



Appeal Decision

Site visit made on 13 July 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/D1265/W/22/3293712

Former Gibbs and Dandy Site, Builder Centre, Great Western Road, Dorchester DT1 1RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sheriff Construction against the decision of Dorset Council.
 - The application Ref P/FUL/2021/02294, dated 25 June 2021, was refused by notice dated 21 January 2021.
 - The development proposed is demolition/conversion of buildings to provide 16 apartments and E(g) commercial floorspace, with associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the Dorchester Conservation Area (the CA) and its archaeological interest; and,
 - the suitability of the site for housing, having regard to the development plan's approach to the supply of employment land.

Reasons

Conservation Area

3. The site is a former builders' merchant, yard space and a warehouse occupying the southwest corner of a busy road junction at the west edge of central Dorchester. The site and its environs fall within sub-area 'h' (Victorian and Edwardian areas adjoining the historic core) of the CA. As this suggests, the sub-area draws its significance from these periods in Dorchester's history.
4. To the south are the well-preserved pair of historic warehouses at 4 Maumbury Road. To the southeast a range of diminutive buildings host Dorchester Market. Across Maumbury Road are an elegant pair of semidetached houses of late Victorian origin, and the road junction includes other examples of residential buildings apparently of this age. Despite their mixed typology and land uses, these buildings form a contemporaneous set piece embodying the late Victorian and then Edwardian extension of the town. This is identifiable not just through the building designs and their fabric, but a collective, relative modesty in scale.
5. The site is an industrial one in a small historic industrial area. The warehouse on site does not share the detail of its neighbours, or perhaps the provenance,

- but it does mimic their scale, utilitarian form and orientation. The site boundary walling and builders' merchant building are poor, but this is largely mitigated by their low profile and their brick finishes. Thus, the site, as disused as it is, makes a neutral contribution to the significance of this part of the CA overall.
6. Whilst the materials and detailing of the proposed building would offer a satisfying contrast to its surrounds, it would rise to four storeys, dwarfing the buildings to the south and east, and jumping up from them abruptly. This proposed height is intended to better address the junction. Yet, the other buildings around the junction, old and new, do not present four full storeys and, with their pitched roofs, offer restraint at height. Whilst the fourth storey would be set back in at the sides, this would not sufficiently mitigate the significant uppermost massing of the proposal at its corner point.
 7. Given also that it would sit at a relatively high point at the junction, the scheme would be a discordantly large and excessively urbanising addition to its context. The appellant references the large retail store to the west, but it is relatively peripheral to the junction and has limited influence on proceedings. Obscuring it from views to the east would therefore be a minor enhancement to the street scene, which could also be achieved with a less tall building. Overall, the character and appearance of the CA would not be preserved.
 8. Given Dorchester's Roman heritage, the CA also has obvious archaeological interest. Paragraph 194 of the National Planning Policy Framework (the Framework) states that where a proposed development site includes heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
 9. The site is just beyond the defences of Dorchester's Roman town. Roman burials have been found across this side of Dorchester and the site is a candidate for such remains. In 2006 a Roman military ditch was unearthed near Dorchester West station, which raises the prospect that the appeal site is within the limits of Dorchester's Roman fort. Given the size of the proposal, large scale ground works are likely, beyond that which have already occurred. In these circumstances, and in the absence of any basic or proportionate assessment of the site's potential, I must conclude that the CA's archaeological interest would be harmed. I am unable to leave this matter to a condition.
 10. The Council has suggested an archaeology condition, but this is routine and does not offer tacit acceptance that the matter can be resolved in this way. Nor is it instructive that no archaeological assessment was requested in relation to the scheme at 4 Maumbury Road¹, as I must assess this proposal on its merits, on the evidence before me. I recognise that this site is not identified as having archaeological potential on the Council's online mapping, but I understand that this mapping is not exhaustive, and to my mind the potential for archaeological remains within the historic core of Dorchester can reasonably be assumed.
 11. I quantify the overall level of harm to the significance of the CA as less than substantial. However, Paragraph 199 of the Framework states that great weight should be given to the conservation of designated heritage assets. Paragraph 202 requires decision makers to weigh any less than substantial harm against the public benefits of the scheme, including securing its optimum viable use. That balancing exercise must take place in the context of s.72 of the Planning

¹ Ref f P/OUT/2021/00467

(Listed Buildings and Conservation Areas) Act 1990, which sets a strong presumption against a grant of planning permission for development that would fail to preserve or enhance the character or appearance of a Conservation Area.

12. The scheme would regenerate previously developed land and provide commercial floorspace with additional local employment opportunities, and 16 energy efficient homes of a type needed in the town, which is a highly accessible location. The warehouse would be retained within the scheme. Soft landscaping and associated biodiversity at the site would be modestly enhanced. Even if there is a shortfall in housing supply to the extent and persistence as stated by the appellant, these public benefits fall short of outweighing the harm that would arise to the CA, to which I assign considerable importance and weight.
13. Accordingly, I conclude on this issue that the proposal would have an unacceptable effect on the CA and its archaeological interest. It would conflict with the design and heritage aims of Policies ENV4, ENV10, ENV12 and ENV15 of the West Dorset, Weymouth & Portland Local Plan (adopted 2015) (Local Plan) and the Framework.

Employment land

14. The site is part of the Great Western Industrial Estate, a 'Key Employment Site' allocated within the Local Plan. Policy ECON2 of the Local Plan states, amongst other things that, within such sites, other uses that would not provide direct, on-going local employment opportunities will not be permitted. Given that a C3 land use would be introduced by the scheme, it would conflict with the policy.
15. The appellant asserts that the commercial part of the scheme would likely provide greater employment than the current use and that the residential element is compatible with its context. However, this does not acknowledge the potential for an alternative, fully employment-based reuse of the site to provide an increase or indeed a greater increase in employment opportunities. This has not been ruled out by, for example, testing the market. This was suggested in advice related to a scheme for the residential use of the site to the south, 4 Maumbury Road, and subsequently reflected in the related appeal decision². The proposal therefore has the potential to significantly undermine the plan-led approach to the provision of employment land within the plan area.
16. It is suggested that the allocation of the site and Policy ECON2 are out-of-date because of the age of the Local Plan and as they are not consistent with the Framework's support for the reuse of employment land for housing. However, Paragraph 219 provides that existing policies should not be considered out-of-date simply because they were adopted prior to publication of the Framework. Furthermore, Paragraph 123 excludes allocated sites from its approach.
17. I therefore conclude on this issue that the site would not be suitable for the proposal, having regard to the development plan's approach to the supply of employment land. It would be contrary to Policy ECON2 of the Local Plan.

Other Considerations

18. I note that the allocation is not retained by the emerging Dorset Council Local Plan (the eDCLP). I understand that the eDCLP seeks a significant step change in housing provision within the plan area. However, I am also led to believe

² Appeal Ref: APP/D1265/W/21/3287475

that the eDCLP is at a fairly early stage of preparation, pre-examination. Given such, its approach is subject to change and it attracts limited weight.

19. The appeal is accompanied by viability evidence which identifies that removing the top storey of the proposal would render it unviable. However, this is not to say that there is no alternative, viable scheme that could be delivered at the site at all. This matter is therefore also of limited influence in my assessment.
20. The appellant has drawn on the Framework's general approach to, and encouragement for, the efficient use of land. However, Paragraph 124 of the Framework is mindful of the importance of design and the desirability of maintaining an area's prevailing character when land is proposed for reuse. Given that these objectives would not be achieved here, this matter provides limited support for the scheme.

Other Matters

21. The Council is also concerned about the viability and relative paucity of soft landscaping within the proposal. However, this is a longstanding industrial site bereft of such. Consequently, the extent of proposed soft landscaping would be adequate, and the viability and appropriateness of each tree species could have been addressed with a condition, had I been minded to allow the appeal. Similarly, the Council's issues with the appearance of the windows proposed for the retained warehouse could be resolved through a relevant condition.
22. The site is in the setting of the Grade II listed building Dorchester West Station, and I have a duty to consider the effect of the proposal upon its special architectural and historic interest. Its setting draws a degree of significance from its planned approach down Great Western Road. This is currently partly sullied by the large retail store. Whilst the proposal would largely conceal this issue with a more articulate building, its excessive scale would conversely jar. The overall effect on the setting of the station would be neutral. Given the distances involved and the limited intervisibility, the scheme would have a neutral impact from within the Borough Garden Registered park and garden.

Planning Balance and Conclusion

23. The proposal would conflict with the development plan when read as a whole. The main parties disagree as to whether the Council can currently demonstrate a five-year supply of deliverable housing sites. Nonetheless, Paragraph 11 of the Framework states that, if such circumstances did apply, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposal. These assets include Conservation Areas. Given the harm that would arise to the CA, Paragraph 11 d) ii) of the Framework is not engaged.
24. Drawing my assessment together, there are no other considerations, including the aforementioned public benefits of the scheme, which outweigh the conflict with the development plan. For the above reasons, and taking all other matters raised into account, I therefore conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR