

Application Number:	P/FUL/2023/01247
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	10 High East Street Dorchester DT1 1HS
Proposal:	Erect first floor extension to provide 1 No. unit of residential accommodation
Applicant name:	Mr Miah
Case Officer:	Cass Worman
Ward Member(s):	Cllr Jones and Cllr Major

1. Reason application is going to committee:

Cllr Jones requested that application considered at Committee - subsequent Chair referral following Scheme of Delegation consultation.

2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	Infill development in County Town acceptable in principle. Ground floor commercial space is retained. Conservation Officers supportive of proposal
Scale, design, impact on character and appearance	Conservation Officers supportive of proposal, would enhance the character and appearance of the Conservation Area
Impact on the living conditions of the occupants and neighbouring properties	Window in the side elevation of 10A would experience a change in outlook. Existing courtyards & balconies to rear already experience mutual over and in-looking, rear windows high level in roof. Increase in parapet height not considered to be overbearing. Noise & odour reports demonstrate new flue for takeaway would be acceptable with regards to noise & smells. Impacts to neighbouring amenity not considered significant enough to warrant refusal of application on amenity grounds
Impact on landscape or heritage assets	Conservation Officers supportive of proposal, would enhance the character and appearance of

Issue	Conclusion
	the Conservation Area, no impact on remaining heritage interest of application building (shopfront)
Flood risk and drainage	Proposals do not increase footprint of building, proposals suitable in flood risk terms.
Economic benefits	Provision of one unit of residential accommodation in highly sustainable location
Highway impacts, safety, access and parking	Lack of parking provision is acceptable for a town centre location. Access into new residential flat is acceptable to Building Control. Construction Method Statement required
Biodiversity	BNG exempt, negative bat & bird survey, enhancements secured by condition

4. Description of site

The application building is a single storey building in the middle of High East Street, currently occupied by Bombay Nights takeaway, notable for its bright pink shopfront.

The building is Grade II listed, listed as group with Numbers 10 to 12.

The listing description is :

HIGH EAST STREET 1. 5191 (South Side) Nos 10 to 12 (consec) SY 6990 7/219 II GV Mid C19. Colour washed brick. Pitched slate roof. Brick stacks. 2 storeys and attics. 3 sashes with glazing bars on 1st floor. 2 attic dormers with sashes and glazing bars. 3 shopfronts, No 11's modern, Nos 10 and 12's mid C19, No 12's with oblong bay front, pilasters and entablature, No 10's with modillion cornice and pent roof on cut brackets. West (Icen Way) elevation of No 12 is Ridgeway rubble with red brick dressings, and has mansard slate roof, 3 ranges of sashes with glazing bars, and 2 planked doors with segment-headed fanlights. Nos 10 to 12 (consec) form a group with Nos 1, 2, 2A and 3 Icen Way."

The history of the building itself is relatively unknown, and Officers have approached the Dorset Records Centre for historic images or any information of the history of the site but unfortunately this section of High East Street is often missing from the historic photo record.

It is therefore thought perhaps the building is a later addition or infill of a what was a larger courtyard; the shopfront is of historic interest, being a fine example of a mid 19th Century shopfront which compliments other symmetrical shopfronts up High East Street and is a positive contributor to the character and appearance of the Conservation Area.

5. Description of development

Addition of a first floor extension to provide one unit of residential accommodation.

The front elevation facing High East Street would be of brick with two simple casement windows. A pitched plain tile roof which sits subserviently between the two buildings either side would finish the front elevation, and this simple design follows advice of the Conservation Officer.

The pitched roof is then returned back to form a flat roof to the middle of the roofscape to ensure the window in the side gable elevation of Number 10A is not blocked.

To the rear, the existing parapet wall would be built up by approx. 0.6 metres, with a pitch roof behind, featuring three roof lights. This pitch roof to the rear is lesser in height than the front roof, and then returns to the central flat roof section.

The historic shopfront would be retained, with no changes required. Internally at ground floor level, a new lobby would be created to allow separation between the ground floor takeaway area, and the stairs up to the new flat above.

A new extractor system for the takeaway kitchen would be required, which is proposed to pass through the middle of the new flat, and be placed externally in the middle of the flat roof above.

6. Background and relevant planning history

1/E/90/000177 - Decision: GRA - Decision Date: 21/05/1990
Continue Class A3 use of premises (use for the sale of food and drink for consumption on the premises or hot food for consumption off the premises)

1/E/90/000202 - Decision: GRA - Decision Date: 22/05/1990
Erect illuminated hanging sign

1/E/90/000203 - Decision: GRA - Decision Date: 22/05/1990
Erect illuminated hanging sign

P/PAP/2022/00284 - Decision: RES - Decision Date: 20/09/2022
Written advice - First floor extension to existing property

The application is made jointly with listed building consent ref LBC/2023/01251 –
Recommended for approval

7. List of constraints

Application site is Grade II listed: LB - 10-12, HIGH EAST STREET listed building grade G2.
HE Reference: 1110579 - Distance: 0

Adjacent to Grade II listed building: 9, HIGH EAST STREET listed building grade G2. HE
Reference: 1292030 - Distance: 0

Within setting of other Grade II Listed Buildings including:

LB - Grade: II Listed Building: 1, 2, 2A AND 3, ICEN WAY List Entry: 1119034.0; - Distance:
16.11 (this group forms a grouping along with 10-12 High Street)

45, HIGH EAST STREET List Entry: 1218610.0; - Distance: 16.92;

43, HIGH EAST STREET List Entry: 1324433.0; - Distance: 21.09

46, HIGH EAST STREET List Entry: 1119051.0; - Distance: 17.8

8, HIGH EAST STREET List Entry: 1110578.0; - Distance: 10.36

7 AND 7A, HIGH EAST STREET List Entry: 1292026.0; - Distance: 18.12

CON - Application is within Dorchester Conservation Area - Distance: 0
DOR3; Dorchester Roman Town Area; Dorchester - Distance: 0
SUS2; Defined Development Boundary; Dorchester - Distance: 0
ECON4; Town Centre Areas; Dorchester - Distance: 0
ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour - Distance: 0
PROW - Right of Way: Footpath S2/16; - Distance: 37.17
SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 15.15
EA - JBA - Risk of Groundwater Emergence; Groundwater levels are between 0.025m and 0.5m below the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally.; - Distance: 0

Scheduled Monument: Outer defences of Roman town, W of St Genevieve's Convent (List Entry: 1002380); - Distance: 358.02
Scheduled Monument: Dorchester Roman walls (List Entry: 1002449); - Distance: 155.46
Scheduled Monument: Part of Roman, Saxon, and medieval town in grounds of Wollaston House (List Entry: 1002384); - Distance: 88.77

8. Consultations

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

Consultees

Natural England – *No objection. Application intends to mitigate for the additional nitrogen load generated by the proposal 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 planning 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 which is set out in the nutrient calculator for Poole Harbour.

Wessex Water – no objection

Dorchester Town Council – *No Objection - request that a planning condition be made that the proposed extractor fan be maintained as per the recommendations stated in the Odour Assessment report submitted with the application.*

Dorchester East Ward Member Cllr Jones –

The proposed alterations will improve the street scene.

Concerns raised with regards to:

- impacts on residents to the rear of the property who feel the siting of the extractor system has moved the problem from one neighbour to another
- bathroom and kitchen vents would be blocked

- windows overlook living spaces to rear
- size of the proposed accommodation does not meet technical space standards

DC - Conservation Officers – Support, the proposals would enhance the character and appearance of the Conservation Area and no harm to the listed building.

DC - Building Control– *Proposed lobby with inward opening doors would provide required fire separation between takeaway and residential flat*

DC – Highways – No objection. Construction Management Statement required

DC - Environmental Assessment - Updated budget calculator received and acceptable

DC - Env. Services – Protection

The specification of odour abatement plant & the effectiveness of the proposed plant was requested by Environmental Health Officers. Subsequent Odour and Noise assessments have been assessed and are considered to be acceptable to demonstrate that the proposals would not result in adverse impacts on neighbouring amenity with regards to noise and odour.

Odour - The assessment demonstrates that odour should not be an issue with proper design; regular maintenance and cleaning must be carried out.

Noise - The assessment demonstrates that noise will have a low adverse impact on the environment and there would be a satisfactory impact on neighbouring amenity. However the plant and attenuation used must comply with the proposals as described in the report

If the chosen odour abatement plant is different from that originally proposed then a further noise assessment must be made on that plant.

Molly Rennie (Previous Dorchester East Ward Member) –

Concerns with regards to:

- the design might not be in accordance with other properties on the street
- potential for loss of light to windows
- blocking of neighbouring vents
- overlooking into neighbouring properties
- potential impacts of abutments to neighbouring properties

Representations received

Total - objections	Total - No objections	Total - comments
16	1 Civic Society	17

Petitions objecting	Petitions supporting
0	0
0 Signatures	0 Signatures

Dorchester Civic Society

The Society supports this application which will provide an improved North elevation. This is subject to the rights of adjoining neighbours being preserved as to their privacy and the Right to Light.

Summary of comments of objection:

An updated daylight and sunlight report has not been produced for the amended scheme.

The Council's local list states that a daylight/sunlight assessment should be provided where there is a potential adverse impact on adjoining properties. The application should not be considered without this report.

The proposals would have an impact on light which enters the sole window into the 1st floor bedroom of Number 10A, the proposals would block light into this window which has been in place for over 20 years.

The window in the side of number 10A is used as a fire escape.

The abutment of the new flat roof would result in accumulation of debris and water causing damp to neighbouring properties, no details of abutment or how surface water would be dealt with are provided.

The proposals will block existing vents on adjacent properties, no details of how these concerns would be addressed.

The odour report is insufficient.

Residents already experience adverse odour impacts from the takeaway.

No guarantees that the new extractor system would be sufficiently maintained, a management/maintenance schedule would be required and adhered to.

No indication as to how the extract would be accessed from the roof space for maintenance & management. Doubts as to whether the proposed extract would actually work in the proposed location.

Relocation of the extractor would result in adverse impacts to neighbouring amenity from noise and odour, the extract is very close to bedroom windows.

The noise report is insufficient. The proposed location of the extract is within a hollow which will amplify noise and disturb adjacent residents.

The proposals would block access to neighbouring properties to access the sides and rear of their properties for management and maintenance, these properties are listed.

No supporting structural information is provided ensuring that the existing building can withstand the additional floor – there is a potential for structural damage to neighbouring properties as a result of the proposals.

No supporting information is provided as to how the proposals would abut/join the properties on either side.

The proposals would result in loss of privacy of neighbouring balconies due to increased overlooking from rear windows.

It would be possible to view the garden of the property behind from the rear rooflights they overlook (namely 5 Icen Mews) from an open roof light.

Subsequent loss of privacy from proposed rear windows.

Loss of light and overshadowing from proposed additional floor – this space already suffers from poor natural light, and an additional floor would result in overshadowing and loss of light.

The additional floor would result in an overbearing relationship to the garden area to the rear of the site as a result of the increased height in the wall and addition of a sloping roof.

The proposals show three dormer windows at the rear, which would overlook the property to the rear and result in loss of privacy. Occupants of the proposed flat would be able to stick their heads out of the windows and look into the neighbouring garden. The presence of windows would result in a perception of constant overlooking and unwanted surveillance.

The proposals would be harmful to the setting of the Conservation Area and adjacent listed buildings – adding another storey attached to Number 10A High Street would take away the distinctive look of this property, with its distinctive narrow shopfront.

The proposals would block the side elevation of Number 9 and adversely impact its setting from resultant obscuring of this part of the building.

The proposals would impact the character & appearance of the Conservation Area.

The Heritage Statement is inadequate & misleading.

Not enough parking in the vicinity – an extra dwelling would put even more pressure on existing problems.

Summary of comments of support:

N/A

9. 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 - 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 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan - Adopted West Dorset and Weymouth & Portland Local Plan:

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

INT1: Presumption in favour of sustainable development

ENV2: Wildlife and habitats

ENV4: Heritage assets

ENV5: Flood risk
ENV10: The landscape and townscape setting
ENV12: The design and positioning of buildings
ENV14: Shopfronts & advertisements
ENV15: Efficient and Appropriate Use of Land
ENV16: Amenity
ECON4: Retail And Town Centre Development
SUS2: Distribution of development
COM7: Creating a safe & efficient transport network

Material considerations

Emerging local plans:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

The Dorset Council Local Plan Options consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers

at every level should seek to approve applications for sustainable development where possible.

- Section 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Other material considerations

Dorchester Conservation Area Appraisal - 29 July 2003

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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.

Statutory guidance - Technical housing standards – nationally described space standard, 27 March 2015

Housing land supply

On the 26th September 2024, The Planning Inspectorate issued the Inspector's report confirming the Council's Annual Position Statement (APS). The APS confirms that the whole of the Dorset Council area can demonstrate a 5-year supply of housing of 5.02 years, and that this

figure is fixed until 31 October 2025 in accordance with paragraph 233 of the NPPF. An updated APS that reflects the Inspector's findings is available on the Council's website.

Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

11. 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.

12. Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

Officers are unaware of any considerations under PSED relevant to this application.

13. Planning Assessment

Principle of development

The site is in the designated Town Centre and secondary shopping frontage of the town.

The ground floor commercial unit is to remain in the current takeaway use. A small area of ground floor commercial space would be lost to facilitate a hallway and staircase for access into the new first floor flat. Retention of the ground floor commercial unit is supported to ensure ongoing vitality of the town centre, and the proposals comply with Local Plan Policy ECON4.

Infill residential development in the county town is a highly sustainable proposal and wholly in accordance with the Council's spatial strategy.

The principle of addition of a second floor is supported by Conservation Officers who are of the opinion that the proposals would enhance the character and appearance of the Conservation Area.

Benefits

The proposals would provide benefits in the way of support for the construction industry for the building operations. There would be associated spend from occupants of the dwelling in local services and facilities, and there would be associated Council Tax income. The provision of a new dwelling would provide additional income for the proprietor of the takeaway business and/or provision of accommodation for staff. Contribution of one unit of new residential accommodation in a highly sustainable location. Enhancement of the character and appearance of the Conservation Area.

Design, impact on character, and impact on heritage assets

The proposals have the support of the Conservation Officer, who sees the infill of this 'gap' with a suitably designed and detailed roof extension to enhance the character and appearance of the Conservation Area.

The extension is subservient to both buildings on either side of the site, the roof being set well down from the roofs of buildings on both sides which will allow both gables of these buildings to still be 'read'.

The extension would be suitably detailed with a brick frontage (with Flemish bond as recommended by Conservation), and traditionally styled timber casement windows. The roof would be plain clay tile as recommended by Conservation.

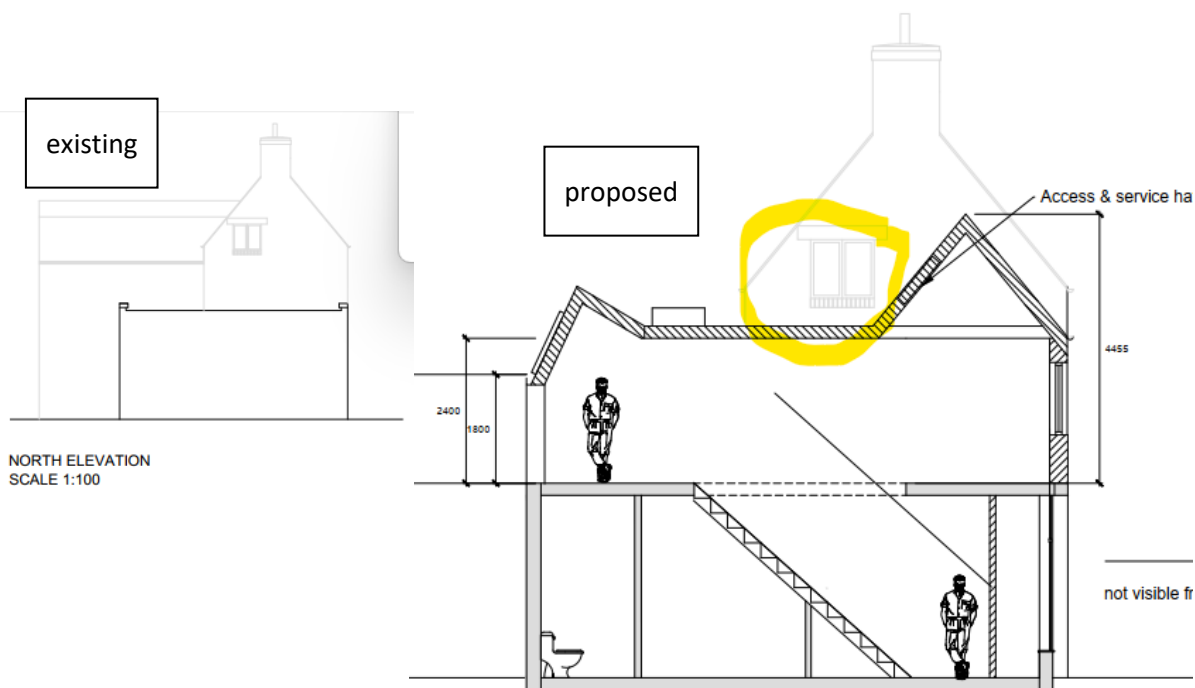
The original historic shopfront would be retained, with no external alterations to the ground floor shop required.

It should also be noted that the scheme is supported by the Dorchester Civic Society who comment that the application would provide an improved North elevation.

Amenity

The scheme has been significantly redesigned since initial submission to ensure protection of neighbouring amenity. Originally a two storey upward extension, now just one floor is proposed.

The front pitched roof would be returned to join a flat roof in the middle of the roofscape to ensure the window in gable wall of number 10A would not be blocked:

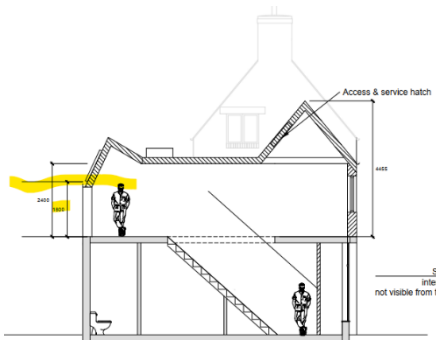


It is acknowledged that this window would experience a change in outlook from the raising of the existing flat roof, but there would be no blocking of the window, and the light entering this window would not be significantly impacted, taking into consideration that this window is east facing, and the pitched roof addition is on the north elevation.

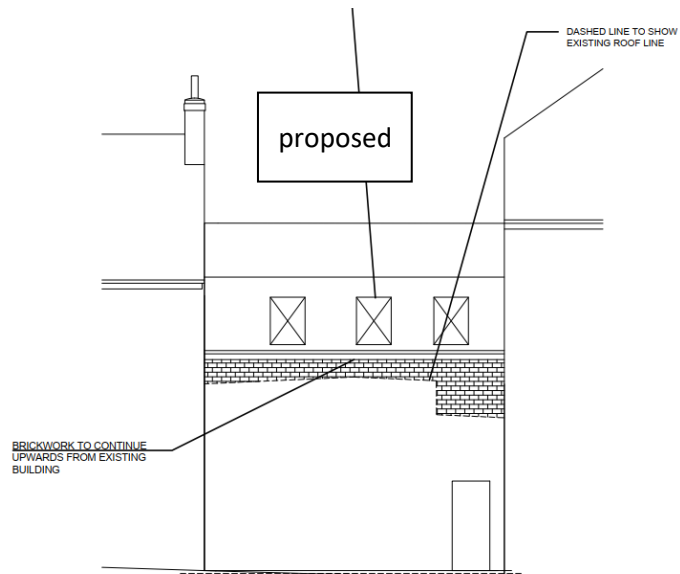
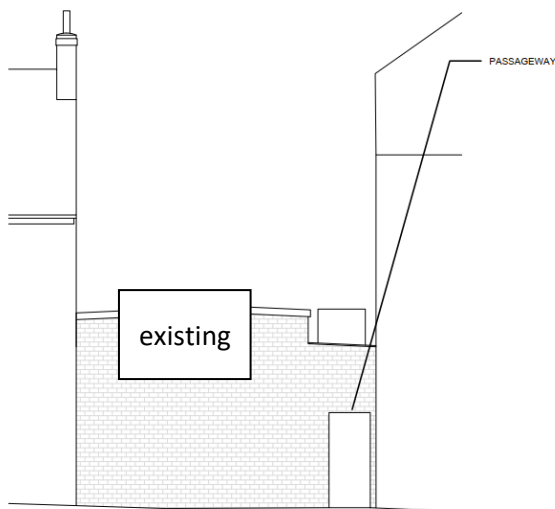
It is acknowledged there may be some impact on natural light received by this window from the increased height of the parapet wall and modest pitched roof to the south, however considering the height of this roof which remains below the level of the window, and the orientation of the window facing east, any impacts of loss of sunlight would be limited to the winter months, and adequate daylight would still be able to reach this window.

Below is a photo taken from out of the window at 10A





The proposed roof lights in the rear roof slope would be above head height, therefore the degree of overlooking from these windows into the courtyard opposite/below would be minimal. One objector refers to dormer windows which is incorrect, the only windows to the rear are these rooflights which are high level, therefore minimising potential for overlooking.



The existing courtyards & balconies to the rear already experience mutual over and in-looking. It is considered that the 'perception' of additional surveillance from these rooflights is acceptable taking into account the existing relationships between the existing properties.

With regards to potential for loss of light to amenity space & overbearing to properties in Icen Mews to the south, the orientation of the application site to the north should be taken into account, as raising a roof to the north would have a very limited impact on sunlight.

It is considered that the increase in height of the parapet wall, by approximately 0.6metres, with a sloping pitched roof behind, would not result in a significant sense of overbearing to neighbouring properties, considering that this wall is already in existence and the area already experiences an enclosed character. Due to the northern orientation of the application site, the increase in height in this wall would not result in any significant loss of light or increased shadow to the garden areas of Icen Mews which would warrant refusal of the application.

Objectors to the scheme comment that an updated sunlight report should accompany the application following amendments to reduce the number of stories proposed. The original sunlight report was produced in an attempt to justify the original scheme, which blocked the window of Number 10A, and only provided a 'sun corridor' within the roof. Officers did not consider that this scheme was acceptable, and subsequently the scheme was amended removing one storey from the application, which allowed this window to remain unblocked by the new roof.

Taking this significant amendment into consideration, it was not considered that an updated sunlight report was required, and the impacts of the scheme can be clearly inferred and interpreted from the section diagrams provided.



Noise & Odour

A new extract for the takeaway kitchen would be required as the flue is currently on the existing flat roof adjacent to the gable of Number 9. It is proposed to reconfigure the takeaway kitchen, run the new ducting up through the middle of the new flat, and place the new extract centrally in the new flat roof between the 2 pitched roof elements.

Noise and odour reports have been prepared for the application, and these were subsequently amended when the design changed. Objectors to the scheme are critical of these reports, however they have been assessed by the Council's Environmental Protection Officer, who confirms that they are adequate to demonstrate that the proposals, if implemented in accordance with the recommendations contained within the reports, would have an acceptable impact on neighbouring amenity with regards to noise and odour.

Objectors have raised issues with current operation of the takeaway and existing issues with regards to smell, and concerns that new extract plant would not be installed properly, nor properly managed and maintained. The amended plans show a hatch in the south elevation of the front pitched roof which would facilitate access to the new extract plant on the flat roof.

In light of the close proximity of a number of residential dwellings, it is deemed necessary and reasonable to request full technical details of the proposed extract equipment prior to installation, in addition to a management and maintenance schedule which must be adhered to, to ensure that the details of the new equipment are subject to appropriate scrutiny and are appropriate to the setting and location.

Impact on neighbouring vents etc & access

Objectors highlight concerns that the extension would result in blocking of existing vents and extracts in their gable walls. Concerns are also raised about the structural integrity of the host building, arrangements for surface water and resultant impacts on the neighbouring buildings from the proposed construction. Access for maintenance of neighbouring buildings is also raised as a concern by objectors to the scheme.

The majority of these issues would be addressed via the Party Wall Act and subsequent arrangements agreed with all interested parties in combination with input from Building Control. Taking into account the listed status of the application site, and both of the neighbouring properties, it is deemed reasonable to request details of the construction prior to development.

Design & Amenity for resultant occupants of new residential unit

Objectors highlight that the layout of the proposed residential flat does not meet the space standards requirements for a dwelling with 2 bedspaces. The technical guidance specifies that for a dwelling with 2 or more bedspaces, at least one must be a double, with a floor area of 11.5sqm and 2.75m wide. The layout shows the bedroom to have a width of 2.77m and a floor area of 10sq m. This meets the requirement for a 1 bedspace dwelling, but not a 2 bedroomed dwelling.

The applicant maintains that the second room is intended to be an office/store.

The floorspace of the flat is 50sqm, which meets the required standards for a 1bed 2 person dwelling as outlined in the technical guidance.

It should be noted that the applicant *could potentially* present the application with one large bedroom and then add a partition wall to create this second room at a later date.

It is considered that the layout of the proposed flat is acceptable, adequate living space is provided for 2 people, and all habitable rooms have good access to natural light, the bedroom having 2 large roof lights, and the living space having the two front windows facing onto the main road.

Details have been provided as to how the boxing in of the vent/extract from the kitchen below which runs through the centre of the flat could be acoustically attenuated to ensure that occupants of the flat would be suitably protected from undue noise/vibration/odour, and specific details of this would be secured by condition.

Building Control officers have provided advice to the architect, and a suitable fire separation between the takeaway and the flat can be achieved at building regulations stage.

The proposed layout is considered to be acceptable to provide adequate living conditions for occupants of the proposed flat.

Flood risk and drainage

The proposals do not increase footprint of building. Details of surface water arrangements would be provided via condition. The proposals would not increase the risk of flooding elsewhere and the scheme is considered to be suitable in flood risk terms.

Highway impacts, safety, access and parking

Lack of parking provision is acceptable for a town centre location. Access into new residential flat is acceptable to Building Control. Highways Officer have no objection subject to submission of a Construction Method Statement.

Biodiversity

The scheme is BNG exempt. The application is accompanied by a negative bat & bird survey. Biodiversity enhancements (bat and bird boxes) are to be secured by condition.

Nutrient Neutrality

A condition ensuring nutrient credits are secured prior to development is required taking into account site's location within the Poole Harbour Catchment.

The scheme would be CIL liable.

14. Summary of issues and the planning balance

The principle of the scheme to provide a new unit of accommodation in the town centre with retention of the ground floor commercial unit can be supported. Conservation Officers are supportive of the proposals which would enhance the character & appearance of the Conservation Area. There would be no harm to the listed building, nor the setting of adjacent listed buildings.

The scheme is supported by noise and odour reports which demonstrate that if implemented in accordance with the recommendations contained therein, the scheme would not result in adverse impacts to neighbouring occupants with regards to noise and smells. Specific details, and a management and maintenance plan would be secured by condition.

The scheme is designed not to block the window in the side elevation of Number 10A, there would not be a significant unacceptable loss of light to this window as a result of the proposals.

The scheme would not result in significant overlooking from rear windows into neighbouring amenity spaces, the rooflights being high level. The increase in wall height would not in officer opinion result in unacceptable overbearing to neighbouring amenity spaces, nor would it result in unacceptable overshadowing of neighbouring properties.

The scheme is considered to accord with Local Plan Policy ENV16.

The layout of the proposed residential unit is considered to be acceptable, the floorspace meets the technical space standard requirements for a 1 bed 2 person unit.

There are no concerns with regards to highways, access, biodiversity and nutrient credits would be secured. The proposal would comply with the development plan, taken as a whole, and there are no material considerations that indicate otherwise.

15 Recommendation: Grant, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
12673-01 Location Plan.pdf
12673-02 A Existing Plans, Elevations & Sections.pdf
12673 - 106 G Proposed plans and elevations Dec 2024
12673-107 Existing and Proposed Rear Elevations
12673-108 C Lobby Section

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

3. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Catchment 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.

4. Prior to construction of the extension hereby approved, a detailed method statement detailing abutment and construction methodology to include details of (but not limited to) tying in/connections with adjacent buildings, surface water drainage, rainwater goods, conservation of vents and flues shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of the appearance of the development and protecting adjacent heritage assets.

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

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

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

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

6. Prior to installation of first floor extension brickwork, a sample panel of the proposed external facing material measuring at least 1 metre by 1 metres, demonstrating the proposed brick, coursing, mortar mix and pointing detail, shall be erected on site, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with details of the sample panel as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development and in the interests of the heritage asset.

7. Prior to installation of new pitched roof, details and samples of all external facing materials for the wall(s) and roof(s) shall be 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 and in the interests of the heritage assets.

8. Prior to the installation of new external windows, detailed drawings (at a scale of 1:5 section and 1:20 elevation) showing the design, materials, colour, finish and construction specifications of all new windows (and passageway door if proposed) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details.

Reason: To safeguard the character of the locality and in the interests of the appearance of the development and in the interests of the heritage asset.

9. Before installation of any extraction plant and associated ductwork, vents and flues, details of equipment, methodology, installation details, operating procedure and a management and maintenance schedule shall be submitted and approved in writing by the Local Planning Authority. The extract system must be designed in accordance with the recommendations contained in reports prepared by Impact Acoustics and Greenavon, and details outlining mitigation to prevent loss of amenity and prevent creeping noise & odour levels for neighbouring residents and occupants of the new flat must be provided. Thereafter, the installation of the equipment must proceed fully in strict accordance with the agreed details prior to the development hereby approved being first occupied or brought into use, and subject thereafter to routine maintenance and cleansing in accordance with the agreed details and manufacturers' instructions.

Reason: In order to protect the living conditions of surrounding residential properties.

10. Prior to first occupation of the development hereby approved, one No bird box and one No bat box shall be installed in accordance with recommendations contained in Abbas Ecology PRA and thereafter maintained in perpetuity.

Reason: to provide biodiversity enhancements

11. 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.

Informative Notes:

1. Biodiversity Net Gain

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

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below are considered to apply.

- The application for planning permission was made before 12 February 2024.
-
- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

2. Please ensure all conditions with regards to linked listed building consent ref P/LBC/2023/01251 are submitted and discharged, and thereafter proceed in accordance with the agreed details as approved
3. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan
 1. The application for planning permission was made before 12 February 2024.
 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
 4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4. New drainage and water supply connections

Your builder and plumber should explain how your existing arrangements may be altered to accommodate any new water supply or disposal requirements. If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

Where multiple occupations occur within a single curtilage, provision should be made to locate water meters at the boundary of the property or in a communal area with 24 hour access for reading and maintenance.

Buildings above two storeys will require private on site water boosting

What to do with rainwater from new driveways and roofs

Rainwater running off new driveways and roofs will require consideration to provide the best solution for the local environment. Rainwater may already connect to our existing foul or surface water networks. If you or your builder believe rainwater connects to the foul water network this should be disconnected and an alternative method of disposal considered; soakaways where possible or connection to a watercourse or surface water sewer. Rainwater flows from hard surfaces running via pipes outside of your property boundary should not be permitted to increase once your extension is built and be reduced, where possible, to reduce local flood risk. This can be achieved by soakaway (where ground conditions are suitable) or slowing flows down within your property boundary with the use of rain butts, permeable paving and rain gardens.

What to do if there is a public sewer or water main close to the proposed extension

According to our records there are no recorded public sewers or water mains within the immediate proximity of the development site. Information on this plan is provided for identification purposes only and no warranty as to its accuracy or completeness is given or implied. Please review the disclaimer on the plan for additional information.

Our sewer protection team can provide guidance on how to locate the sewer, assess the condition of the sewer, renovate where necessary and advise any extension foundation requirements. An application fee is payable and extra costs are occasionally required if, for instance a manhole requires relocating because of proposals.

If your structure requires Building Regulations, the appointed Building Control Officer or Private Inspector for the site will need to view and approve the new foundations & you should discuss the proximity of the public sewer with them.

Further information can be found on Wessex Water's website
<https://www.wessexwater.co.uk/services/building-and-developing>

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

6. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

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