

<b>Application Number:</b>	P/FUL/2022/05673		
<b>Webpage:</b>	<a href="#">Planning application: P/FUL/2022/05673</a>		
<b>Site address:</b>	The Maltings and Maltings Mews Pope Street / Eldridge Street Dorchester Dorset		
<b>Proposal:</b>	Change of use & conversion of The Maltings to create flexible commercial (Use Class E)/community (Use Class F2)) uses & parking purposes at basement floor & for residential (Use Class C3) at ground to second floors; with external alterations, extension to existing basement & erection of side extensions up to five storeys (to provide a total of 43 flats). Erection of five-storey building (Malting Mews) with parking at ground floor & residential use (Use Class C3) at first to fourth floors (33 flats)		
<b>Applicant name:</b>	Brewery Square Development Company Ltd and Halo De		
<b>Case Officer:</b>	Kirsten Williams		
<b>Ward Member(s):</b>	Cllr Jones and Cllr Major		
<b>Publicity expiry date:</b>	29 October 2024	<b>Officer site visit date:</b>	12 September 2023 (latest visit)
<b>Decision due date:</b>	21 March 2025	<b>Ext(s) of time:</b>	21 March 2025
<b>No of Site Notices:</b>	5		

### 1.0 Reason application is going to committee

Referred to Committee in view of concerns raised by Cllr Jones, in accordance with the Scheme of Delegation. Dorchester Town Council also requested the application be considered by the North Dorset Planning Committee.

### 2.0 Summary of recommendation:

GRANT subject to conditions

### 3.0 Reason for the recommendation:

- The principle of residential development on this site has already been established.
- 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 proposal is acceptable in its scale and appearance.

- The applicant has worked with officers seeking to address some of the concerns raised in respect to scale, layout and appearance. On balance, these matters have been adequately addressed.
- There is not considered to be any significant harm to residential amenity.
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is located within a very sustainable location and is allocated for development in the local plan. As such, the principle of development is acceptable.
Affordable Housing	No Affordable Housing is proposed. However, the development already delivered on the Brewery Square site has already provided in excess of the 30% requirement for Affordable Housing, as agreed under the S106 for the overall site. Therefore this application is compliant with the legal obligation for Affordable Housing.
Impact on character and heritage assets	The identified less than substantial harm to Heritage Assets is outweighed by the public benefits of the proposal.
Impact on landscape and trees	Landscape and tree proposals are in line with local and national policy. Further detail to be secured via appropriate conditions.
Impact on amenity	The amenity impact has been thoroughly assessed. When assessed against the extant permission the current proposed Maltings Mews building is considered to have a lower impact on the amenity of neighbouring residents. The Maltings conversion and extension is considered to have an acceptable impact on the amenity of neighbouring residents considering the high-density nature of the larger Brewery site.
Impact on highway capacity and safety	The DC Highway authority find the proposal to be acceptable. Amendments made have suitably addressed all safety concerns previously raised.
Flood risk and drainage	The Flood Risk Management Team has no objection to the proposals subject to conditions being added to any permission granted.
Ecology and biodiversity	Certificate of Approval issued by DC NET for submitted EclA.

Issue	Conclusion
Nutrient Neutrality	A bespoke Appropriate Assessment has been undertaken which concludes that the development must provide nitrogen mitigation. Mitigation is to be delivered by the purchasing of credits, which will be secured by a pre-commencement condition.
Impact on infrastructure	Contribution to mitigate the impact on the area's infrastructure will be made as part of the CIL contributions.
Other matters	All consultee responses are considered and addressed in detail below.
EIA	Not required.

## 5.0 Description of Site

- 5.1 The 0.32ha site comprises the former Maltings, a building Grade II Listed for its special architectural and historic interest. It is situated just to the southeast of the former brewhouse of the Eldridge Pope brewery (also Grade II Listed), which has been converted to residential use (29 flats).
- 5.2 The Maltings building was constructed in 1879 to the designs of George R. Crickmay, who also designed the remaining brewery buildings, constructed between then and 1881. The Bonded Warehouse and Bottling Stores (also Grade II Listed) were built soon after, in the period 1886-1901, probably also to Crickmay's designs. Constructed in contrasting red and yellow brick, the brewery buildings reflect a very good example of *Rundbogenstil*, a Continental architectural style of the mid-19th century which favoured rounded arches and took its inspiration from Romanesque.
- 5.3 The Maltings is currently vacant, with plans to be converted into an arts and dance centre having been scrapped in 2020 due to financial reasons. A significant addition to the building was in the late 1930s, when a steel-framed, five-storey extension was added to the SE end. This was likely added as additional barley storage, but it has now been clad in corrugated metal and subdivided internally to form offices.
- 5.4 The Maltings Mews site is a vacant plot of land directly north of the Maltings building, bordering the rear boundaries of properties along Prince of Wales Road to the north. These neighbouring properties, along with the application site, are within Dorchester Conservation Area – which terminates immediately east of the application site and south of the Prince of Wales Road rear boundaries.
- 5.5 The application site sits within a wider Brewery Square masterplan development, which has been developed for a mix of commercial and residential uses (please see Section 7 planning history below for further details). Previous phases of the scheme are characterised by architecture that is rich in its detail. Although overall, the buildings form a coherent whole, individually their design allows for variation and individuality. Facades include waved detailing and curved projections, mainly in the form of balconies. Tonal brickwork variations and patterning take their cue from the original brewery buildings with copper detailing running as a design theme throughout the site.

## 6.0 Description of Development

Full planning permission is sought for the change of use and conversion of The Maltings to create commercial (Use Class E) use, cycle parking & parking purposes at basement floor, and for residential (Use Class C3) at ground to second floors; with external alterations, extension to existing basement & erection of west and east side extensions up to five storeys (to provide a total of 43 flats).

6.2 The proposal also includes the erection of a four-storey building (Malting Mews) to the rear (north) of the Grade II Listed Maltings building, with parking at ground floor & residential use (Use Class C3) at first to third floors (to provide a total of 27 flats).

6.3 The application includes the following details:

- Location plan
- Historical topographical survey
- Existing plans of The Maltings
- Proposed block plan
- Proposed site plan (including eight external surface parking spaces)
- Proposed elevation, roof and section plans, including:
  - Removal of existing warehouse structures at either side of building
  - Replacement five storey extension on eastern elevation
  - Three storey high extension on western elevation (over the proposed lower ground flexible commercial/community use)
  - Extension to existing windows and new windows, rooflights and external balconies
- Floorplans for The Maltings.
  - Lower ground/basement to provide flexible commercial unit (200 sq. m), 17 parking spaces, and 72 cycle spaces.
  - Ground floor plan to provide 7x 1-bed units and 7x 2-bed units and refuse storage.
  - First floor plan to provide 8x 1-bed units and 7x 2-bed units.
  - Second floor plan to provide 4x 1-bed units, 3x 2-bed units and 2x 3-bed units.
  - Third floor plan to provide 1x 1-bed unit and 2x 2-bed units.
  - Fourth floor plan to provide 1x 2-bed unit and 1x 3-bed unit.
- Internal works would comprise:
  - Removal of existing internal walls to all floors except basement, where partial walls and columns are retained.
  - Removal of existing floor plates and integration of new ones.
  - Extension to existing basement to west of building and addition of sunken terrace to east.
  - New walls, stair cores and layout applied to all new floor plates
- Floorplans for Maltings Mews:
  - Ground floor plan to provide 31 parking spaces, 47 cycle spaces and refuse storage.
  - First floor plan to provide 1x 1-bed units and 8x 2-bed units.
  - Second floor plan to provide 1x 1-bed units and 8x 2-bed units.
  - Third floor plan to provide 5x 1-bed unit and 4x 2-bed units.

6.4 The overall 70 units proposed would be provided with 48 parking spaces and 119 cycle spaces.

## 7.0 Relevant Planning History

- 7.1 1/E/04/001430 (Outline) [Former Eldridge Pope Brewery Site, Weymouth Avenue, Dorchester, DT1 1QT]

Develop land for new housing (480-550 units); retail and restaurant/cafe accommodation (2,000 - 3,000sq.m of floorspace); medical centre; nursing home; new station building; highways; parking, open space and landscaping. Make improvements to existing station forecourt and modify existing vehicular and pedestrian accesses to Weymouth Avenue and Culliford Road.

Decision: Granted (22/03/2006 – not implemented)

- 7.2 1/E/04/001433 (Full) and 1/E/04/001434 (Listed Building Consent) [The Maltings]

Erect extensions and carry out alterations in association with change of use to arts and conference centre

Decision: Granted (22/03/2006 – not implemented)

- 7.3 1/E/04/001435 (Full) [Maltings Mews]

Erect building to comprise 31 No flats with incidental accommodation (common room, laundry etc.,) and car parking, comprising 81 spaces

Decision: Granted (22/03/2006 – not implemented)

- 7.4 1/E/06/002390 (Full) [Former Eldridge Pope Brewery Site, Weymouth Avenue, Dorchester, DT1 1QT]

Development of land for new apartments and houses (537), including assisted care accommodation (category 2½); new non-residential accommodation including - A1 retail (2,333m<sup>2</sup>) and A3 restaurant/café accommodation (774m<sup>2</sup>); nursing home of 71 units (C2); cinema; station building; offices (B1)(354m<sup>2</sup>); landscaping, open space, play areas; public realm; substations and plant (including underground services); new highways; parking servicing and refuse storage facilities; improvements to station forecourt; and modifications to vehicular and pedestrian accesses to Weymouth Avenue and Culliford Road. Alterations and extensions to Bonded Stores in association with conversion to provide function room /auction house (813m<sup>2</sup>); retail/restaurant accommodation (1,736m<sup>2</sup>), and six flats. Alterations and extensions to Brewhouse in association with conversion to provide (i) hotel (48 bedrooms) with spa and ancillary accommodation; and (ii) 23 apartments.

Decision: Granted (26/11/2007 – part implemented)

*[This was a detailed scheme for the whole of Brewery Square (Phases 1-3 inclusive). Most of Phases 1 and 2 were built based on that permission]*

- 7.5 1/D/09/000283 (Full) and 1/D/09/000284 (Listed Building Consent) [The Maltings]

Alterations & extensions to form arts theatre (alternative scheme to approval 1/E/04/1433)

Decision: Granted (15/11/2010 – not implemented)

7.6 1/D/11/001691 (Full) and 1/D/11/001692 (Listed Building Consent)

Convert and extend former Brewhouse to create 52 bedroom hotel/spa and 17 apartments. Erect new building (Zinc Building) to provide 5 apartments, 11 town houses in Malting Mews, 157sq.m of B1 floorspace and parking. Erect new building (Brewery Square Gardens) to provide 136 apartments, 1,506 sq.m of A1 floorspace (units 2-12 Pope Street and 7 Copper Street) 540sq.m of flexible A1/A3/B1 floorspace (units 7-11 Eldridge Street) and 293 sq.m of flexible A1/A3/B1/D1 floorspace (units 8-11 Copper Street) and parking. Make alterations to former Maltings Building in association with change of use to arts centre. Provide access and landscaping.

Decision: Granted (15/08/2013 - part implemented)

7.7 1/D/13/000999 (Outline) [Brewery Development Site, Weymouth Avenue, Dorchester]

Redevelopment for residential purposes, comprising apartments and houses, with associated parking, landscaping and internal roads (Outline) [no defined number of units]

Decision: Granted (11/11/2015 – part implemented under Reserved Matters WD/D/18/002594 for 196 units - this has now expired in terms of submission of Reserved Matters for further development approved under this Outline permission)

7.10 WD/D/18/002594 (Reserved Matters) [Phase 3 Brewery Development Site, Weymouth Avenue, Dorchester]

Application for approval of reserved matters for appearance, landscaping, layout & scale of outline planning permission 1/D/13/000999 (196 units) (Amended scheme)

Decision: Granted (14/10/2020)

7.11 WD/D/18/000794 (Full) and WD/D/18/000795 (Listed Building Consent) [Former Brewhouse, 1 Brewery Square, Dorchester]

Conversion of former brewhouse to residential use to provide 29 apartments & 32 parking spaces, commercial space, storage areas associated with the residential, addition of new floors, creation of new openings in external & internal walls.

Decision: Granted (29/05/2019)

## 8.0 List of Constraints

- Grade II Listed Building: Maltings of Messrs Eldridge Popes Brewery building
- Proposal site also adjacent the Grade II Listed Brewhouse of Messrs Eldridge Popes Brewery building and near to the Grade II Listed Bonded Warehouse & Former Bottling Stores building.
- *(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).*

- Application is within Dorchester Conservation Area.
- *(statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area under the Planning (Listed Buildings & Conservation Areas) Act 1990).*
- Poole Harbour Nutrient Catchment Area.
- Surface water flood risk area (however, the mapping does not take into account the existence of urban drainage features so may not actually occur at the modelled rainfall event).
- Groundwater likely between 0.5m and 5 m below ground level.

## 9.0 Consultations

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

### Consultees

#### 9.1 Dorset and Wilts Fire & Rescue - Comments:

The development would need to be designed and built to meet current Building Regulations requirements. The assessment of this proposal in respect of Building Control matters will be made during formal consultation, however early recommendations relate to the following areas:

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
- Recommendations to improve safety and reduce property loss in the event of fire.

#### 9.2 Historic England: Refer to published advice (Design in the Historic Environment). Also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 9.3 Natural England – No Objection

The application site lies within the hydrological catchment of Poole Harbour SPA and Ramsar. Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) are protected as a matter of Government policy (National Planning Policy Framework 2023 paragraph 187). Natural England considers that development which results in increased nitrogen discharges to the Poole Harbour catchment should be considered in combination to have a likely significant effect and therefore require an Appropriate Assessment (AA).

The appropriate assessment includes a nitrogen budget for the scheme. Please note as the Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the phosphorus calculation, and that the nutrient budget calculation is correct.

The scheme intends to mitigate for the additional nitrogen load generated by the proposals by the purchase of credits from the approved scheme at Lyscombe Farm. We note that it is the intention of your Authority to use a Grampian styled condition to ensure sufficient credits are secured prior to commencement. I can confirm provided your Authority is satisfied that sufficient credits are available then Natural England has no objection to this approach.

Any permission should also ensure the house meets the 110 l per person water use requirement.

#### 9.4 **The Victorian Society** – Objection:

- Proposed Maltings conversion would involve removal of substantial parts of the internal structure, alterations to the historic elevations of the building and the addition of two extensions
- The interior and exterior alterations would harm the significance of the building by the removal of substantial parts of the historic structure and subdivision of significant internal spaces which contribute to the legibility of the building as a historic Maltings
- The exterior alterations, especially the alterations to fenestration and roof lights would disfigure the substantially intact exterior of the building. Ultimately, the structural treatment of the building, which seeks to enable an unsuitably intensive development, would result in a building which is, in essence, façaded.
- While extensions to the Maltings may be acceptable in principle, the proposed designs are jaunty and bear no relation to the existing building or the surrounding historic context. The extension to the eastern end of the building is substantially higher than the historic structure and would overbear it, harming its significance
- Scale of development when coupled with the proposed Maltings Mews would harm the significance of the building and its setting. The Mews would be noticeably taller than the Maltings and serve to hem it in when coupled with the taller new buildings opposite the site, reducing the dominance of the historic brewery buildings in the area. This would increase the impression that the historic buildings are lost within a new development, rather than forming the focus of it, as they ought
- Considering the scale of the harm that would be caused we question the suitability of residential conversion of the Maltings. While we realise that conversion to an arts centre has failed, the application documentation does not outline what options were explored since then for the reuse of the building. Any cultural/commercial use would likely cause less harm to the significance of the building, and it is important that all options have been explored.
- Would not satisfy the requirements of the Weymouth Avenue Development Plan, resulting in harmful alteration to significant parts of the listed building, extensions, and nearby development that is out of character and overbearing
- Proposals would not result in conservation of the listed building, but serious harm to its significance, both through alterations to the structure of the building and development within its setting.



*[See Section 19 Impact on Character and Heritage Assets in Planning Assessment below]*

**9.5 WPA Consultants – Comments:**

- Note the submission of a letter report concerning remediation matters and verification of Phase 2C which specifically relates to The Maltings and Maltings Mews. This would appear to indicate that remediation has been undertaken and verified but there may be currently unknown issues with contamination that may come to light during development.
- If an issue is found it must be reported and acted on appropriately. If there are no further findings this must be confirmed.

*[Officer comment: The above can be controlled by means of planning condition]*

**9.6 Wessex Water: Comments:**

- It is not readily apparent from the documents supporting the application where the building will discharge foul flows.
- If the intention is to utilise any existing arrangements, the developer must ensure there are separated systems of foul and surface water drainage.
- No surface water or land drainage will be accepted into the public foul sewers either directly or indirectly.
- Wessex Water foul sewers in Weymouth Avenue are capable of accommodating the foul only flows from this re-development, either directly or indirectly via existing foul only connections.
- Private foul drainage arrangements will be subject to the approval of Building Control.
- Surface water must be disposed of in accordance with Suds Hierarchy and NPPF Guidelines.
- The application is supported by a surface water strategy for disposal of all surface water runoff to soakaways.
- The local authority should be satisfied with the management and maintenance arrangements and approve the surface water arrangements.

**9.7 Dorset Council (DC) – Archaeology: No objection**

**9.8 DC – CIL and Planning Agreements – Comments:**

The C3 elements of the proposed development will be CIL liable development. The Poole Harbour Nutrient mitigation will be covered by CIL.

**9.9 DC – Conservation: Support subject to condition**

Comments on the initial submission were broadly supportive of the principle of proposals and many specific elements of the scheme presented. However, below is a summary of the initial concerns and recommendations:

- Whilst acceptable in principle, the SE extension should be designed in such a way, as discussed onsite, as to complement, be subservient, and not dominate the Maltings building, by way of reducing the scale and/or mass and by incorporating material or design elements which relate and are complementary to

the site's industrial lineage. Consideration must be given to reducing the building by at least one storey.

- Whilst residential conversion is, in principle, acceptable, we have concerns as to the degree of demolition that would be required to achieve the current approach, which would likely remove key elements of the building's special interest.
- A new approach, requiring both specialism and innovation, should be taken to the conversion, one which reduces the expectations of this building of special interest and works with the existing design presentation and fabric to achieve a more sympathetic and sustainable outcome.
- The proposed extension at the NW end, in principle, is considered acceptable given the current temporary nature of the external wall and the former existence of a malt store. The extension, as illustrated on associated indicative plans, is considered acceptable and opportunity should be seized to reference a complementary material palette that reflects the site's industrial history.
- We are concerned that the height of Maltings Mews will result in further dominance of the Maltings. Whilst this could be justifiable if the quantum within the Maltings itself were reduced to permit a more sympathetic conversion, consideration must be given to reducing the building by at least one storey.

The following comments were received on the **first amended proposal**:

Demolition of 1930s NE extension and replacement five-storey extension

- The removal of the glass link, incorporation of a graduated roofline and overall reflection of a more industrial design idiom, reflecting that of the existing 1930's structure, is a welcome direction in evolution in contrast to the preceding design and associated scale.
- The previous, elevation projection has been appropriately resolved to retain clear views toward the square which maintains the visual appreciation derived from the special architectural character of the individual building and its referential relationship with the designated building group, overall.
- Predicated on the presentation of amendments reflected in supporting, indicative plans, we are broadly supportive of the NE extension.

Conversion of the Maltings

- Previous comments dated 06/06/2023 remain relevant.
- Whilst it is likely that some harm would accrue from most schemes of conversion, we would welcome an outcome in which this has been demonstrably minimised in this instance.
- Internally, we perceive harm to be realised to a lesser and more isolated extent limited to the far NW aspect. However, to a much greater extent, maintaining the external legibility of the building is of principal concern where proposals seek to challenge the essential purpose, character, and appearance of the building overall.
- As identified on supporting indicative plans, where ground-floor windowsills are to be lowered, the historic brick coursing offers clear reference of original sill heights. However, where windows are to be introduced and shortened, or where openings

are to be infilled, as suggested to the NE aspect, the extent of the original reveal must be retained, as an impression, to aid future reference.

- The introduction of 2 x first floor balcony openings, to the south, principal, elevation, are perceived as elements that challenge the historic legibility of the building by virtue of disrupting the natural, continuous course of the roof line. Furthermore, an increase in the size of opening, to accommodate full height glazing and balcony, reflecting that of the historically functional openings located immediately below, to the ground floor, assists in challenging legibility and raises concern toward the additional loss of historic fabric.
- The judicious introduction of rooflights to the front and rear roof plane also serves to challenge the historic roof plan. However, the requirement for each rooflight is deemed necessary in its placement to effectively deliver appropriate levels of light to associated internal spaces. Based on the sheer expanse of both roof planes, if residential development is to be pursued, in a direction to secure the optimum viable use of the building's overall industrial form, whether this is considered internally in linear or vertical format, alteration of the roof, to meet the requirement for modern development, will continue to challenge the delicate balance between the retention of historic character and appearance and alteration prompted by an inevitable requirement for adaptive change. For this reason, any intervention considered to the roof plane, overall, must be from an innovative design approach, which responsibly takes account of the building's special architectural and historic interest. Therefore, the south (principal) and north roof plane, including the 2 x NW pyramidal elements must only support rooflights of a discrete and fixed nature. In this instance, a flush, low reflective conservation light, framed to match the tonal quality of the roof slate should be considered. Based on the premise of a flush and undisrupted roof plane the introduction of an inset balcony, to the north roof plane, and addition of raised solar panels would not be supported.
- With regard widows', reference should be taken from the example presented on the neighbouring Brewhouse.
- Further information is required regarding the perceived extent of loss associated with the internal brick kilns.

#### Extension to the NW end

- Previous comments dated 06/06/2023 remain relevant with regard appropriateness of design where we are broadly supportive of the overall design principle.

#### Maltings mews

- Previous comments dated 06/06/2023 remain relevant. Whilst we do not have any objections, in principle, to the overall concept of development, we are concerned by the scheme's, dominating comparative scale, unbroken roofline and deficiency of complementary architectural character, which is considered incongruous and non-representative of the classic proportions, reflecting the design presentation of a mews. Whilst acknowledgment has been made toward an intention to make Maltings Mews 'subservient to the Maltings', and indeed appropriately proportioned in scale and mass to neighbouring villas fronting Prince of Wales Road, we are not confident that this intention is reflected in the scheme presented.

The following comments were received on the **second amended proposal**:

- Demolition of 1930s NE extension and replacement five-storey extension  
Predicated on the presentation of amendments reflected in the revised supporting, indicative plans, we are broadly supportive of the NE extension.
- Conversion of the Maltings  
Predicated on the presentation of amendments reflected in the revised supporting, indicative plans, we are now broadly supportive of the conversion design principle for the Maltings.  
We recommend that window design reference is taken from the example presented on the neighbouring Brewhouse building (Hub box/ Drgnfly).
- Extension to the NW end  
Previous comments dated 06/06/2023 remain relevant with regard to appropriateness of design where we are broadly supportive of the overall design principle.
- Maltings mews  
Predicated on the presentation of amendments reflected in the revised supporting, indicative plans, we are now broadly supportive of the scheme where matters of scale, regarding factors concerning *challenge* and *dominance*, have been appropriately resolved with regard to impact on the Maltings and encompassing brewery extent designations only. From a design perspective, we remain in question of the developments non-representative intention for classic proportions, reflecting the design presentation of a mews.
- As mentioned in comments previously submitted 13/10/2023:  
Further information is required regarding the perceived extent of loss associated with the internal brick kilns. This should be clearly indicated on plan and could form part of the recording requirement suggested below.  
*[See Section 19 Impact on Character and Heritage Assets in Planning Assessment below]*

#### 9.10 DC – Environmental Health – Comments:

The land remediation submissions accompanying this application should be passed to the Council's contaminated land consultant for review.

*[Officer comment: Refer to paragraph 9.5 for Contaminated Land Consultant comment]*

#### 9.11 DC - Flood Risk Management Team: No objection, subject to conditions

Information initially supplied did not provide adequate detail of the proposed surface water drainage within the site or the context of the wider Brewery Square development.

Following a request for further information the applicant provided a drainage layout with an increased level of detail regarding the proposed surface water drainage scheme and how it fits into the wider strategy serving the Brewery Square development. As a result, the LLFA now acknowledges that the applicant has

provided the following information at the necessary detail to substantiate the proposed Surface Water drainage strategy:

- As-built drawings for the surface water drainage that has already been constructed across the whole Brewery Square development site.
- Clarification as to which parts of the surface water drainage are yet to be constructed in relation to the current proposals.
- Clarification as to which soakaway/s surface water drainage from the Maltings and Maltings Mews will be directed to.
- An explanation that *'the Brewery Square Development Company own the soakaways and therefore as The Brewery Square Development Company are also the owners of The Maltings and Maltings Mews, no third-party permission is required for discharge into the soakaways.'*
- Results from tests indicated that groundwater levels were at a depth significantly below the invert of proposed soakaways. As a result, long term groundwater monitoring was not considered necessary.
- Reports from the original infiltration test results have been provided.

#### 9.12 DC – Highway Authority – No objection

After considering the initial submission the Highway Authority had some reservations as to the safety of road users including:

- A wall is situated directly at the highway edge leaving just 4.8m width of the road. Concerns for this wall being struck and debris possibly causing severe damage to those below. The minimum requirement for solid structures will be 450mm back from the edge of highway which will have an impact on parking spaces opposite and the carriageway width.
- Traffic lights: Concerns here will be waiting vehicles in a limited space topside wanting to come down while waiting for vehicles exiting.
- Exiting the ramp from the basement poses visibility issues to the right due to the obstruction of the wall.
- No footways for pedestrians to have safe passage adjacent to the road.
- No provision made for mobility aids such as ramps or handrails.
- No description in the plans to warning pedestrians not to use the ramp that accesses the basement carpark.
- Proposals should comply fully with the Equalities Act and the requirements of Inclusive Mobility.

Comment on amended proposals include:

- According to the information submitted in the supporting design document page 14 it shows the end of the wall that has no reflective marker to warn drivers on approach to the entrance to the basement. Although there is a 450mm verge strip, vehicles may still mount this, therefore, it would benefit from some reflective strips or ornate style reflective bollards highlighting the wall face.

- There is no mention to mitigate any possible incidents when exiting the ramp from the basement that poses visibility issues to the right due to the obstruction of the wall.
- Signs need to be shown on detailed plans warning pedestrians not to use the ramp that accesses the basement carpark.
- A detailed plan needs to be submitted on a larger scale technical drawing showing the proposed ramp measurements, walls, gradients, traffic signals and adequate provision for people with mobility issues.

*[See Section 22 Impact on Highway Capacity and Safety in Planning Assessment below]*

#### 9.13 DC – Housing Enabling Team: Comments

Comment on initial submission:

- There is a high need for affordable homes in Dorchester.
- There is a S106 agreement and Affordable Housing Scheme in place that details the affordable housing requirements for Brewery Square. The Affordable Housing Scheme should now be reviewed to take account of the addition homes being developed. This will lead to a requirement to increase the number of affordable homes being provided on this site.
- The developer does not make clear where these homes will be provided, or if they will be part of this development, and more information will be required before this application can be supported.

*[See Section 18 Affordable Housing in Planning Assessment below]*

#### 9.14 DC – Landscape: Support, subject to conditions

The Landscape Officer had comments on the initial application proposal including the following:

- Tree planting needs to be coordinated with street lighting to avoid conflict.
- Cross sections of the tree pits to be provided so that we can be assured that adequate volume is provided to enable the trees to attain their full potential.
- Additional details to be added to drawing 9547/120 - external terraces planting beds, tree and climber planting in the open area and green roof.
- Some planting areas are awkward shapes/sizes or susceptible to trampling need to be designed out or re-designed to be less vulnerable. Other planting areas need to show planting detail.
- Confirmation required for 'areas of wildflower'.
- Improvements to structure of planting including the number of species be reduced, *Eleagnus x ebbingei*, *olearia x haastii*, *Olearia x macrodonta*, *Pyracantha 'Orange Glow'*, *Viburnum 'Eve Price'*, *Viburnum opulus* and *Senecio 'sunshine'* omitted, planting lining access road revised to provide a stronger, more coordinated approach and provide more structure.
- If biodiversity mitigation planting is required, this should be incorporated into the planting proposals.
- Initial planting maintenance needs to include details of who will be responsible for managing the planting, and how it will be managed in perpetuity.

Amended proposals were drafted to address the above concerns and subject to landscaping conditions and DC Highways acceptance of the proposed location and size of trees the Landscape Office is in support of the proposals.

*[See Section 20 Impact on Landscape and Trees in Planning Assessment below]*

#### 9.15 **DC - Natural Environment Team:** No Objection

The application is within the scope of the Dorset Biodiversity Appraisal Protocol (DBAP) criteria which includes proposals which will have an impact on an area greater than 0.1ha, development on sites where there are known protected species or important habitats/habitat features and development which is likely to have an impact on biodiversity.

An Ecological Impact Assessment (EclA) was submitted directly to NET to review under the DBAP. This was approved and obtained a Certificate of Approval. Compliance with the EclA can be conditioned to ensure compliance with wildlife legislation, NPPF (2024) and that biodiversity mitigation and enhancements are secured.

*[See Section 24 Ecology and Biodiversity in Planning Assessment below]*

#### 9.16 **DC – Planning Policy:** Comments

*[See Section 17 Principle of development in Planning Assessment below]*

#### 9.17 **DC - Public Health Dorset –** Comments:

Comments made on the initial submission requested further consideration of the following points:

- Allocation of drying areas and sufficient ventilation.
- Lifetime homes –adaptable for elderly and disabled residents.
- Lighting.
- Noise reduction measures.
- The needs of children and young people.
- Renewable energy creation.
- Provision for charging infrastructure.
- Green infrastructure initiatives and plans to support biodiversity in both the public and private realm.
- Opportunities for food growing on site.

Amended plans and supporting information responded to the comments:

- No drying areas are included within the proposal. However both buildings propose the use of a HVHR system or similar to ensure adequate ventilation.

External balcony spaces or Juliette balconies provide natural passive air flow during warmer months.

- At current the proposal is not compliant to the lifetime homes requirements however the new building block (Maltings Mews) has been designed to be fully accessible for wheelchair.
- All new lighting for internal share spaces e.g. parking will be low energy LED lighting.
- Indication of charging point to connect to 4 cars per point will be detailed on all new undercroft basement parking.
- Solar panels have been specified to scheme on the roof of both the Malting's and Malting's Mews. Covering a minimum area of estimated 200m<sup>2</sup> which could generate upwards of 300,000w per day. The use of ground source/ air source heat pumps within the proposal is encouraged by both client and architect. The retention of the existing Maltings building ensures the embodied carbon within the existing fabric isn't emitted as well as reducing the production of new carbon if the proposal was to be built from new.

DC – Public Health welcomed improvements made to pedestrian access, making it safer to walk and promoting active travel. They also noted amendments to windows to maximise natural daylight. PHD supports design that facilitates accessibility within properties, where this is feasible and required, to enable creation of homes suitable for the life course of residents

9.18 **DC - Urban Design:** Unable to support [note these comments were made on a previous iteration of the plans and further comment on the amended plans has not been received. Please refer to Section 16 below for analysis of how these comments have been addressed in the current proposed scheme:

- Proposals have failed to adequately address the concerns raised by specialist officers at the pre-app stage.

*Proposed Maltings Mews building*

- Still overly dominant in terms of its mass and scale
- Additional height and very close relationship with the rear boundary of properties in Prince of Wales Road has the potential to create an overbearing impact; this relationship should be clearly demonstrated through sections and accurate visual representations
- In some cases, apartments are less than 1m from the boundary, where this occurs, it is proposed to include windows that do not open. In addition, these units are north facing and the close proximity to boundary fencing and planting will have an impact on the levels of natural light filtering into rooms
- Although the top floor has been set back, the overall height is greater than that of the consented town houses and the proposed communal terraces (which will sit higher than the treed boundary between the site and rear gardens on Prince of



Wales Road) must be considered in relation to the impact they will have on the amenity of the rear gardens of properties in Prince of Wales Road

- Many of the flats (and within the Maltings) fall below nationally prescribed space standards and there is a lack of cycle storage on the ground floor level

#### *The Maltings*

- At pre-app stage, the principle of replacing the existing SE extension with a new, more modern building was supported. However, it was clearly advised that the overall height and bulk of the proposals were overly dominant in key views and there was concern that the scale of development would overwhelm the Maltings
- This element of the scheme needs to be re-designed to include a building with a smaller overall scale that would complement and not dominate the Listed building
- The Weymouth Avenue Development Brief is clear that any new buildings must be designed to respect the scale, height and massing of the listed brewery buildings
- The NW extension was generally supported at the pre-app stage and this element of the scheme does not appear to have changed. The modest extension integrates well with the existing building and the use of greened copper style cladding ties in with features in existing buildings
- Detailed design and landscaping will need to ensure that the relationship between the commercial unit and the street is vibrant and active
- Little detail provided on how the scheme will address climate change. The high number of single aspect north facing apartments within The Maltings and the proximity of apartments to the boundary of Prince of Wales Road will result in a number of darker apartments that do not have high levels of natural lighting
- There are no features such as solar panels and other energy savings measures that will lessen the impact of climate change.

*[See Section 19 Impact on Character and Heritage Assets, Section 20 Impact on Landscape and trees, and 21 Impact on Amenity in Planning Assessment below]*

#### **9.19 Dorchester Town Council – Comments:**

- While the Committee appreciated the efforts to respect the Listed building, it was felt that the eastern extension was somewhat overbearing
- It may also have a negative impact on the amenity of residents of Prince of Wales Road due to its height and position to the south of those houses and gardens
- Concerned about the lack of natural light to some of the units
- The Committee welcomed the community space that would be provided for the benefit of residents
- The Committee requested that the application be considered by the Dorset Council's Northern Area Planning Committee

Re-consultation comments - Objection.

- The Committee reiterated its previous comments [as above]
- The Committee felt that the new proposals did not address the issues of the previous design and agreed with the Conservation Officer's previous comments which had not been since addressed. It was felt that the proposal did not comply with the following policies of the adopted local plan;
  - ENV.10 as it did not 'contribute positively to the maintenance and enhancement of local identity and distinctiveness
  - ENV 12 as the 'general design is not in harmony with the adjoining buildings and the area as a whole; largely due to its scale and mass' which would be overpowering to the properties in Prince of Wales Road and spoiling the amenity of the residents (ENV 16) through overshadowing and loss of privacy.
- The committee felt that the current proposal did not meet the requirements of the NPPF, paras 200 and 202 as it would cause more harm than gain to the grade ii listed building, therefore failing to comply with Policy ENV4 as the proposal would harm the historically significant building.

*[See Section 19 Impact on Character and Heritage Assets, and 21 Impact on Amenity in Planning Assessment below]*

#### 9.20 **Ward Cllr Stella Jones** – Comments:

- Concern that this application is being amended and getting larger and higher from residents of Prince of Wales Road and other concerned people in town.
- This is a large development of Dorchester and is of concern locally.

#### **Representations received**

#### 9.21 **Molly Rennie** – Comments:

Cllr. Molly Rennie was a ward councillor when this application was submitted. Due to local elections she is not a current ward councillor, but her comments have been included in this report for completeness.

- Agree with the Dorchester Town Council comments
- Query the number of homes seems to have increased, so do we need a greater element within the affordable numbers?
- Have a great concern regarding overlooking onto Eldridge Street, Pope Street i.e. between the Maltings and the Maltings Mews, plus the backs of the properties in Prince of Wales Road.

#### 9.22 Objections and comments from twelve neighbouring properties have been received. Objections from the Association for Industrial Archaeology and Dorchester Civic Society have also been received. These representations raise the following concerns:

- The Council can now demonstrate a 5-year housing land supply and as such, full weighting should be applied to all relevant policies within the Local Plan
- No provision of on-site Affordable Housing
- Proposed Maltings alterations intrusive and not consistent with the building's former malting use
- Over-development and huge increase in density
- Proposed built form will dominate the existing Listed Building of The Maltings

- The new build elements would not relate in scale or detail to The Maltings
- Will adversely affect the setting of The Maltings, and will detract from the Dorchester Conservation area
- Incongruous design and appearance
- Does not complement and respect the character of the surrounding area
- Proposed landscaping requires significant maintenance and would possibly restrict visibility
- Concerned about impact on Victorian boundary wall along rear of Prince of Wales Road
- Security concern due to raised ground height adjacent Victorian wall
- Visually overbearing presence of proposed five-storey Maltings Mews building in very close proximity to the rear gardens of properties within Prince of Wales Road
- Significantly taller than that which was proposed in the original out of date application
- Will break 25 degree line of sight from neighbouring elevation
- Loss of light
- Loss of privacy – actual and perceived overlooking
- Loss of outlook
- Overbearing impact/sense of enclosure
- Impact on enjoyment of gardens
- Contrary to Weymouth Avenue Development Brief
- The Daylight and Sunlight Report does not give accurate findings for impacts on neighbouring properties
- Increased noise
- S106 agreement should be reviewed in the light of the increased residential population and current and future noise levels.
- Light pollution
- Construction control measures should be implemented if proposal is approved
- Some of the proposed units do not meet minimum space standards, and have insufficient outlook
- Test for asbestos needed for metal addition to east of The Maltings
- Inadequate parking
- Increase in vehicles from what can safely be accommodated
- Does not seem to accommodate parking for disabled people
- No supporting document as to how the proposal can demonstrate nitrate and phosphate neutrality
- Proposed commercial space is unviable
- Ground levels shown on cross section plan are not accurate
- Existing dog fouling issues will get worse
- The submitted topographical survey does not reflect existing site conditions
- Drawings do not accurately show the positioning of dwellings along Prince of Wales Road
- Site address on application form is incorrect
- No Sustainability Statement has been provided
- Applicant has not sufficiently consulted neighbouring properties prior to submission

- Current application is an extreme departure from that which residents were promised when they purchased current apartments
- Formally request that this application is heard by the area planning committee
- Proposed amendments do not overcome previous concerns raised.

Further objections and comments have been raised at subsequent consultations. These representations raise the following additional concerns:

- The planning process has taken far too long
- The design or choice of building materials would not complement the existing Brewery buildings
- Overlooking between eastern extension of the Maltings, Hop House apartments and the new Aster Hops flats
- Access concerns for large vehicles
- Concern for pedestrian safety
- The documents contain significant errors
- The east extension is in an alien architectural style to Brewery Square
- Environmental concerns
- Support for proposed limited parking provision and ample cycle parking
- Support for the proposed obscured glazing and reduction of windows at the western end of the northern elevation
- Concern over refuse collection to Maltings building
- Support for amendments made to northern elevation of Maltings Mews – removal of windows, windows reduced in size and addition of obscured glazing to lower half of windows
- Concern the developer has been allowed to draft more than two amendments
- Concern the proposed housing mix is not in line with the need in Dorchester
- Right of light survey was originally completed with incorrect levels, the updated modelling to the correct levels results in greater impact on percentage of sunlight in PoW gardens

Total - Objections	Total - No Objections	Total - Comments
23	0	3

## 10.0 Duties

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 16 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

Section 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**

### **11.1 West Dorset, Weymouth and Portland Local Plan (adopted 2015)**

ENV 1 – Landscape, Seascape and Sites of Geological Interest  
ENV 2 – Wildlife and Habitats  
ENV 4 – Heritage Assets  
ENV 5 – Flood Risk  
ENV 9 – Pollution and Contaminated Land  
ENV 10 – The Landscape and Townscape Setting  
ENV 11 – The Pattern of Streets and Spaces  
ENV 12 – The Design and Positioning of Buildings  
ENV 13 – Achieving High Levels of Environmental Performance  
ENV 14 – Shop Fronts and Advertisements  
ENV 15 – Efficient and Appropriate Use of Land  
ENV 16 – Amenity  
SUS 1 – The Level of Economic and Housing Growth  
SUS 2 – Distribution of Development  
ECON4 - Retail and Town Centre Development  
HOUS 1 – Affordable Housing  
HOUS 3 – Open Market Housing Mix  
HOUS 4 – Development of Flats, Hostels and Houses in Multiple Occupation  
COM 1 – Making Sure New Development Includes Suitable Provision for Community Infrastructure  
COM 7 – Creating a Safe and Efficient Transport Network  
COM8 - Transport Interchanges and Community Travel Exchanges  
COM 9 – Parking Standards in New Development  
COM 10 – The Provision of Utilities Service Infrastructure  
DOR 6 – Weymouth Avenue Brewery Site

### **11.2 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.

### **11.3 National Planning Policy Framework (2024)**

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:

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well designed and beautiful places.

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

#### 11.4 Other material considerations

- Nitrogen Reduction in Poole Harbour SPD 2017
- West Dorset Planning Obligations SPD 2010
- West Dorset Design and Sustainable Development Planning Guidelines (2009)
- Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)
- Weymouth Avenue Development Brief (2004)

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

13.1 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.

13.2 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.

13.3 The site is located in a sustainable location, in line with the spatial strategy contained in the local plan. Officers have not identified any specific impacts on persons with protected characteristics. The site is within walking distance of educational facilities, healthcare, and leisure facilities.

#### 14.0 Financial benefits

What	Amount / value
Material Considerations	
Employment created during construction phase	The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in.
Non Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands

#### 15.0 Environmental Implications

15.1 In May 2019, Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning process will secure carbon footprint reductions in new developments.

15.2 The Design and Access Statement advises that in accordance with Passive Solar Design principles, the orientation and internal layout ensures that, where possible, all daytime living rooms such as kitchen/family room, dining room and living room will benefit from passive solar gain. Where possible, floor plans are dual aspect to allow passive solar gain.

15.3 The updated Supporting Design Document advises that solar panels have been specified to the roof of the Maltings Mews. Finalised PV specification would be required by a specialist based on design details to be confirmed at building regulations stage. Based on discussions regarding viability, the use of ground source/ air source heat pumps within the proposal is encouraged by both the applicant and architect.

15.4 The retention of an existing building ensures the embodied carbon within the existing fabric isn't emitted, as well as stopping the production of new carbon if the proposal was to be built from new.

#### 16.0 Planning Assessment

16.1 The main issues for consideration are:

- (17) Principle of development
- (18) Affordable Housing
- (19) Impact on character and heritage assets
- (20) Impact on landscape and trees

- (21) Impact on amenity
- (22) Impact on highway capacity and safety
- (23) Flood risk and drainage
- (24) Ecology and biodiversity
- (25) Impact on infrastructure
- (26) Nutrient Neutrality, and
- (27) Other matters

## 17.0 Principle of development

### *Planning policy*

- 17.1 The application site is allocated for development within the current West Dorset, Weymouth and Portland Local Plan (WDWPLP) and the Draft Dorset Local Plan. It is located inside the Defined Development Boundary for Dorchester, and under Policy SUS2 of the WDWPLP residential development will normally be permitted. SUS2 also identifies Dorchester as a main town, and therefore is a “highest priority location” for new development.
- 17.2 Policy DOR6 of the WDWPLP forms the current site allocation for the Weymouth Avenue Brewery Site and states:  
*“The former Brewery site and adjoining land at Weymouth Avenue (as shown on the policies map) is an important area linking the town centre to the railway station. The development of the site will be guided by the Weymouth Avenue Development Brief (2004) and will include the delivery of:*
- *a mix of homes, businesses and community facilities, including an arts centre, hotel and limited retail appropriate to its location outside the town centre;*
  - *a transport interchange facility to enhance the use of the railway station;*
  - *effective open spaces and pedestrian and cycling links through the site and connecting with adjoining areas, including from Dorchester South Station to South Street.”*
- 17.3 The allocation refers to the development of an arts theatre in the masterplan area. The Council is seeking to adopt a new Local Plan to replace all current adopted plans within the former Dorset authorities that have now been unified. A Consultation Version of the new Local Plan was published in January 2021. The consultation included the Brewery Square site in which the application site sits – DOR3.
- 17.4 This plan is still at an early stage of preparation and as such, only very limited weight can be given to it as a material consideration. Of note however is that the draft Policy DOR3 reads almost identical to the adopted Local Plan Policy DOR6, but does not refer to provision of an arts centre. It states that:  
 “The continued development of the site will be guided by the Weymouth Avenue Development Brief (2004) and will include the delivery of [amongst other things]:
- a mix of homes, businesses and community facilities, hotel and limited retail appropriate to its location outside of the primary shopping area”
- 17.5 Table 3.7 of the WDWPLP lists all Housing Allocation Sites with approximate phasing and estimated supply. The Weymouth Avenue Brewery Site is listed as having a housing supply of 560 units. It appears that the current proposed 70 units would take the total number of units across the Brewery Site to 556. However, Paragraph 3.3.23



of the WDWPLP indicates a level of flexibility in terms of housing numbers on allocated sites, particularly when including mixed-use sites.

*Arts centre*

17.6 Previous permissions have specifically identified the existing Maltings building as a location for an arts centre. Whilst provision of an arts centre is set out within policy DOR6, neither the policy nor the Weymouth Avenue Development Brief identify a specific location for it. It is accepted that in February 2020, Maltings Arts (which was the charitable trust set up to deliver and run the arts theatre at this site) announced the project had been scrapped, citing budgetary pressures as the reason.

*Proposed flexible commercial/community use*

17.7 Part of the existing Maltings building is now proposed for a flexible commercial and community use. Policy DOR6 specifies that the site as a whole would include community facilities as part of its overall mix of uses. The Council's Planning Policy Team (PPT) has commented that the proposed community use under the current Use Class F2 would appear consistent with Policy DOR6 in this vein and would potentially allow for some local community based cultural and recreation activities to take place in lieu of a fully-fledged arts centre. The case officer considers that the proposed provision of a commercial unit such as a café would assist in somewhat offsetting the loss of the proposed arts theatre, as it could be used for informal social gatherings and meetings. Such a community use could be controlled by means of s106 agreement.

17.8 It must also be considered whether any potential retail uses coming forward as part of the scheme (under the mix of commercial/community uses) would be appropriate to the location of the site, and would ensure that retail uses, in the wider context of the Weymouth Avenue Brewery Site, remain 'limited' as stipulated by policy DOR6.

17.9 The application site falls within the town centre for Dorchester as identified by Policy ECON4 of the WDWPLP. Criterion i) of Policy ECON4 sets out that development proposals for retail and town centre development should be appropriate in type and scale to the particular centre and its catchment population. Part of the proposal constitutes approx. 200 sq. m of commercial/community space, which would generally be considered acceptable within a town centre location, albeit that the Weymouth Avenue site currently is not identified as Primary or Secondary Shopping Frontage.

17.10 Criterion iii) of Policy ECON4 identifies that 'a sequential approach will be taken to planning applications for new (or major extensions to) retail and town centre uses'. However, there is a general in-principle acceptance of community and small-scale retail uses in this location as set out by policy DOR6. The amount of floor space proposed for this flexible use is considered to be 'small scale' in line with DOR6, having regard to its size and location near established retail uses within the wider Brewery Square site. Although not forming part of the Primary Shopping Frontage as set out in the Local Plan, the proposed siting of this flexible use would be within an important area linking the town centre to the railway station.

17.11 It is also noted that, whilst very limited material weight can be attributed to it currently, the Dorset Council Local Plan consultation of 2021 included parts of the Weymouth Avenue site as part of the town's Secondary Shopping area. The

supporting text of the draft policy DOR3 also identifies that the completed phases of the overall development contribute significantly to the leisure offer of the town centre.

#### *Housing mix*

- 17.12 It is considered that the proposed housing mix would comply with Local Plan Policy HOUS3, which is not prescriptive about housing types required and states that a mix should be sought that reflects the locality. The proposed provision of apartments reflects the site's Town Centre location, where a lesser amount of family units is considered acceptable.

#### *Conclusion - principle of development*

- 17.13 Having regard to all the above, the principal of the proposed development, including the flexible commercial/community use, is considered acceptable. However, the overall acceptance of the proposed development is dependent on it being also of sufficient scale and design to respect its historic context and the amenities of surrounding neighbours and future occupiers.

### **18.0 Affordable Housing**

- 18.1 The Council's **Housing Enabling Team Leader** initially commented that there are currently over 4200 active applications on the Dorset Council Housing Register, and that Dorchester is one of the areas with the highest need for affordable homes. There are over 400 applicants on the housing register that have declared a local connection to Dorchester.
- 18.2 Local Plan Policy HOUS1 requires 35% affordable housing on site with the inclusion of 70% social/affordable rent and 30% intermediate affordable housing on open market housing sites and financial contribution towards the provision of affordable housing when there is a shortfall on site.
- 18.3 There is however a S106 agreement and Affordable Housing Scheme (AHS) in place that details the affordable housing requirements for Brewery Square. This requires a minimum 30% Affordable provision across the site.
- 18.4 An updated draft Affordable Housing Statement (AHS 7) has been provided, to include the current proposal and the current Affordable provision across the wider Brewery Square site. There are 22 Affordable dwellings listed for the Malthouse and the Eldridge St, Bitter End and Draymasters dwellings further along the east. The Council is aware that a Registered Provider (Aster) has delivered all 49 of these homes as shared ownership, which is above the s106 requirement, through additional grant funding. This is also reflected in the AHS update.
- 18.5 The current proposal does not put forward any on-site Affordable provision. However, the updated draft AHS demonstrates that even when discounting the intended additional nearby provision of Affordable Housing as outlined above, the overall number of units across the Brewery Square site (should the current 70 unit proposal be granted) would meet still the minimum 30% s106 Affordable Housing requirement.

### **19.0 Impact on Character and Heritage Assets**

- 19.1 The NPPF is unambiguous in its stance on the importance of design quality and this is clearly set out in Para 131: '*The creation of high quality, beautiful and sustainable*

*buildings and places is fundamental to what the planning and development process should achieve' with Para 139 clearly stating that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Para 203. Sets out that 'a positive strategy for the conservation and enjoyment of the historic environment... This strategy should take into account: f) the desirability of new development making a positive contribution to local character and distinctiveness g) opportunities to draw on the contribution made by the historic environment to the character of a place.'*

- 19.2 ENV10 of the West Dorset, Weymouth & Portland Local Plan 2015 (WDWPLP) sets out that 'development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings' and 'Opportunities to incorporate features that would enhance local character... should be taken where appropriate'. ENV12 of the WDWPLP requires that 'the siting, alignment, design, scale, mass, and materials used complements and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place.'

#### *Character*

- 19.3 The existing site is forms part of the former Eldridge Pope brewery which has been part of a comprehensive regeneration scheme for a number of years. The Maltings building is one of a number of listed buildings within the site and sits within the Dorchester Conservation Area. The current proposals form part of the north-western phase of development and sits just beyond the main brewhouse which has recently been converted into residential and restaurant uses.
- 19.4 Due to the uniqueness of the site, its history and the eclectic architecture of the listed buildings, it has always been considered that the redevelopment of the site offers an opportunity to create a distinctive character based on a considered understanding and appreciation of the site's history and status.
- 19.5 Initial phases of the regeneration scheme are characterised by architecture that is rich in its detail. Although overall, the buildings form a coherent whole, individually their design is varied. Tonal brickwork variations and patterning take their cue from the original brewery buildings with copper detailing running as a design theme throughout the site. The latter phases of the development are impacted by an economic downturn and resulting change in developer. This resulted in a more simplified, modernist approach to design with less traditional architectural detailing and design characteristics. However, it could be argued that this variation as you move through the site and away from the central hub of the scheme adds to the overall eclectic character of the area.
- 19.6 This final phase of the scheme proposes to retain the Listed Maltings building and convert it into 43 flats. The existing latter extension to the southeast is proposed to be demolished and replaced with a new, taller extension. An additional, more modest extension is also proposed to the northwest of the Maltings, which provides the opportunity for the building have an active frontage onto the central plaza of the Brewery Square. A new 4 storey apartment block is proposed to the rear of the existing Maltings adjacent to the recently constructed Malt House.
- 19.7 The Design and Access Statement (DAS) for the application argues that the design has been developed to highlight the existing Maltings building. The additional new

extensions to The Maltings have both been designed to complement it. The larger extension to the east of the building reflects the industrial design of the existing 1930's structure. Through negotiations with the DC Conservation Officer, one storey has been removed, a graduated roofline has been introduced and the elevation projection has been resolved to retain clear views towards the Brewery Square Plaza. The DC CO concludes that this approach maintains the special architectural character of the eastern extension and its referential relationship to the Maltings building. The proposed extension to the west of The Maltings continues the roof form as the existing structure, helping to keep it subservient to the existing building.

- 19.8 The Maltings Mews was originally proposed at 5 storeys, which in the view of the DC Urban Design Officer, the DC CO and the Town Council appeared to be overly dominant in terms of its mass and scale. Through negotiations with officers the applicant has reduced the proposal to 4 storeys and the overall vernacular of the building has been amended to break down the façade to appear to be more domestic in scale and be more representative of a typical mews style development. Internal floor heights have also been decreased to further reduce the overall height of the building. The CO considers that the above amendments to the scale and massing of this building satisfactorily address his previous concerns that the mews building would dominate the existing Maltings building.
- 19.9 The DAS advises that the proposed material palette includes a mix of materials inspired by the application site's context and history. Proposed materials include the predominant use of a multi brick and an aged green copper effect cladding. The brick references the existing brick on the façade of the existing Maltings building and incorporates elements of detailing reflective of the adjacent Brewhouse. The proposed aged green copper effect cladding is proposed to the extensions to The Maltings building and to sections of the proposed Maltings Mews. The approach to materials has been selected with the intent to relate the proposed development to its context and is a reference to the copper kilns used in the brewery process formerly found on the application site. Perforated panels to the ground floor carpark would be of a similar bronzed style cladding to match tonally with the multi brick used above.
- 19.10 It is considered that the amendments made to the scale, massing, proposed materials and detailing have resulted in a proposal that responds positively to its context by both reflecting and enhancing the existing character and is in accordance with paragraphs 131, 139 and 203 of the NPPF and ENV12 of the WDWPLP.

#### *Impact on Heritage Assets*

- 19.11 The West Dorset, Weymouth & Portland Local Plan 2015 (WDWPLP) Policy ENV4 sets out that the impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset. Development should seek to conserve and where appropriate enhance the significance. It sets out that any harm to the significance of a designated or non-designated heritage asset must be justified. Applications will be weighed against the public benefits of the proposal.

#### *Impact on Maltings of Messrs Eldridge Popes Brewery (Grade II Listed Building)*

- 19.12 The Maltings was constructed in 1879 (datestone with Eldridge Pope monogram) to the designs of George R. Crickmay (1830-1907), who also designed the remaining brewery buildings, constructed between then and 1881. A significant addition to the building was in the late 1930s, when a steel framed, five-storey extension was added

to the SE end. This was likely added as additional barley storage (suggested by the surviving crane arm on the SW gable), but it has now been clad in corrugated metal and subdivided internally to form offices.

19.13 The building is Grade II-listed for its special architectural and historic interest and is situated within the Dorchester Conservation Area. The building has considerable architectural interest (see above), but also historical interest as almost the entire maltings process can be read externally and internally.

19.14 The following harm has been identified to the significance of the Maltings:

- A change to its purpose-built use. The building has been vacant since the Brewery closed in 2003. The principle of change of use was accepted in the consented masterplan in 2006 and subsequent approved applications. However it should be acknowledged that the purpose-built use is no longer viable, and the proposed mix of uses include commercial, community and residential, which will secure a long-term future for the building.
- There is a degree of removal of some historic fabric including basement columns, first floor timber joists, lath and plaster and localised external fabric to accommodate new fenestration. Note that through discussions with DC Conservation Officer (CO) the applicant has amended proposals to limit the loss of historic fabric. This has resulted in the retention of further existing brickwork, historic archways in the basement and historically significant brick kilns which are to be retained and utilised as a feature in the proposed commercial unit.
- Rooflights added to existing roof which visually breaks up the historic mass and form. However, to support the proposed residential use these rooflights are required to provide daylight to the flats on the top floor. In discussions with the CO it has been agreed that the rooflights proposed should be conservation rooflights which are discrete, fixed, flush and low reflective. It is considered that this will minimise the impact of these additions to the significance of the existing building.

19.15 Less than substantial harm would occur to the significance of the Maltings of Messrs Eldridge Popes Brewery. Please note, amendments discussed above have since been proposed as part of the scheme to reduce this impact.

19.16 The following public benefit can be attributed to the proposals:

- Conversion to new, more sustainable use to secure long term future of the building. The building is currently laying vacant and will degrade over time if it is not restored and brought back into use, which would likely present a greater risk to the long-term future of the heritage asset. The proposed commercial and community use to basement level will be a direct benefit to local community and contribute to the strength of the public realm in Brewery Square.
- The restoration of some previously obscured historical fenestration. Industrial Crittal style windows have also been proposed throughout, replicating those used on the adjacent Brewhouse development which will ensure a high-quality fenestration in line with the treatment of the other existing Brewery buildings.
- Overall refurbishment of the building including the consolidation and repair of historically significant brickwork including the reinstatement of previously filled in openings.

Officers consider that the public benefits that have been identified would outweigh the less than substantial harm to the setting of the Maltings of Messrs Eldridge Popes Brewery.

*Impact on Dorchester Conservation Area*

- 19.17 The site sits within the Dorchester Conservation area, which is characterised by a variety of building types, styles, heights and materiality. The key elements of the proposal which could have an impact on the significance of the conservation area are the new build elements including the extensions to the east and west of the Maltings building and the new build Maltings Mews. The Heritage Impact assessment contains historical mapping and aerial photography confirming that the areas of the site in which the new build elements are proposed have historically had built form in the same locations, so the proposals are not introducing built form into an area of the conservation area which has not historically had it.
- 19.18 The materials proposed for the extensions and new build Maltings Mews include brickwork which has been selected to relate to the existing Maltings building, aged (greened) bronze effect cladding and perforated bronze effect cladding. These materials are reflective of those used in the existing site and surrounding development including the conversion of the Brewhouse building adjacent to the site, also in the conservation area.
- 19.19 It is therefore considered that the proposals will not result in any negative impacts on the how the conservation area is read and would therefore result in 'no harm' to the Dorchester Conservation Area.

*Impact on Brewhouse of Messrs Eldridge Popes Brewery (Grade II, 1220904)*

- 19.20 The Maltings building has considerable architectural interest as discussed above, but also historical interest as almost the entire maltings process can be read externally and internally. Both these interests are enhanced by the building forming part of a surviving and coherent group of brewery buildings. With that in mind, the proposal also has the potential to affect the significance of designated heritage assets through impacts on their setting. The submitted Heritage Impact Assessment does not formally disclose a rating of harm on the Brewhouse of Messrs Eldridge Popes Brewery; however the DC Conservation Officer considers that the proposed scheme would result in **No harm** to the asset.

*Impact on Bonded Warehouse & Former Bottling Stores (Grade II, 1290706)*

- 19.21 As above, the submitted Heritage Impact Assessment does not formally disclose a rating of harm on the Brewhouse of Messrs Eldridge Popes Brewery; however the DC Conservation Officer considers that the proposed scheme would result in **No harm** to the asset.
- 19.22 Having regard to the NPPF, the Council's Senior Conservation Officer and has also identified "**less than substantial harm**" to the Grade II Listed Maltings of Messrs Eldridge Popes Brewery building and "**No harm**" to the Dorchester Conservation Area. The case officer agrees with all the above conclusions in respect of harm to Heritage Assets arising from the proposal. It is considered that the public benefits that have been identified would outweigh the less than substantial harm to the setting of the Maltings of Messrs Eldridge Popes Brewery. Therefore, above harms are subject to the heritage and planning balance as set out in detail further below. This will determine whether there is overall compliance with Policy ENV4, insofar as

it reflects Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

## **20.0 Impact on landscape and trees**

- 20.1 Policy ENV10 of the West Dorset, Weymouth and Portland Local Plan (WDWPLP) requires development to contribute positively to the maintenance and enhancement of local identity and distinctiveness and provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area. Policy DOR6 of the WDWPLP requires that development should be guided by the Weymouth Avenue Development Brief (2004) (WADV). The WADV requires landscaping to form an integral part of the proposed development. The NPPF para. 135 requires that development is sympathetic to local character and history, including the surrounding built environment and landscape setting and para. 136 requires opportunities to be taken to incorporate trees in developments and that appropriate measures are in place to secure their long-term maintenance.
- 20.2 The site is in the Dorchester Conservation Area, within which avenues of mature trees lining the roads is intrinsic to its character. Soils on site are contaminated, but the submitted Remediation Method Statement indicates that this does not pose any great risk and a soil cap will be provided to stop any mixing of contaminated soils with overlying clean imported or site won soils. Greening of public spaces in the wider Brewery Square development is limited and is also heavily constrained.
- 20.3 The proposal includes areas of hard and soft landscaping, including tree planting. It is considered that the hard landscaping materials proposed are appropriate in the Brewery Square context. The Council's Senior Landscape Architect (SLA) initially requested additional information to support the application and clarify the soft landscaping proposals. Details requested included additional planting to soften the visual impact of the proposed development, amendments to the tree planting strategy, confirmation of tree pit volume to confirm viability for long term tree establishment, planting plans, schedules and specifications and details of the maintenance and management of planting. The applicant reviewed their proposals to incorporate these recommendations to the satisfaction of the SLA. The SLA has confirmed that proposals are now better structured and further tweaks to this planting structure can be resolved via the inclusion of standard landscaping conditions.
- 20.4 The position and size of proposed tree planting has also been reviewed by the DC Highways team and they are satisfied that they will not present a problem for the street lighting proposed. The sightlines to the traffic lights controlling cars approaching from the Malt House end of the development and the position of the two ornamental pear trees (*Pyrus Calleryana* 'Chanticleer') has also been analysed and it is considered that they will not present a conflict.
- 20.5 It should be noted that the SLA and the Councils Senior Tree Officer have identified a question around whether there will be adequate depth of planting substrate available for the proposed trees given that the existing soils are contaminated and will need to be capped. It will need to be clearly demonstrated that there will be enough substrate provided (minimum 600mm) for the trees, and that where there is not, that engineered tree pits will be provided and that these are irrigated directly by rainwater runoff from roof/hard surfaces where possible as suggested. It is important to establish that proposed trees will have an adequate rooting environment/sufficient

water available establish successfully, as they are relied on to mitigate the impact of the development and enhance the street scene. An appropriate condition can be added to secure this additional detail.

20.6 In summary it is considered that the landscape proposals have been designed in line with ENV10 of the WDWPLP, the WADB and paragraphs 135 and 136 of the NPPF and is therefore considered to be acceptable. Further detailed information around the structure of the soft landscaping and the planting specifics of the trees is required but this can be secured via appropriate conditions.

## 21.0 Impact on amenity

### Impact on neighbours

21.1 Policy ENV16 (i) of the WDWPLP states that proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided they do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy. Policy ENV16 (i) also requires that development proposals do not have a significant adverse effect on the amenity of the occupiers of properties through overbearing impact.

21.2 It has been identified by the Case Officer, DC Urban Design officer, Town Council and comments from neighbours that the proposals for the Maltings Mews building may have an impact on the amenity of the houses along the south of Price of Wales Road. For this reason the following is a thorough investigation of the potential impact of proposals.

21.3 Note, the applicant has worked constructively with the Local authority to make numerous amendments to their proposals for the Maltings Mews to reduce any perceived negative impact on the amenity of their proposals on the residents of PoW Road. For reference the following is the north elevation of the consented extant permission 1/D/09/000059:



The following is the north elevation of the Maltings Mews as initially submitted for the current application:





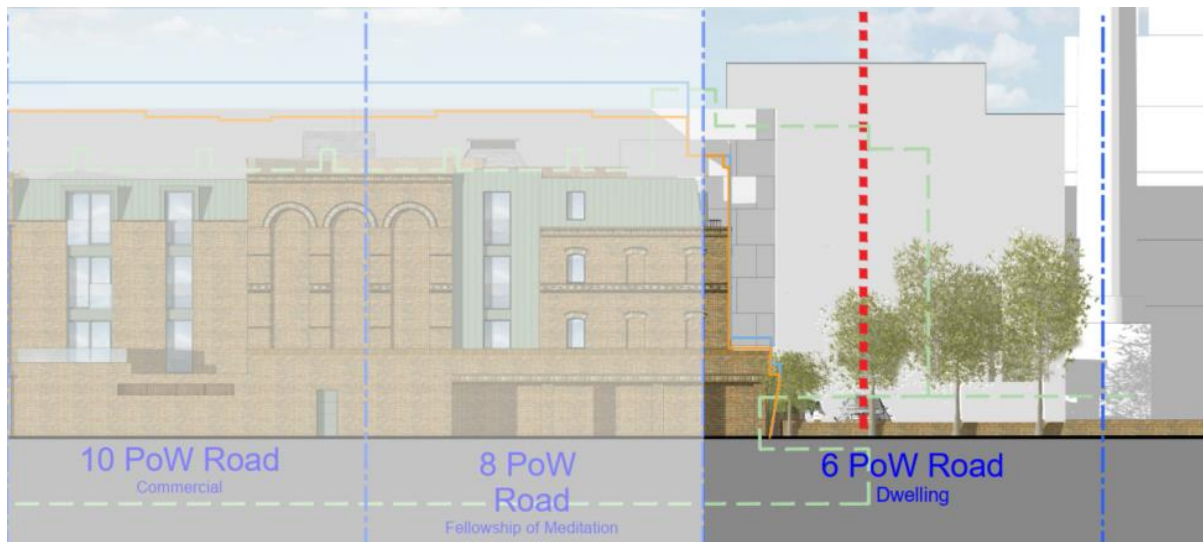
The following is the final amended proposal for the north elevation of the Maltings Mews that is being assessed as part of this application:



#### *Impact on 4 Prince of Wales Road*

- 21.4 4 Prince of Wales Road, previously known as Rowan Cottage, has been redeveloped under planning permission P/FUL/2021/00987 for the demolition of existing buildings and the erection of a single block of 12 flats with small office space and a terrace of 4 bungalows to the rear nearest the application site (all units designed for supported living). The above development is shown on the current proposed block plan. The rearmost elevation of the approved development would be approximately 5 metres at an angle from the northwest corner of the application site. Given the separation distance and oblique angle towards this neighbouring development, it is considered that no adverse impact would arise in terms of loss of privacy.

#### *Impact on 6 Prince of Wales Road*



- 21.56 Prince of Wales Road is a two-and-a-half storey detached property, currently in use as a single dwelling. A single storey extension providing a utility room and double garage has been constructed to the rear of the property in accordance with a planning permission granted under reference 1/D/09/000059. The remaining space to the rear is used as garden. The above extended development is shown on the current proposed block plan and is approx. 21 metres at its nearest point from the proposed Maltings Mews Building. It is noted that this extension does not include a rear elevation window facing the proposal. The proposed Maltings Mews building would therefore be approx. 34m from the nearest window of this neighbouring dwelling.
- 21.6 It is also noted that the extant permission 1/D/11/001691 Maltings Mews Building included a five storey (with roof garden above) element at this end of the development, abutting the rear boundary of No. 6. This taller element was approved to a flat roof parapet height of approx. 13.5m and a maximum lift shaft height (slightly inset) of approx. 15.5m. Its northern elevation facing this neighbour contained one narrow stairway window on each of the four floors, along with three smaller bathroom windows at first-third floor level.
- 21.7 The current proposed Maltings Mews building does not project as far along the boundary with No.6 as the extant proposal with only a 1.2m overlap. The proposed Maltings Mews is set at approx. 0.3m at its nearest point from the rear boundary of this neighbour at the ground level, and approx. 1.5m from the boundary to levels 1 and above. The proposed third storey is set within a mansard roof form with a height of approx. 11m from ground level. Note that the ground level on the application site as shown on the extant permission was inaccurate and as such was shown lower than the ground level currently depicted (see Section 27 for further details). From the case officer analysis it has been established that this levels discrepancy has resulted in the current proposals being at a height approximately 800mm higher to the PoW Garden level than the extant permission. Even with this comparative increase, in this location the current proposal is actually lower than the height of the 13.5-15.5m height of the extant permission.
- 21.8 There are no windows in the section of the proposed elevation which abuts the boundary with No.6, which is a significant reduction in impact on amenity when

compared to the extant permission which had full height glazing at each floor in addition to bathroom windows overlooking the garden of No. 6.

- 21.9 In light of all the above, it is considered that the current proposal would not lead to an adverse impact on the amenity of No. 6 in terms of loss of privacy and overbearing impact.

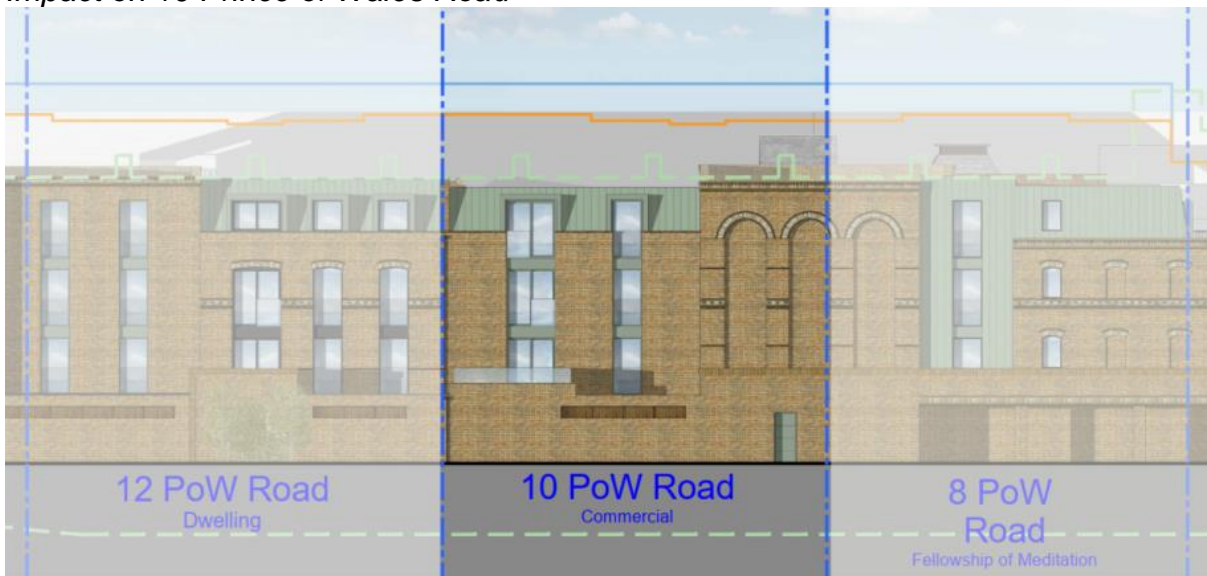
*Impact on 8 Prince of Wales Road*



- 21.10 8 Prince of Wales Road, also known as Marian Dunlop House, is a two-and-a-half storey semi-detached property, currently used by the Fellowship of Meditation as a Christian retreat. The building is not permanently occupied, although it does function as a residential retreat including use of the rear garden and temporary overnight bedroom accommodation – some windows of which also face the proposed development. The rear of the property is laid out as a meditation garden. The rearmost elevation of the building is approximately 23 metres from the proposed Maltings Mews Building and approx. 30m from its nearest upper floor levels. The 1/D/11/001691 approved Maltings Mews building consisted of a continuous four-storey high mansard roof element containing 11 townhouses, approx. 1.4m at its nearest point from the rear boundary of this neighbour. The current proposed Maltings Mews apartment building would be sited slightly closer at approx. 0.7m at its nearest point from the rear boundary of this neighbour, and approx. 0.7m from this boundary at its nearest upper floor level.
- 21.11 The extant permission proposal consisted of 4 storeys with a total of 15 windows overlooking the garden of No.8. The proposal was 12 meters in height to the top if its mansard roof and 12.8m to the top of it chimneys.
- 21.12 The current proposed building also consists of 4 storeys but only has a total of 6 windows facing towards the garden of No.8. The proposal has a total height of 11.5m in height to the top of the proposed mansard roof. However, as previously mentioned the ground level shown on the extant permission was inaccurate and as such the current proposals are depicted at a height which is approx. 800mm higher to the PoW Garden level than the extant permission (see Section 27 for further details).

- 21.13 The windows facing No.8 in the current proposal serve bedrooms and as such are habitable rooms. Three of these are larger than the windows consented in the previous scheme, however one of these (level 1) has its lower half obscured by a brick coping and the other two (levels 2 and 3) have been proposed to utilise obscured glass to the lower half of the window to preserve privacy both for the future occupiers and the users of the garden of No.8.
- 21.14 The proposal also includes a ground floor undercroft with a parapet above. Given the raised land level, this would result in the provision of a brick elevation at close proximity to the rear garden boundary of No. 8, which would sit some 3m higher than the top of the boundary brick wall. To mitigate the impact of this wall it has been designed with recesses within it, which provides interest and relief to the elevation. Traditional elements of detailing have also been introduced including a string course and window arches to the windows above. This detail reflects that of the Brewhouse building adjacent to the site.
- 21.15 In light of all the above, it is considered that the current proposal would not lead to an adverse impact on the amenity of No. 8 in terms of loss of privacy and overbearing impact.

*Impact on 10 Prince of Wales Road*

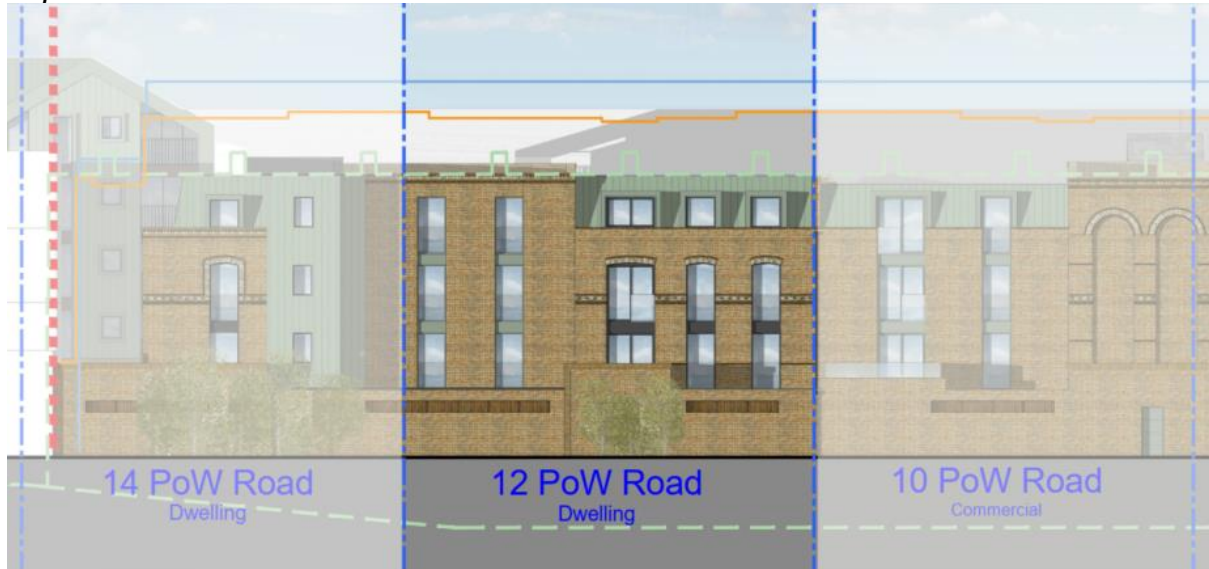


- 21.16 10 Prince of Wales Road, also known as Stafford House, is a two-and-a-half storey semi-detached property, currently used as offices for a firm of accountants. It was extended to the rear in approx. 2008 to provide a remodelled store/office, an accessible WC and a reception/waiting area. The rear area of the property is entirely devoted to a car park, save for a row of mature trees along the boundary. The rearmost elevation of the building is approximately 29 metres from the proposed Maltings Mews Building and approx. 30m from its nearest upper floor levels.
- 21.17 The extant permission 1/D/11/001691 included a four-storey high element approx. 2m at its nearest point from the rear boundary of this neighbour. As detailed in the analysis for No.8, the current proposed building would be slightly higher (0.8m) than what was previously approved, and the first floor parapet wall would also extend approximately 3m above the top of the existing boundary wall. The current proposal would be sited closer to the boundary wall at approx. 0.7m at the ground level,

however this extends to approx. 1.4m from the boundary to the nearest upper floor level.

- 21.18 No. 10 remains in commercial use and not residential. As such it is considered that the current proposed development would not adversely affect the existing commercial use of No. 10.

*Impact on 12 Prince of Wales Road*



- 21.19 12 Prince of Wales Road is a two-and-a-half storey semi-detached property currently in use as a single dwelling (as approved under P/FUL/2022/04328). This permission includes change of use from a Care Home to a single residential dwelling, modification of a rear single storey extension, installation of rooflights and a new garden room in rear garden and has been implemented. A further application has been approved and implemented for a large rear ancillary building approved under P/HOU/2023/01780 and as amended under P/NMA/2023/03468. The above development is shown on the current proposed block plan.
- 21.20 The current rearmost elevation of the main dwelling is approximately 23 metres from the current proposed Maltings Mews Building and approx. 24m from its nearest upper floor levels. At the most recent site visit the section of wall along the rear of No. 12 had been removed and the abovementioned outbuilding had been completed. This outbuilding has a ridge height of approx. 6.2m and extends across most of the width of the garden. This would therefore mitigate the impact of the current proposal up to the second-floor level.
- 21.21 The 1/D/11/001691 extant permission for the Maltings Mews building included a four storey high element sited between approx. 2.7m-3.6m from the rear boundary of this neighbour. The current proposed building would be sited at the same distance from the rear boundary of this neighbour and approx. 4.5m from this boundary at the nearest upper floor level. The extant Maltings Mews contained a total of 12 windows at second-third floor level facing directly towards the rear garden and elevations of No. 12, with the six openings on the third floor forming recessed mansard windows angled slightly towards the skyline. All openings served habitable rooms, apart from three of the mansard windows that served bathrooms.

21.22 Despite the construction of the abovementioned outbuilding, the current proposal would contain ten habitable room windows at second to third floor level that would be afforded views towards the main dwelling and immediate garden area of No. 12. This is two fewer than what was approved under 1/D/11/001691. It is worth noting that previous iterations of the proposal included balconies and communal outdoor spaces at second to fourth floors, which have been designed out in order to mitigate impact on amenity to the residents of No. 12. The windows to the second and third floor have been amended through discussions with the case officer to be in part smaller and set within a mansard roof element, or where larger, obscured glass has been introduced to the lower half of the window.

21.23 Given that the overall massing and position of the proposal is broadly in line with that of the extant position, and that the amount of habitable room glazing has been reduced and modified to provide more privacy for the habitants of No.12, it is considered that the current proposed development would not amount to an adverse additional amount of overlooking and overbearing impact upon No. 12 than what was approved under 1/D/11/001691.

#### *Impact on 14 Prince of Wales Road*



21.24 14 Prince of Wales Road is a two-and-a-half storey semi-detached property currently in use as a single dwelling. The rear of the property is used as a garden. Permission has recently been granted for a single storey side and rear extension (P/HOU/2021/04700 and P/VOC/2022/02757), along with an ancillary building to the rear of the property (P/HOU/2023/04062). The above extension has been implemented and is shown on the current proposed block plan. The outbuilding was not implemented at time of site visit.

21.25 The rearmost elevation of the main dwelling is approximately 36 metres from the current proposed Maltings Mews Building and approx. 37m from its nearest upper floor levels. The 1/D/11/001691 extant permission for the Maltings Mews building included a four storey high element approx. 3.6m at its nearest point from the rear boundary of this neighbour. The current proposed Maltings Mews building would be sited slightly closer at approx. 3.3m at its nearest point from the rear boundary of this neighbour, but approx. 4.7m from this boundary at upper floor level.

21.26 The extant permission contained a total of 15 windows at first-third floor level facing directly towards the rear garden and elevations of No. 14, with the five openings on the third floor forming recessed mansard windows angled slightly towards the skyline. All openings served habitable rooms, apart from two of the mansard windows that served bathrooms. The current proposal would contain a total of 6 habitable windows facing directly towards this proposal. This is 9 less than previously approved so represents a significant reduction to the proposed impact on the amenity of No. 14. In addition the larger window to the second floor has been specified with obscured glass to the lower half of the window to further reduce impacting the amenity of No. 14.

21.27 Given the height and bulk proposed is broadly in line with that of the extant permission, along with significant reduction in habitable room glazing, it is considered that the current proposed development would not amount to an adverse additional amount of overlooking and overbearing impact upon No. 14 than what was approved under 1/D/11/001691.

#### *Impact on 16 Prince of Wales Road*



21.28 No. 16 Prince of Wales Road is a two storey detached property currently in use as a single dwelling. The rear of the property is used as a garden. Permission has recently been granted for a single storey rear extension and alterations (WD/D/19/002857) and has been implemented. The above development is shown on the current proposed block plan. The rearmost elevation of the main dwelling is approximately 27 metres at an angle from the proposed Maltings Mews Building and approx. 29m from its nearest upper floor levels. It is also noted that the 1/D/11/001691 extant permission for the Maltings Mews building included a four storey high element approx. 6m at an angle from the rear boundary of this neighbour. The current proposed Maltings Mews building would be sited slightly closer at approx. 5.3m at an angle from the rear boundary of this neighbour, and approx. 9m from this boundary at upper floor level.

21.29 It is accepted that No. 16 is sited at more of an angle to the proposal than No. 14. However, its rear garden is shallower and the proximity to its nearest single storey rear elevation is closer as set out above. Considering that the proposal would not contain any habitable windows facing directly towards this proposal and that the height and bulk proposed is broadly in line with that of the extant permission, it is

considered that the current proposed development would not amount to an adverse additional amount of overlooking and overbearing impact than what was approved under 1/D/11/001691.

*Impact on 18 Prince of Wales Road*

21.30 18 Prince of Wales Road is a two storey detached property currently in use as a single dwelling. The rear of the property is used as a garden. Permission has recently been granted for a single storey rear extension and alterations (WD/D/20/002479) and has been implemented. The above development is shown on the current proposed block plan. The rearmost elevation of the building is approximately 36 metres at an angle from the proposed Maltings Mews Building and approx. 40 metres from its nearest upper floor levels.

21.31 Considering that the proposal would not contain any habitable windows facing directly towards this proposal, the height and bulk proposed is broadly in line with that of the extant permission and given the abovementioned separation distances and the angle sited, it is considered that no adverse additional amount of overlooking and overbearing impact would arise from what was approved under 1/D/11/001691.

*Impact reduction measures*

21.32 It is worth noting that during the course of the application the LA and the applicant have worked proactively to agree amendments to the Maltings Mews element of the proposal with the specific intent to reduce potentially harmful impacts on the amenity of the residents on PoW road. These measures included:

- Reducing the overall height of the proposal by one storey and further through the use of a mansard roof on the top floor.
- Removal of balconies and terraces on the northern elevation to reduce overlooking into the PoW gardens.
- Significantly reducing the size of the ventilation grillage to the undercroft carpark on the ground floor.
- Reducing the number and size of windows on the northern elevation and adjusting window orientation where possible to reduce overlooking.
- Where windows are deemed absolutely necessary for the amenity of the future residents to the proposed apartments, the lower half of the windows have been specified to have obscured glass, which again helps reduce overlooking.
- Elements of traditional brick detailing, which reference the adjacent existing Brewery buildings have been introduced to the proposal as a whole to reflect the historic nature of the site and provide a high-quality aesthetic as a backdrop for the boundary with the PoW gardens.

21.33 In conclusion, due to the restricted nature of this town centre site there is inevitably some impact on the amenity of the houses on PoW road. However, it is considered that this impact is an improvement on the impact that would have resulted from building out the extant permission. It is also considered that effective measures have been introduced by the applicant to reduce the impact on amenity to an acceptable level. The proposal is therefore considered to be compliant with ENV16 of the WDWPLP.

*Impact on Hop House apartments*



- 21.34 The existing Listed Maltings building contains a corrugated eastern extension with a ridge height of approx. 12.7m from adjacent ground level facing the existing Hop house apartments to the south.
- 21.35 The extant permission 1/D/11/001691 for the Maltings Arts building included an eastern replacement extension to the existing Listed Maltings building, situated north of the Hop house apartments. This housed the stage area and had a maximum flat roof height of approx. 18m. A lower flat roofed element further east contained upper floor windows serving stairways and dressing room areas, with maximum height of approx. 9m.
- 21.36 The current proposed eastern extension would contain five stories to provide apartments with a maximum height of approx. 16.6m. The eaves level would be approx. 13.5m and a lower pitched roof element is proposed nearer the Listed Maltings with height of approx. 15.5m.
- 21.37 The proposed Maltings eastern extension includes large areas of glazing, including Juliet balconies and a corner external balcony on the fourth floor. In comparison to the extant permission there is significant increase in glazing. However, it is accepted that the change in proposed use naturally results in the need for additional windows to provide adequate daylight to the proposed apartments. Some of the apartments are also single aspect, which results again in the need to maximise daylight.
- 21.38 The Hop House apartments have windows and balconies facing the proposed eastern extension. On the main elevation the balconies are inset, and a run of protruding balconies terminate the corner. It is apparent that there would be some degree of overlooking between the windows and balconies of the Hophouse and the Maltings building. However, the main elevations of the two buildings splay from 4.9m apart at their closest point to the east to approx. 7.5m apart along the main section of Eldridge Street. This is a comfortable distance and would not present an overbearing presence to either building. In addition it appears that the windows and balconies would not directly face each other. It is also considered that the high-density nature of development in this prime town centre location can be expected to result in a degree of overlooking between apartments and in this scenario the level of overlooking is not excessive and is therefore in line with ENV16 of the WDWPLP.

*Other neighbour amenity impacts*

- 21.39 Policy ENV16 (i) also requires that development proposals do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing. By way of analysing the impact of the proposals the applicant conducted two separate daylight and sunlight reports. One of these assessed impacts on neighbouring properties and one assessed impact on future occupiers of the proposed residential units. These reports include assessment of the Rowan House (4 Prince of Wales Road), along with recent extensions/developments to other affected Prince of Wales dwellings as referred to above.
- 21.40 These reports have been undertaken having regard to the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3<sup>rd</sup> edition' (2022). Its introduction advises that this guide is intended for building designers and their clients, consultants, and planning officials. The advice given is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives

numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.

- 21.41 The daylight and sunlight reports contend that the above guide reflects Para 125 c) of the NPPF, which states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 21.42 It is worth noting that No. 10 Prince of Wales Road and part of the ground floor of 1 Brewery Square have non-domestic uses, which according to the BRE guidance and the applicants Right of Light surveyor does not have a requirement for daylight or sunlight, so the analysis does not cover these premises.
- 21.43 It is also worth noting that when the initial daylight and sunlight tests were completed the model did not have accurate datums for the rear gardens at Prince of Wales Road. However, to help address neighbours' concerns additional survey levels have since been taken and the applicant updated their computer modelling, overshadowing to gardens data and contour plots and reran the tests. The results referred to in this discussion are those from these latest tests.

#### *VSC test*

- 21.44 The assessment advises that all windows which have a requirement for daylight pass the Vertical Sky Component test, with the exception of windows 6 to 8 & 18 at the Hop House, window 50 at 8 to 16 Eldridge Street and windows 369, 370 & 382 & 384 at The Malt House (currently under construction). However, for the 8 windows that do not pass out of the 412 tested, the following mitigating factors are put forward:
- The BRE guide acknowledges that where a window has an overhang or a projecting wing on one or both sides of it, a larger relative reduction in VSC may be unavoidable, as the building itself contributes to its poor daylighting. The BRE guide explains that one way to demonstrate this is to test the windows without these existing obstructions in place. Window 18 at the Hop House, window 50 at 8 to 16 Eldridge Street & window 384 at The Malt House (Future Development) surpass the BRE criteria without the overhangs in place. It is argued that this demonstrates that the proposed development amounts to a modest obstruction and it is therefore the wings/overhangs which are the main factor in the loss of light
  - Of the remaining 6 windows, 5 achieve before/after ratios of 0.76 and above, which is fairly close to the target of 0.8 stated in the BRE guide.
  - The remaining window (window 370 at The Malt House) serves a bedroom. It is argued that the BRE guide advises that less weight should be given to bedrooms than living rooms, on the basis that bedrooms are likely to be used less than living rooms during daylight hours.
  - It is contended that it is generally accepted that for large schemes in cities or densely populated town centre locations, VSCs in the mid-teens (around 15% or more) are acceptable. It is also argued that a retained VSC of 20% or more is considered reasonably good and in the context of the 8 windows that fall short of the VSC target, 4 retain a VSC of 20% or above. Furthermore, the BRE

guide states that its numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design.

#### *Daylight distribution test*

- 21.45 The assessment includes a Daylight Distribution test where room layouts are known. All rooms, which have a requirement for daylight, pass the Daylight Distribution test, with the exception of the rooms served by windows 8, 9 & 17 at the Hop House and windows 369, 370, 374 to 378, 390, 393 & 394 at The Malt House (Future Building). However, for the 13 rooms that do not pass, the following mitigating factors are put forward:
- The BRE guide acknowledges that if an existing building contains rooms lit from one side only and are greater than 5 metres deep, a greater movement of the no skyline may be unavoidable. It should be noted that this scenario applies to the rooms served by windows 9, 374, 377, 378, 390, 393 & 394 at The Malt House (Future Building).
  - The remaining 6 rooms served by windows 8, 17, 369, 370, 375, & 376 are bedrooms. It is argued that the BRE guide states that bedrooms should be analysed, although they are considered less important than living rooms, dining rooms and kitchens.

#### *Sunlight*

- 21.46 The assessment states that windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

#### *Gardens*

- 21.47 The assessment includes a data table and plan showing the anticipated shading impacts on the neighbouring garden areas of Nos. 6-18 (evens) Prince of Wales Road, which are all to the north of the proposed Maltings Mews building. As per the BRE guidance 'before' and 'after' shadow plots showing the difference that the proposed building will make to shadowed area in the garden on 21 March has been calculated. The results show that after the proposed development, 2 hours of sunlight on 21st March will be received to between 73% and 92% of the area of each garden tested at Prince of Wales Road. This is better than the BRE guidance that recommends that at least 50% of any garden area receives at least 2 hours of direct sunlight.
- 21.48 In summary the results of the assessment demonstrate that the proposed development will have a relatively low impact on the light receivable by its neighbouring properties. Non-compliance is limited to the daylight tests in respect of isolated windows/rooms at the Hop House, 18 to 16 Eldridge Street and the Malt House (Future Building). It is considered that taking into account the overall high level of compliance with the BRE recommendations, and the mitigating factors set out above, the proposed development is acceptable in terms of daylight and sunlight.

#### *Impact on future occupiers*

##### *Interior Daylighting*

- 21.49 The report assessing impacts on future occupiers of the proposal advises that the proposed development design achieves a relatively high level of compliance with the BRE recommendations. It argues that whilst a number of rooms do not meet the

recommendations, this is a result of the fact the revisions to the BRE guide in 2022 introduced more onerous numerical tests, the constraints set by the listed building and the level of obstruction created by the surrounding developments. It also contends that the proposed design achieves the best possible balance between maximising levels of daylight and sunlight, whilst preserving the aesthetics of the listed building.

21.50 74% of all habitable rooms tested meet or surpass the BRE illuminance recommendations (i.e. 137 of the total 186 rooms). The rooms that do not meet the daylight provisions recommendation are almost exclusively limited to the listed building, with only five rooms falling short of the recommendation in the new Maltings Mews building. It is argued that this is a high level of compliance taking into account the constraints set by the listed building and the level of obstruction created by the existing surrounding developments.

#### *Exposure to Sunlight*

21.51 The BRE guide acknowledges that in some cases, it may not be possible for every dwelling to achieve ideal levels of sunlight. The guide explains that where groups of dwellings are planned, site layout design should aim to maximise the number of dwellings with a main living room that:

- faces within 90 degrees of due south, and
- can receive a total of at least 1.5 hours of sunlight on 21 March.

21.52 In the case of the proposed development, 44 of the 70 units have at least one habitable room window which faces within 90 degrees of due south. 38 units have a living room window which faces within 90 degrees of due south. 40 of the 70 units have a living room which receives a total of at least 1.5 hours of sunlight on 21 March. It is argued that the design maximises sunlight availability, as far as practically possible given the constraints of the site.

21.53 On balance it is considered that the impact on amenity both for neighbouring residents and future occupiers has been minimised as far as practicable considering the constraints set by the listed building and the level of obstruction created by the existing surrounding developments. The proposal is therefore considered to be compliant with ENV16 of the WDWPLP.

## **22.0 Impact on highway capacity and safety**

22.1 The County Highway Authority has negotiated with the applicant to address initial concerns they had over highway safety. After reviewing amended plans the Highway Authority found the proposal to be acceptable.

22.2 Amended plans provided details for a traffic light system for the Maltings Building basement access ramp. This system resolves the possibility for collision while entering and existing the basement and also removes issues with blind stops caused by the retaining ramp wall when existing. Signage has also been introduced to communicate 'No Access' facing clockwise traffic coming from the west and a 'No U Turn' sign facing counterclockwise traffic coming from the east. 'No Pedestrian Access' signs have also been added at the top and bottom of the carpark ramp, and reflective strips have been added to the brick facades in close proximity to parking or highways to avoid damage to both buildings and vehicles.

## **23.0 Flood risk and drainage**

- 23.1 The site falls entirely within Flood Zone 1 (low risk of fluvial / tidal flooding) as indicated by the Environment Agency's (EA) indicative flood mapping. However, the site is modelled to be affected by surface water flood risk from the 1- in-30 year rainfall event and upwards. Areas of ponding are predicted on Eldridge Street directly in front of The Maltings and on the site of the proposed Maltings Mews development. However, it is acknowledged that the EA surface water mapping does not take into account the existence of urban drainage features so the indicated surface water flood risk may not actually occur at the modelled rainfall event. It is also noted that the proposals feature mainly car parking, cycle storage and non-residential use within the ground floor/basement areas of the proposed development. Therefore, if the modelled surface water flood risk was to materialise residential areas of the development would not be impacted.
- 23.2 A Drainage Strategy Report (DSR) has been provided, which advises that there is adequate storage within the already installed site wide soakaways for the surface water run off from the proposed development. The Council's Flood Risk Management Team has advised that it is satisfied that the necessary detail to substantiate the proposed Surface Water drainage strategy has been provided and they therefore have no objection to the proposals subject to conditions being added to any permission granted.

#### **24.0 Ecology and biodiversity**

- 24.1 The application is supported by an Ecological Impact Assessment (EclA). This document advises that during a 2024 bat survey a high level of activity identified in the yard at the north of the building. Impacts arising from the proposed development during site preparation will mainly include disturbance arising from human activity, noise and lighting. Specific mitigation measures are proposed to be undertaken to reduce impacts on breeding birds and bats through the installation of bird and bat boxes on-site. Precautionary measures are also proposed taken to avoid potential negative impacts on nesting birds and bats including a requirement for all site workers to receive a 'Toolbox Talk' where the ecologist will brief personnel on the ecological sensitivities of the site.
- 24.2 After the outlined mitigation and compensation, no adverse significant effects are predicted above the site level once the new planting establishes. Ecological enhancement measures are to be delivered as part of the proposed development to improve opportunities for local wildlife, including new opportunities for nesting birds and bats and the provision of new native planting.
- 24.3 The EclA has been submitted to Dorset Councils Natural Environment Team (DC NET) for detailed review. DC NET have concluded that the document submitted sufficiently addresses the impacts of the development on biodiversity and have issued a Certificate of Approval for the proposal.

#### **25.0 Nutrient Neutrality**

- 25.1 The application site is within the Poole Harbour hydrological catchment, as identified in the Nitrogen Reduction in Poole Harbour SPD 2017. Poole Harbour is a natural harbour that is designated a Special Protection Area (SPA) and a Ramsar site for its nature conservation importance.
- 25.2 A bespoke Appropriate Assessment (AA) has been undertaken in relation to the potential for the proposed development to impact on the integrity of the Poole

Harbour Special Protection Area (SPA) and Ramsar. The AA concludes that in order to avoid an adverse effect upon the integrity of the Poole Harbour SPA and Ramsar from water quality impacts, the proposed development must provide nitrogen mitigation.

- 25.3 The applicant has provided an estimate of the additional nitrogen loading which will result from the proposed development, using the calculator tool provided by Natural England. Dorset Council have reviewed the calculator submission and agree that the proposed development will result in the discharge of 242.01kgTN/yr pre-2030 and 82.97kgTN/yr post-2030 within the Poole Harbour catchment. The applicant has indicated that the proposed development will deliver mitigation to achieve nitrogen neutrality mitigation by purchasing credits. A pre-commencement condition would be applied to the planning permission for the proposed development to ensure that the correct number of credits are purchased prior to the works starting.

## **26.0 Impact on infrastructure**

- 26.1 The Council has adopted a CIL-charging regime and the adopted Regulation 123 list for West Dorset apportions the largest single proportion of the CIL contributions towards Education & Training Facilities. The next two largest apportionments are towards Transport and Culture & Leisure Facilities. Contributions are also made towards Flood Mitigation, Emergency Services, Green Infrastructure & Recreation, Healthcare, Poole Harbour Nutrient Management, Public Realm, Utilities and Waste Management. Therefore, contribution to mitigate the impact on the area's infrastructure will be made as part of the CIL contributions.

- 26.2 In order to secure any further developer contributions to mitigate the impacts of development, these must be in addition to matters not addressed through the Community Infrastructure Levy (CIL), to avoid double-charging the applicant.

## **27.0 Other matters**

### *Levels*

- 27.1 Objections raised by neighbouring residents emphasise that the previously approved drawings for application ref. 1/D/11/001691 (Brewery Square Phase 2B) depicted the Maltings Mews building as being situated below the rear garden level of the properties located on Prince of Wales Road. However, the newly proposed Maltings Mews design shows the external ground level on the site as higher than the current rear garden level. The applicant has provided the following explanation of this discrepancy:

*'The objections specifically reference the approved sections (Maltings Mews and The Zinc Building: Proposed Section A-A and C-C, drawing no. 2359-P/006, received on 14/10/2011) under application ref. 1/D/11/001691, which show the rear gardens of the PoW Road at the same ground level as Pope Street, situated between the Maltings and the approved Maltings Mews. However, in reality the PoW Road gardens are between circa 1m and 2m lower than the Maltings Mews building level.*

*On review of various approved plans, sections and elevations of the surrounding development at Brewery Square, it is apparent that the abovementioned section at the Maltings Mews and Zinc Building does not accurately depict the levels of the adjoining PoW Road gardens to the north (furthermore, there are no detailed site levels indicated in these drawings). The actual site levels are detailed in the*

*examples below, which confirm that the levels shown in the application currently under consideration are accurate.*

*The existing Maltings Building was used as a benchmark for the levels across the application site, as it is guaranteed that they accurately reflect the site's historical levels. These are identified as 66.13 on the north-eastern corner and 65.91 on the north-western corner and are broadly consistent with the results of the topography survey undertaken in 2024. At the time of the original Phase 2B submission, the levels of the PoW Road gardens had not been established and cannot therefore be relied on to be correctly annotated within the previously referred to Maltings Mews and Zinc Building approved sections.*

*The 2024 topography survey illustrates that the levels of Pope Street are at 66.23 on the northwestern end and 65.86 on the southwestern end, compared to the lower levels of 65.45 on the northwestern neighbouring boundary and 64.70. This demonstrates that the level of the land at the rear of the properties on the PoW Road are lower than the development site, and the sections previously approved did not accurately demonstrate this.*

*Referring to the application approved at the Malthouse (ref. WD/D/18/002594), at the point abutting the eastern boundary of the Maltings Mews the established levels are as 65.85, as shown on the approved overlay plan ('Malthouse - Comparison Analysis of Consented & Proposed Overlay Plans,' Drawing Number 1341-5-P-200-3114 Rev C, received on 08/11/2018). This corroborates with the proposed plans forming the current application which show the ground levels as being marginally higher at 66.*

*Furthermore, it is evident from the approval granted at the Former Brewhouse under application ref. WD/D/19/002648 (which is located directly to the west of The Maltings Mews, that the ground level is 66.1. This floor level corroborates with the levels utilised within the current application under consideration.'*

27.2 In assessing this issue the Case officer has analysed the scaled drawings of both the extant permission and the current proposal. It is noted that the level of the gardens of PoW road has been updated on the current application due to more accurate survey measurements. However, when the height of the proposed development is measured from the indicated level of the PoW Road gardens the extant permission totalled approx. 15m in height for the 'Zinc building' apartments at the western end and 11.7m in height for the mews houses. The current proposal measures a maximum of approx. 13m in height when measured from the illustrated level of the PoW gardens. This represents an apparent increase in approximately 1300mm in height from the mews house element of the extant proposal. On balance the illustrated height of the proposal is acceptable in the Brewery context and regardless of the apparent increase in height from the extant permission is in harmony with the adjoining buildings and the area as a whole. It is therefore considered that the proposal complies with policy ENV12 of the WDWPLP.

## **28.0 Planning Balance**

28.1 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to

perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

- 28.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up to- date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.
- 28.3 Having regard to the NPPF, the Council's Senior Conservation Officer (SCO) has identified "less than substantial harm" to Heritage Assets comprising the Maltings of Messrs Eldridge Popes Brewery.
- 28.4 Para 212 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." In addition, para. 213 requires any level of harm to their significance should require 'clear and convincing justification'.
- 28.5 Para 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Public benefits are defined in the Planning Practice Guidance (Paragraph 020 Reference ID: 18a-020-20190723) as anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
- 28.6 The courts have held that a potentially relevant "public benefit" can include a heritage-related benefit as well as one that has nothing to do with heritage. Having regard to the above guidance and case law, the public benefits attributed to the proposed development can be summarised as:
- Provision of a range of new open market homes.
  - Conversion of a historically significant building to a new, sustainable use to secure the long-term future of the building. The building is currently laying vacant and will degrade over time if it is not restored and brought back into use, which would likely present a greater risk to the long-term future of the heritage asset.
  - The proposed commercial and community use to basement level will be a direct benefit to local community and contribute to the strength of the public realm in Brewery Square.
  - The restoration of some previously obscured historical fenestration. Industrial Crittal style windows have also been proposed throughout, replicating those used on the adjacent Brewhouse development which will ensure a high-quality fenestration in line with the treatment of the other existing Brewery buildings.
  - Overall refurbishment of the building including the consolidation and repair of historically significant brickwork including the reinstatement of previously filled in openings.



Officers consider that the public benefits that have been identified would outweigh the less than substantial harm to the setting of the Maltings of Messrs Eldridge Popes Brewery.

- 28.7 It is considered that the nature of the above identified public benefits contains some overlap between the economic, social and environmental objectives. A social benefit would arise through an increase in the choice and supply of homes in an allocated site at a very sustainable location. Significant weight is afforded to this benefit.
- 28.8 Economic benefits would arise for the local economy from reuse of an existing brewery building, provision of jobs during construction and future residential expenditure, of which moderate weight is attached.

## **29.0 Conclusion**

- 29.1 The site is located within a sustainable location and is allocated for development in the local plan. As such, the principle of development is acceptable.
- 29.2 The applicant has amended the details of the original submission to take account of concerns and comments raised in consultation. The amended proposals to the existing Maltings of Messrs Eldridge Popes Brewery have reduced the less than substantial harm to the Grade II Maltings building as much as possible. It is considered that the public benefits of delivering 70 dwellings in this sustainable location remain significant and are considered to outweigh the less than substantial harm to this heritage asset.
- 29.3 Amendments to the scale and design of the proposed new Maltings Mews building have reduced the impact to amenity on the neighbouring residents and future occupants. It is therefore considered that the revised proposal accords with the aims of the Development Plan and the NPPF, having due regard to the context of this site. Officers consider that the development would comply with the development plan taken as a whole and there are no material considerations that indicate otherwise.

### 30.0 Recommendation

#### **GRANT of planning permission subject to the following conditions:**

##### **1. Commencement - 3 Years**

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. Plans List – Approved**

The development hereby permitted shall be carried out in accordance with the following approved plans:

9547/101 A	Location Plan
9547/102 J	Amended Proposed Site Plan
9547/100 B	Amended Proposed Block Plan
9547/109 G	The Maltings Amended Proposed Basement floor Plan
9547/110 G	The Maltings Amended Proposed ground floor Plan
9547/111 G	The Maltings Amended Proposed first floor Plan
9547/112 H	The Maltings Amended Proposed second floor Plan
9547/113 G	The Maltings Amended Proposed third and fourth floor Plan
9547/114 E	The Maltings Amended Proposed roof Plan
9547/115 H	The Maltings Mews Amended Proposed ground floor Plan
9547/116 K	The Maltings Mews Amended Proposed first floor Plan
9547/117 L	The Maltings Mews Amended Proposed second floor Plan
9547/118 L	The Maltings Mews Amended Proposed third floor Plan
9547/120 D	The Maltings Mews Amended Proposed roof Plan
9547/121 G	The Maltings Amended Proposed North & South Elevations
9547/122 L	Maltings Mews Proposed Elevations North & South
9547/123 J	The Maltings & Maltings Mews Amended Proposed East & West Elevations
9547/124 D	The Maltings & Maltings Mews Amended Proposed Sections
9547/126 D	Amended Proposed Site Section
9547/128 B	Highways details plan
9547/129	Wider site plan

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

##### **3. Surface water scheme prior to commencement**

Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for

implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

Reason: To prevent the increased risk of flooding and to protect water quality.

4. **Maintenance and management of the surface water scheme prior to occupation**

Prior to the occupation of the development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

5. **Estate road construction - as approved**

Prior to use or occupation of the development hereby permitted, the access, geometric highway layout, turning and parking areas shown on drawing number 9547/102 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be 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.

6. **Cycle parking -as approved**

Prior to use or occupation of development hereby approved, the cycle parking facilities shown on drawing number 9547/102 shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

7. **Construction traffic management plan**

Prior to commencement of development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries timings of deliveries so as to avoid, where possible, peak traffic periods a framework for managing abnormal loads
- location of construction site access
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety.

## 8. **Soft Landscaping & Planting**

Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme based on Proposed Soft Landscape Layout drawing E9081A shall be submitted to and approved in writing by the Local Planning Authority. The structure of the planting adjacent to the buildings shall be simplified to consist principally of low groundcover plants, climbers and trees, with taller accent plants/trees marking entrances and focal points. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the replacement as necessary of the trees and shrubs for a period of not less than 5 years following completion.

Reason: In the interest of visual amenity, and to produce a high-quality scheme which responds positively to the high profile setting of the development.

## 9. **Hard landscaping to be submitted**

Prior to the commencement of any development hereby approved above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include where appropriate : proposed finished levels or contours, means of enclosure, car parking layout, other vehicular and pedestrian access and circulation areas,

hard surfacing materials, minor artefacts and structures (eg; furniture, play equipment, signs, lighting, refuse or other storage units, proposed and existing functional services above and below ground (eg; drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), retained historic landscape features and proposals for their restoration where relevant. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

#### **10. Landscape management plan**

Prior to the commencement of any development hereby approved, above damp course level, a landscape management plan shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority and shall include long term design objectives, management responsibilities and maintenance schedules for all landscaped areas. The subsequent management of the development's landscaping shall accord with the approved plan.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity.

#### **11. Minor and major applications with an EclA/ecology report only**

The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Ecological Impact Assessment, by Phlorum and dated 09 September 2024, and certified by the Dorset Council Natural Environment Team on 21 November 2024.

The development hereby approved must not be first brought into use unless and until:

- i) the recommendations detailed in the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority, and
- ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

## **12. Potential Land Contamination**

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. On 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.

## **13. Water Consumption Limitation**

Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 110 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

## **14. Poole Harbour nutrient mitigation full applications**

No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Special Protection Area (SPA) and Ramsar have been secured from an accredited nutrient provider 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 SPA and Ramsar.

## **15. Method Statement**

Notwithstanding details already submitted within the Arboricultural Method Statement, no planting shall commence on site until the final design and

specification of the proposed tree planting substrates has been submitted to and approved in writing by the Local Planning Authority. This shall clearly demonstrate that there will be an adequate volume of substrate provided (at a minimum depth of 600mm) for the selected tree species. Details of appropriate engineered tree pits shall be provided where necessary to create a suitable rooting environment / protect hard surfaces. Tree pits shall be irrigated directly by rainwater runoff from roof/hard surfaces where possible. The proposed tree planting substrates/engineered tree pits shall then be installed as per the approved documents.

Reason: In the interests of proper tree establishment and protection/visual amenity.

**16. Material - Details and photos to be submitted**

Prior to development above damp-proof course level, details (including colour photographs) of all external facing materials shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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