>	<i>Under consideration</i>

Eastern Area Planning Committee

6 November 2024

	ramped customer access. Install wall mounted steel railings along northern boundary and gate on West Borough frontage to provide side access.	<i>planning committee</i>	
P/FUL/2024/01472 & P/LBC/2024/01473	Internal alterations and refurbishment to ground floor only of former banking hall and ancillary accommodation. Reinstatement of original entrance door on frontage. Addition of loading access doors and window on rear and side elevation.	Granted	17/05/2024
P/PAP/2023/00759	Proposed internal alterations and opening up to facilitate new commercial use	Written Response	18/01/2024
P/PAP/2023/00594	Proposed internal alterations and opening up to facilitate new flexible commercial use	Written Response	10/10/2023
P/FUL/2021/05352 & P/LBC/2021/05353	Removal of internal and external banking related fittings, including 1no. ATM and 1no. nightsafe. Apertures to be infilled to match existing elevation.	Granted	11/05/2022
3/21/0841/LBC	Repair to spalled render to cornice below roof parapet wall to north elevation with the removal of any further loose material. The repair material will be shaped to match the existing cornice profile, with works being undertaken by a competent mason.	Granted	27/09/2021
3/18/1643/LBC	Installation of fibre and copper cabling to provide connections to new BT circuits and Cisco wireless access points.	Granted	14/08/2018
3/15/0685/ADV & 3/15/0686/LBC	Installation of replacement shopfront signage to front and rear elevations- post removal of signage currently in situ	Granted	04/09/2015
3/14/1179/LBC	Internal alterations including new flooring and repair of windows	Granted	24/03/2015

	and door frames, some small external repairs.		
3/14/0288/LBC & 3/14/0295/FUL	Proposed 2 bed self contained flat at first floor level.	Granted	10/07/2014
3/13/0679/FUL & 3/13/0680/LBC	Convert First and second floor to form 2 flats with enlarged dormer windows at the front and new rooflights in rear, front and side elevations as amended by drwgs 4060/11A,12A, 13A and 14A received on 11.10.2013	Granted	05/12/2013
<p><u>Approved Site Plan 3/13/0679/FUL & 3/13/0680/LBC:</u></p>  <p>The site plan shows a building footprint with a car park to the north, a bin area to the east, and a covered cycle store to the east. The building is situated between Redcotts Lane to the north and West Borough to the south. A north arrow is shown to the right of the plan. The plan also shows a 'proposals' area at the bottom of the building footprint.</p>			

8.0 List of Constraints

- Grade II Listed Building – National Westminster Bank HE Reference: 1323800
- Wimborne Minster Conservation Area
- Within Urban Area
- Within 5km of Dorset Heathlands
- Within Wimborne Minster Town Centre Boundary and Primary Shopping Area
- Flood Zone 2 (record ID 175590)
- Environment Agent (EA) - Groundwater – Susceptibility to flooding
- EA-Risk of Surface Water Flooding Extent 1 in 100 - to rear of building in majority
- EA-Risk of Surface Water Flooding Extent 1 in 1000 – to rear of building in majority
- LP - Business Improvement Districts: Wimborne BID
- Radon - Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. **Dorset Council - Conservation Officer-** Support, subject to conditions

Initial consultation response 24/06/2024:

Due regard and consideration given to statutory and local and national policy considerations and on balance the proposed scheme will not harm special character of the LB and its setting character and appearance of the conservation area and can be supported, subject to conditions.

Recommended conditions:

- External materials – samples of new brickwork & mortar on site.
- Pre-commencement – Details showing capping of new boundary walls and junctions between existing and new sections of boundary walls to be submitted.
- Pre-commencement – Details of any additional security devices, signage and lighting proposed for new gates.
- Prior to installation of railings and gates, detailed elevation drawings to be submitted.
- Existing stone gate pier and pyramidal capping to remain in situ and any repairs to be agreed in writing.

Officer note: some conditions attached to related LBC so not duplicated on this recommendation.

Re-consultation response 02/09/2024:

Proposed plans do not show the retention of the historic stone pier at the front of the site. A condition will be required to ensure the preservation and retention of this pier in situ.

Revised plans omitted railings from the wall and that brick capping is proposed for the wall. No details of the new mortar mix submitted so a condition to agree a sample of the new mortar on site.

The condition regarding new security devices, signage and lighting should remain if any is proposed. Details of the design and finish of new gates has not been submitted and can be conditioned.

Due regard and consideration given to statutory and local and national policy considerations and on balance the revised scheme will not harm special character of the LB and character and appearance of the conservation area and can be supported, subject to conditions.

Recommended conditions:

- Similar to conditions previously recommended, but amended.

6 November 2024

2. Dorset Council Highways Officer - No objection, subject to conditions
03/07/2024:

The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION, subject to the following condition(s):

- Turning/manoeuvring and parking construction

3. Dorset Council Environmental Health – Protection- Comments
25/06/2024:

The following conditions are recommended:

Contaminated Land:

Our records indicate that the proposed works lie within 250m of an area with historic potentially contaminative land use. Should there be any breaking of ground, please apply the unexpected contamination condition in this instance.

Noise:

I note condition 5 of planning permission P/FUL/2024/01472 already requires a delivery management plan to be submitted to and agreed with the Local Authority. I would suggest a condition to require any gates to be soft action closing so as not to disturb residents at nearby residential properties.

Construction Management:

I note condition 3 of planning permission P/FUL/2024/01472. This condition should also apply to these proposed works should permission be granted.

4. Dorset Council Rights of Way Officer -Comments 10/06/2024:

The proposed site is in close proximity to footpaths E2/80 and E2/13. These Rights of Way must remain open and unobstructed throughout the duration of works and thereafter. If a temporary closure is required, this can be applied for via the Dorset Council website (put TTRO in the search bar). A closure will have an associated cost to the applicant. If you have any queries or issues, please do get in touch with the Rights of Way team.

5. Bournemouth Water- 19/06/2024:

Bournemouth Water has no comment.

6. Ramblers Association:

No comments received.

7. Wimborne Minster Town Council- Objection

20/06/2024:

Objection - Wimborne Minster Town Council has concerns around the preservation of the historic fabric of the towns building infrastructure and the increased generation of traffic in Redcotts Lane if approved.

Re-consultation response 20/08/2024:

Object - Wimborne Minster Town Council are still concerned about the extra traffic and disruption to residents on Redcotts Road, which is one way. This objection aligns with NPPF conditions around access and disruption to residents through increased traffic.

8. Wimborne Minster Ward Members – Cllr Bartlett and Cllr Morgan

No comments received

Representations received

Total - Objections	Total - No Objections	Total - Comments
4	0	1

Summary of comments of objections:

Neighbouring Amenity:

- Negative impact upon amenity of residential occupants of the flats above the unit at 7 West Borough, in terms of living conditions.
- Proposed fencing and gates create a negative perception of the site and surroundings. Steel gate is not acceptable as only access to front door of residential properties.
- The proposed addition of steps to the new doorway and the plan to cut open the wall (to allow access of goods via the British Legion site) is of concern.
- Existing alleyway is narrow.
- Concerns over the reduction in size of the bin store for the residential flats (above the premises from a 2013 permission), which may result in accessibility and hygiene issues.
- Reduction in space for cycle storage for residential occupants above premises (from a 2013 permission), so no longer able to store bicycles safely.
- New steps will cause an obstruction to residents.
- Request that the gate access is shared between residential and retail units.

Delivery Access to Ground Floor Unit:

- The new fold and swing gate opening in the boundary way (proposed to serve as goods access to the new retail unit) will cause obstruction to residentials moving their bins in the alley.

- Would negatively impact events such as the Wimborne Folk Festival and other events (for the Royal British Legion).
- Cars use the area near the new access point for turning, and motorcycles may park here.
- Acknowledged that there is a public right of way between West Borough and Redcotts Lane.
- Unclear why this access is necessary, when there is an access through the NCP carpark at the rear of the site.

Waste Disposal:

- Concerns over the reduction in size of the bin store for the residential flats (above the premises), which may result in waste disposal issues.

Fire Risks:

- Concerns that residential occupants will no longer have pedestrian access to the car park to the rear of 7 West Borough, which is a fire exit route.
- Fire safety and welfare concerns for residential occupants. Proposal reduces fire escape routes.
- Concern that there is not an Emergency Action Plan to evacuate the building with an emergency rendezvous point in the rear car park. During recent ongoing works, the passage has been closed off to the car park with no access and no update on an emergency rendezvous point.

Land ownership:

- Concerns that the ownership of the wall is not in the ownership as set out on the submitted Application Form.

Neighbour Notification:

- Residents of the flats above the premises were not consulted about the proposed in this planning application.
- Concern that the Royal British Legion has not been notified of the application.

Summary of comments:

- Comments received include a request to a withdraw previous objection for the planning application proposal (but happy for previous comments to remain on the website).

10.0 Duties

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 Christchurch and East Dorset Local Plan:

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

KS1 - Presumption in favour of sustainable development

HE1- Valuing and Conserving our Historic Environment

HE2 - Design of new development

WMC1- Wimborne Minster Town Centre Vision

Saved policies of the East Dorset Local Plan 2002:

DES2- impacts from development

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 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.

Emerging Neighbourhood Plans

Wimborne Minster Neighbourhood Plan- In preparation – limited weight applied to decision making

National Planning Policy Framework (NPPF)

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': 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed beautiful new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- 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 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

Supplementary Planning Document (SPD) / Guidance (SPG):

- Dorset Heathlands Planning Framework 2020-2025 SPD
- 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.
- SPG15 Wimborne Minster Conservation Area
- 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.

The proposed works to wall and accesses are modest. No disadvantage to people with protected characteristics has been identified.

14.0 Financial benefits

None

15.0 Planning Assessment

The following main considerations are considered in this report:

- Design, Character and Heritage
- Impact upon Neighbouring Amenity and Bicycle Storage
- Highways and Parking

Other matters also assessed below include rights of way, delivery access, contaminated land, waste disposal, land ownership and neighbour notification.

Background:

- 15.1 As set out above within section 6.0 of this report, this Planning Application P/FUL/2024/02975 is a dual application alongside Listed Building Application ref: P/LBC/2024/02976.
- 15.2 The proposed works are predominantly external, to facilitate the retail use of the Grade II Listed Building within the Wimborne Minster Conservation Area.
- 15.3 During the course of the application the proposed steel railings along the northern boundary and the tall gate to West Borough have been omitted from the application.

Principle of Development

- 15.4 The application site is located within the main urban area of Wimborne Minster where local policy KS2 allows development subject to accordance with all other relevant policies.
- 15.5 The proposed works are to facilitate a retail business which will provide employment within the town, so the scheme accords with policies KS2 and WMC1, which identifies Wimborne as a key town centre in the District, in principle.

Design, Character and Heritage

- 15.6 Policy WMC1 sets out a vision for Wimborne which includes enhancement of the townscape quality of the town centre and requires new development to be high quality, respecting and enhancing the local character of the centre and improve ease of movement and legibility. Policy HE1 requires that heritage assets be conserved and their significance protected. Wimborne Minster Town Council has raised an objection to the proposal, with concerns around the preservation of the historic fabric of the town's building infrastructure.
- 15.7 7 West Borough is a Grade II listed building and the site lies within the Wimborne Minster Conservation Area. The proposed works will alter the layout of the car park at the rear of the site and its relationship with the retail unit and the residential properties. The alterations and additions to the boundary treatment include changes to the boundary walls including the northern site boundary where a new gate is introduced.
- 15.8 The existing walls either side of the car park have a damp-proof course and appear to be of modern construction (cement mortar and capping in-situ). The boundary walls follow the historic boundary lines to the rear of the property and may feature re-used brickwork.
- 15.9 The proposed new wall and access ramp at the rear of the site will involve the re-positioning of the existing modern wall which can be achieved without harm to the setting of the heritage asst. As details of gates have been omitted within the amended drawings, it is considered necessary for details of any new gates to be installed on site to be secured by condition so that potential harm to the setting of the listed building and Conservation Area is avoided.
- 15.10 There is a stone pier in-situ at the front of the site behind the lamppost, which matches the facade of the building, and appears to denote the former boundary of the site and boundary treatment and materials. This has historic value and needs to be retained.
- 15.11 The following matters (in bullet points) are to be conditioned within the associated Listed Building Application ref: P/LBC/2024/02976:
- As there is an opportunity to ensure new brickwork is a closer match to existing red brickwork on site, and that wall stops do not damage existing brick boundary walls on site, it is considered necessary for details to be secured via condition.

- Whilst it is acknowledged that during the application an additional drawing (6179-WLA-LV-XX-DR-A-0761) was provided for consideration, further details are necessary to be secured via condition, so that there is no harm to the appearance of the boundary wall in relation to its surroundings.
- In addition, it is judged that the pier should remain in situ which can be conditioned, and that details of capping for the new section of wall along with details of junctions between old and new are appropriate to be conditioned.
- A further condition is also considered necessary to for details to be submitted to the Local Planning Authority (and agreed) for any additional security devices, security signage and security lighting.

15.12 Dorset Council's Conservation Officer has no objections, subject to conditions.

15.13 Officers agree with the Conservation Officer that the proposal will not harm the listed building or its setting and will not harm the conservation area. Therefore, subject to conditions (including conditions imposed on the associated listed building consent) to secure further details, the proposed works accords with local policy HE1, local policy HE2 in terms of design and character and heritage, and also policies within sections 12 & 16 of the NPPF.

Impact upon Neighbouring Amenity and Bicycle Storage

15.14 Wimborne Minster Town Council has raised concerns over the proposal increasing disruption to local residents as a result of increased traffic within Redcotts Lane. Objectors have also raised concerns about disturbance and the suitability of the access, fencing detail, bin and cycle store.

15.15 The proposed fencing has been amended during the application so that the metal fencing at high level is now omitted, and the originally submitted front gate to West Borough has been omitted (with gate details to be submitted for consideration). A new pedestrian access is proposed within the northern boundary wall to facilitate access from the site to the existing public right of way for both commercial and residential occupants and the existing emergency access will remain unchanged. The previous access for residents through the carpark will no longer available; the public commercial access between the car park and retail unit is to be separated from the residential and goods access by a locked gate.

15.16 The proposal includes two bin stores, one for the retail use and one for the residential. Concerns have been raised about the size of the residential bin store which is smaller than that approved in 2013 at approximately 5.5m² and will serve the three residential flats (at first floor and second floor). Although the proposed bin store is narrow, it offers sufficient storage space for bins to serve the three residential dwellings. Bin collection would be unchanged from the existing arrangements.

15.16 A cycle store was shown in the approved site plan for the 2013 planning permission (3/13/0679/FUL) but no condition requiring its provision was imposed. Now with a greater emphasis in the NPPF on providing healthy places (para 96), it is considered reasonable to impose a condition requiring the provision of a covered

cycle store, details of which are to be submitted to and agreed in writing with the Local Planning Authority. The size suggests that it is large enough to store one bicycle per flat. The national Walking and Cycling statistics for England suggest bicycle ownership is around 50% so this is not unreasonable.

- 15.17 Although there will be some impact upon neighbouring amenity from the proposed changes to the wall, gates, bin store, bike store and access for occupants of the residential flats, from the re-arrangement of the external areas to the rear and side of the building, such impacts are not considered to be harmful within this urban area and are judged to be acceptable.
- 15.18 The application site lies within the Wimborne Minster Town Centre boundary and the Primary Shopping Area and the proposed changes will complement the established flexible use of the building at ground floor level for Class E commercial uses.
- 15.19 Within previous application P/FUL/2024/01472, a Construction Management Plan was submitted to the Council and later approved via a Discharge of Conditions application. It is considered appropriate in this case to add a condition securing the Construction Management Plan for the works proposed in order to protect residential amenity of the occupants of the flats. The Council's Environmental Health Officer has recommended that this condition is imposed, if the permission is granted.
- 15.20 The Council's Environmental Health Officer notes that whilst previous planning permission P/FUL/2024/01472 requires an Operations & Delivery Management Plan to be submitted to and approved by the Local Planning Authority, it is appropriate in this case to require that any gates are to be soft action closing, so as not to disturb residents of nearby and adjacent properties.
- 15.21 Subject to these conditions, the proposed works are considered to accord with local policy HE2 and saved policy DES2 in terms of neighbouring amenity with regards to noise disturbance, and also policies within sections 12 of the NPPF.

Highways and Parking

- 15.22 Wimborne Minster Town Council has raised an objection, with concerns over increased traffic generation and congestion in Redcotts Lane should the application be granted permission, given that Redcotts Lane is one way and that increased activity may disrupt residents.
- 15.23 Dorset Council's Highways Officer considers that the proposal does not present a material harm to the transport network or to highway safety, concluding that Highways have no objection subject to the imposition of a turning/manoeuvring and parking construction condition.
- 15.24 Therefore, subject to conditions, the proposal accords with local policies KS11 and KS12 and with the policies of the NPPF.

Other Matters

Rights of Way:

- 15.25 The Rights of Way Officer has noted that the site is in close proximity to footpaths E2/80 and E2/13. An informative note has been added to ensure the applicant is aware of the requirements relating to these Rights of Way which must remain open and unobstructed throughout the duration of works and thereafter.

Delivery Access to Ground Floor Unit:

- 15.26 Third party objections have raised concerns over the new fold and swing gate opening in the north (side) boundary wall (proposed to serve as a goods access to the ground floor unit) and that it will cause an obstruction to residential occupants moving their bins in the alley.
- 15.27 Concerns have also been raised that the new access gate would negatively impact events in the town in particular events held beyond the northern site boundary in the public right of way and the surroundings, that the area is often used for other vehicles, and question why the access is necessary.
- 15.28 There is no change proposed to the width of the alley between the north elevation of the existing building and the northern boundary wall. Amended drawings have been received removing the reference to 'fold and swing' within the drawing. Details of any proposed gates are to be conditioned in order to ensure that any gates are acceptable.

Contaminated Land

- 15.29 Dorset Council's Environmental Health Officer has noted that the Council's records indicate that the works lie within 250m of an area with historic potentially contaminative land use, so the unexpected land contamination condition should be applied.

Fire Safety

- 15.30 Third party objections received for this application have raised concerns over the fire escape route for the residential occupants at first floor above the premises, that the proposal would have a negative impact upon the occupants' welfare and safety, that the proposal would change the external escape route away from the building for residential occupants, and that an Emergency Action Plan for the evacuation of the building has not been produced including an emergency rendezvous point.
- 15.31 The application proposes no changes internally at first floor level to the building and fire safety is dealt with via the Building Regulations under approved document B of the Building Regulations. An email from the Agent (24/10/2024) confirmed that the proposal would not change the existing fire escape route for residents.
- 15.32 Building Regulations are a separate matter to planning and are therefore not a matter for consideration within this application. As such, an informative note has been added.

Waste Disposal:

- 15.33 Concerns have been raised within third party objections that the proposal may negatively impact how waste is disposed from the site (for both residential occupants at first floor above and the premises below at ground floor).

15.34 It is considered that the separation of the retail bin store from the residential bin store is appropriate, given that the usage for each differs. The access to West Borough remains for residents and a new access has been created within the northern boundary wall for the commercial operations.

Land ownership:

15.35 Third party objections have raised concerns that the ownership of the wall is not as per the ownership noted on the submitted Application Form.

15.36 An email received from the Agent of 10/09/2024 confirmed that the all the boundary walls within the application site are within the applicant's ownership. The Council has no evidence that this is incorrect.

Neighbour Notification:

15.37 Further to the above, concerns have been raised within third party objections that residents and the Royal British Legion were not consulted on the proposals.

15.38 The application was advertised via Site Notices displayed within West Borough (to the front of the site) and also in Redcotts Lane (to the rear of the site). The application was later re-advertised by new Site Notices in these locations to re-consult following receipt of amended drawings.

16.0 Conclusion

Subject to conditions, the proposed works will benefit the use and functionality of the existing building at 7 West Borough and will not result in adverse impacts upon character of the area and the street scene, heritage assets including the Grade II Listed Building and the Wimborne Minster Conservation Area, neighbouring amenity, highways and parking. The proposal accords with the development plan as a whole.

17.0 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 works hereby permitted shall be carried out in accordance with the following approved plans:

6179-WLA-LV-XX-DR-A-0012 Location and Block Plan

6179-WLA-LV-XX-DR-A-0035 B - Proposed Site Plan

6179-WLA-LV-XX-DR-A-0750 A Proposed Elevations and Section

Reason: To preserve the architectural and historical qualities of the building.

3. During the construction of the hereby approved development, the development shall be carried out in accordance with the Construction Management Statement (dated 9 July 2024 and produced by WLA Williams Lester). For clarity, the following details are approved within the Construction Management Statement (CMS):
- Hours and days of construction limited to: 08.00 to 17.00 from Monday to Friday, and Saturdays (if applicable) during 08.00-13.00 only.
 - Site hoarding (already erected) to provide a safe screen at the openings, this will allow works to continue and keep the public at a safe distance.
 - Should scaffolding to the exterior be required SBC Ltd will apply for a pavement licence and comply with the conditions of such an agreement.
 - In locations of heavy construction traffic or where materials are brought to site and rubbish removed, any historic features will be protected with temporary ply coverings.
 - Recycling and waste removal will be via skips supplies by AYS recycling via the car park to the rear.
 - Contact details as per the CMS are to be displayed clearly on site.
 - No bonfires at any time.
- The approved CMS shall be implemented as agreed, throughout construction and until completion of the development.

Reason: To protect the amenity of nearby residents.

4. Prior to the installation of any new gates, details showing design, fixing and finish shall be submitted and agreed in writing with the local planning authority. Such gates will need to be soft action close gates.
Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory visual appearance of the development and to protect the amenity of nearby residents

5. Prior to works above damp proof course (DPC) level for the construction of the ramped access (to the west of the rear access door), details of the covered cycle store on a scaled drawing (including proposed elevations in context with the walls and building) shall have been submitted to and approved in writing by the Local Planning Authority. Details to be submitted for consideration shall include materials, heights, widths, depths and appearance.
The cycle store shall be completed in accordance with the approved details and made available prior to the first occupation of the reworked ground floor.

Reason: To ensure a satisfactory visual appearance of the development.

6. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 6179-WLA-LV-XX-DR-A-0035 B 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.

7. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out and upon completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

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

In this case:

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

2. 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.
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.

6 November 2024

4. The applicant is advised that the proposed works are in the vicinity of public right of way E2/80, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path, then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

5. This permission should be read in conjunction with the associated listed building application P/LBC/2024/02976 and its conditions.
6. The applicant is reminded that condition 4 within the Decision Notice of planning permission P/FUL/2024/01472 remains relevant to any operations, deliveries and collections associated with the premises at 7 West Borough.