

1.0

Application Number – [WD/D/19/002027](#)

Site address - THE MOUND, QUAYSIDE, WEST BAY

Proposal - Removal of shipping container and erection of a building used to house and refill diving tanks.

Applicant name – Dorset Council

Case Officer – Lindsay Ffello

Ward Member(s) – Cllr S Williams, Cllr K Clayton and Cllr D Bolwell

The reason this application is being reported to Committee is because the applicant is Dorset Council.

2.0

Summary of Recommendation: Grant subject to conditions

3.0

Reason for the recommendation :

It is considered that with the proposed conditions the proposal would be acceptable in relation to design, heritage, amenity, highway and flood risk.

4.0

Table of key planning issues

Issue	Conclusion
Principle of development	Within the Defined Development Boundary for West Bay
Impact on the character and appearance of the Conservation Area	Considered to preserve the character and appearance of the conservation area.
Impact on residential amenity	No nearby residential properties adversely affected
Parking and highways considerations	Acceptable
Flood risk	Use acceptable in Flood zone
Impact on AONB	Acceptable
Design	Acceptable

5.0

Description of Site

5.1

The application site is in the corner of a car park adjacent to the west side of the Harbourmaster's Office and near to the entrance of Bridport Harbour which is Grade II Listed.

5.2

The Harbourmaster's Office building is listed as a building of local importance in the West Bay Conservation Area Appraisal in which it is described as giving a fort-like character to the Mound and acts as a modest sentinel over the Harbour entrance. The document recommends that development should ensure the character of focal points and landmarks is preserved.

6.0 Description of Development

- 6.1 The applicant is Dorset Council. Two temporary planning permissions were previously granted which allowed the siting of a steel shipping container on land adjoining the Harbourmaster's Office in West Bay and to erect a timber fence and gate enclosure around the site. The container was used to house a compressor and associated equipment for the recharging of air bottles used by divers, and it was first granted a temporary three year permission in 2015 to allow an assessment of the effect of development on the area, the viability of the development and to give consideration to a provision of a suitable permanent facility. This is why another 3 year permission was granted again in 2019 to allow the continued use of the facility and to provide additional time for the applicant to explore potential opportunities for a suitable permanent facility.
- 6.2 This application is to construct a new building to replace the temporary shipping container. The building is proposed to be a timber framed building, with timber clad and a GRP roof, and it will be used to refill diver's air tanks.

7.0 Relevant Planning History

- 7.1 WD/D/18/002157 - Renewal of temporary planning permission WD/D/15/000948 for siting of steel shipping container, timber fence and gates enclosure – Approved

WD/D/15/000948- Site a steel shipping container on land adjoining Harbourmasters office and erect a timber fence and gates enclosure – Approved

8.0 List of Constraints

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

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

Area of Outstanding Natural Beauty : (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

Flood Zone 3

9.0 Consultations

- 9.1 **Environment Agency:** No comment received at time of writing

- 9.2 **Natural England:** *No comment*

9.3

Council's Environmental Health: Comment -

Due to the close vicinity of existing residential dwellings to this site, demolition and construction works should have regard to the following to protect residents from nuisance:

- *No bonfires to be held on site at any time*
- *Hours of work are to be limited to*

Monday – Friday 0700 – 1900

Saturday 0800 – 1300

- *No noisy activity on Sundays or Bank Holidays*

If there are to be any proposed deviations from these hours, please contact Environmental Health to discuss these.

Further comment with regards noise in relation to the use.

I think that as we haven't received any complaints about this to date that it can be considered as satisfactory that they continue. There is of course the possibility that a change in set up may result in how noise affects those nearby but I think that for now there is no reason to add any conditions.

9.5

Council's Technical services: *With regards to this application i have no objection or further comments to make.*

9.6

Council's Conservation Officer: *No comment - .I have visited the site to check for any heritage issues that may be affected, but feel the proposals are acceptable subject to finish details of the timber boarding.*

9.7

Council's Building control Officer: *No comment received at time of writing*

9.8

Council's Highways Officer: *No highway comment.*

9.9

Bridport Parish Council: *Support, particularly the re-use of original materials as far as possible.*

9.10

Representations: *None received at time of writing*

10.0

Relevant Policies

10.1

National Planning Policy Framework (2019)

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

Section 4 – Decision-making

Section 6 – Building a strong, competitive economy

Section 12 – Achieving well designed

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Decision making:

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, 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.

- 10.2 **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**
As far as this application is concerned the following policies of the Local Plan are considered to be relevant:

INT1 – Presumption in favour of development
ENV1 – Landscape, seascape and sites of geological interest
ENV4 – Historic environment
ENV5 – Flood Risk
ENV10 – The landscape and townscape setting
ENV12 – The design and positioning of buildings
ENV16 - Residential amenity
SUS2 - Distribution of Development
COM7 - Creating a safe and efficient transport network
COM9 - Parking standards in new development

- 10.3 **The Bridport Area Neighbourhood Plan (2019)**
As far as this application is concerned the following policies of the Neighbourhood Plan are considered to be relevant:

Policy HT2 – Public Realm
Policy D5 – Efficient use of land
Policy D8 – Contributing to the local character

- 10.4 **OTHER MATERIAL PLANNING CONSIDERATIONS:**
Conservation Area Appraisals – West Bay or Bridport Harbour
Design and Sustainable Development Planning Guidelines (adopted 2009)
West Dorset Landscape Character Assessment 2009

11.0 **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.

12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

13.0 Financial benefits

13.1 No financial benefit other than for the applicant

14.0 Climate Implications

14.1 Due to the small scale development, replacement, in a sustainable location it is considered that the proposal would have negligible impact on the climate.

15.0 Planning Assessment

- Principle of development
- Impact on the character and appearance of the Conservation Area
- Impact on the setting of the Listed Structure
- Impact on residential amenity
- Parking and highways considerations
- Flood risk
- Impact on the AONB
- Design
- Other

15.1 Principle of development

15.1.1 The development site is within the Defined Development Boundary (DDB) of West Bay where development is permitted subject to compliance with other policy considerations

15.2 Impact on the character and appearance of the Conservation Area

15.2.1 The proposed timber building is located in the corner of a car park in the space between the Harbourmaster's Office and the stone wall bordering the north of the car park. The previously approved blue shipping container is currently in the space that would be occupied by the current proposal.

- 15.2.2 It is considered that the proposed building would be an unobtrusive simple addition to the Bridport Harbour entrance and would preserve the character of the conservation Area. The Parish Council have suggested the re-use of the materials however this is not being proposed by the applicant. Due to its location however a condition should be added to any proposal requiring details of the final proposed materials, in line your Conservation Officer's comments.
- 15.2.3 It is noted that the building is directly adjacent to a building listed in the West Bay Conservation Area Appraisal as a Building of Local Importance and which is therefore a non-designated heritage asset. However due to the sensitive and simple design and the fact your Conservation Officer raises no objections, that the proposal would be considered to preserve the Conservation Area and therefore Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 (the preserve/enhance test) is met.
- 15.3 Impact on the setting of the Listed Structure
- 15.3.1 It is considered that the proposal is within the setting of 'The harbour' which is a Grade II listed structure which has been rebuilt at various periods most recently 1824, according to the Historic England Listings. The other side of the harbour opening is located 1-12, Pier Terrace (Grade II), Gull House and the Dinghy (Grade II) and Dorset and East Devon Coast (World Heritage Site).
- 15.3.2 It is considered that due to the sensitive and simple design that the proposed development is considered to not have an adverse affect on the wider setting of above listed buildings/structures. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.
- 15.4 Impact on residential amenity
- 15.4.1 There are no nearby residential properties that would be affected by the proposed development. Therefore the proposal is acceptable in relation to ENV16 of the adopted local plan.
- 15.5 Parking and highways considerations
- 15.5.1 The Council's Highways Officer raises no objections. Therefore the proposal is acceptable in relation to COM7 of the adopted local plan.
- 15.6 Flood risk
- 15.6.1 The proposed development is in Flood Zone 2 and 3. However, it is classed as a "Water-Compatible Development" and as such is acceptable in these Zones. Environment Agency was consulted but did not comment.
- 15.7 Impact on AONB
- 15.7.1 It is considered that the proposal would not significantly impact on the Dorset's AONB as the proposal is within a built up area.

15.8 Design

15.8.1 The design is considered to be unobtrusive in the location and reflects the purpose for which the building is proposed, it is considered that the proposal complies with ENV12 of the Local Plan and D8 of the Bridport neighbourhood plan.

15.9 Other

15.9.1 Environmental Health have asked that “*due to the close vicinity of existing residential dwellings to this site, demolition and construction works should have regard to the following to protect residents from nuisance:*

- *No bonfires to be held on site at any time*
- *Hours of work are to be limited to*
Monday – Friday 0700 – 1900
Saturday 0800 – 1300
- *No noisy activity on Sundays or Bank Holidays*

It is considered that due to the small scale of the development it would be unreasonable and unnecessary to add this as a condition.

15.10 **Bridport Area Neighbourhood Plan (2019)** The NP was recently the subject of a positive referendum and therefore becomes the most up to date development plan on which applications are considered. In that regard the proposal is considered to be compliant with Policy HT2 (Public Realm) which states that “*Proposals that have a negative impact or “harm” the qualities of the public realm as identified in the Neighbourhood Characteristics of this plan will not be supported*”; Policy D5 (Efficient use of land) which states in part that “*Development should make efficient use of land, and layouts that create wasted or leftover land will not be supported*”; and Policy D8 (Contributing to the local character) states in part that “*Proposals for new development (residential and commercial) in the Plan area should demonstrate high quality architecture and seek to maintain and enhance local character*”

16.0 **Conclusion**

16.1 It is considered that with the proposed conditions the proposal would be acceptable in relation to design, heritage, amenity, highway and flood risk.

17.0 **RECOMMENDATION**

Approve subject to conditions;

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

Location Plan, Drawing No. 10717/02 received 8th August 2019
Existing and Proposed floor plans and elevations, Drawing No. 10560/01A received 3rd February 2020

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

2. 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).

3. Prior to the commencement of building works, excluding demolition of the fence and removal of the shipping container, a sample of the proposed external facing material(s) shall have been erected on site, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with such materials as have been agreed.

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