

<b>Application Number:</b>	P/FUL/2023/05347
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	4-5 Kings Square King Street Bridport DT6 3QE
<b>Proposal:</b>	Install defibrillator box on building in public car park
<b>Applicant name:</b>	Bridport Christian Fellowship
<b>Case Officer:</b>	Rob Parr
<b>Ward Member(s):</b>	Cllr Bolwell; Cllr Clayton; Cllr Williams

**1.0** This application is brought to committee for determination as part of the application site is owned by Dorset Council.

**2.0 Summary of recommendation:**

Grant subject to conditions

**3.0 Reason for the recommendation:**

- 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 would result in less than substantial harm to the designated heritage asset which would be outweighed by public benefits.
- There is not considered to be any harm to neighbouring residential amenity.
- There would be no adverse impact on highway safety.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The location of the development is accessible in the town and adjacent to parking. The addition of the box to the building is acceptable in principle.
Impact on visual amenity	The addition of the box to the elevation of the building would have minimal visual impact such that it is considered acceptable.
Impact on amenity	There would be no adverse impact on the residential amenity of nearby dwellings.

Impact on heritage assets	The development would result in less than substantial harm to the host building, a designated heritage asset which would be outweighed by the public benefits of the proposal. There would be no harm to the character of the Conservation Area and the setting of adjacent listed buildings.
Highway safety	The site is adjacent to a public car park and accessed via it, but the development would have no impact on the access or provision of parking.

## 5.0 Description of Site

5.1 The application site is a grade II listed building in the Bridport Conservation Area. It is a former school building which is now surrounded on 3 sides by a public car park. The building is in part single storey and in part two storey with natural stone walls and a slate roof. Kings Square is to the east of King Street and to the south of East Street.

## 6.0 Description of Development

6.1 The proposal is to fix a Defib Caddy Outdoor Cabinet to the west elevation (gable end) to house a defibrillator. It is proposed to be located to the north of one of the two windows in the gable end at about sill height. The plastic box to house the defibrillator would be yellow.

7.0 **Relevant Planning History** – No relevant planning history

## 8.0 List of Constraints

ST MARYS PRIMARY SCHOOL INCLUDING THORNHILL listed building grade G2.  
HE Reference: 1287714 - Distance: 0

Grade: II Listed Building: RAILINGS OPPOSITE NO 26 List Entry: 1216236.0; -  
Distance: 19.39

Grade: II Listed Building: 3 POSTS IN STREET OPPOSITE NO 18 List Entry:  
1216235.0; - Distance: 2.03

Grade: II Listed Building: 14-22, KING STREET List Entry: 1216278.0; - Distance:  
7.05

Grade: II Listed Building: 9, 11 AND 15, KING STREET List Entry: 1216237.0; -  
Distance: 16.33

Grade: II Listed Building: 6-10, KING STREET List Entry: 1287728.0; - Distance:  
13.87

Application is within a conservation area - Distance: 0

Important Local Buildings, Record Key = 225 - Distance: 0

Area of Outstanding Natural Beauty; Dorset - Distance: 0

Defined Development Boundary; Bridport - Distance: 0

Neighbourhood Plan - Made; Name: Bridport Area NP; Status 'Made' 05/05/2020; - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Dorset Council Land (Freehold)

DESI - Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 2484.65

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

Within the Bridport 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)

## 9.0 Consultations

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

### Consultees

1. **DC - Highways** – No objection
2. **DC - Conservation Officers** – The development is of a de minimis nature and therefore will result in no harm to the heritage asset and its setting.
3. **Bridport Town Council** - Support

**Representations received** – None.

## 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 requires that in considering whether to grant listed building consent, special regard is to be had 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

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

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

ENV1 – Landscape, Seascape and Sites of Geological Interest  
ENV4 – Heritage Assets  
ENV16 - Amenity  
SUS2 – Distribution of Development  
COM7 – Creating a Safe and Efficient Transport Network

### **Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)**

HT2 Public Realm

### **Other material considerations**

#### **National Planning Policy Framework (2023)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Supplementary Planning Documents/Guidance For West Dorset Area:  
WDDC Design & Sustainable Development Planning Guidelines (2009)

Bridport Conservation Area Appraisal - adopted January 2003 (reviewed October 2010)

The application site is a detached building but it is adjacent to other former school buildings to the north of it, namely the former Bridport General School building which is described in the CAA as the foremost building in the Sub Area. "Its extravagant Tudor Revival style, elevated position and substantial form reinforce its significance."

## **12.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **13.0 Public Sector Equalities Duty**

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that the development would provide a defibrillator in a central location within the town, accessible via the car park and any member of the public requiring emergency medical treatment would benefit from this proposal, including those with protected characteristics.

## **14.0 Financial benefits - None**

## **15.0 Environmental Implications – None**

## **16.0 Planning Assessment**

### **Principle of Development:**

- 16.1** An alteration to the external appearance of the building may in principle be acceptable subject to other material considerations given its sustainable location near the centre of Bridport within the defined development boundary.

### **Impact on Designated Heritage Assets:**

- 16.2** The building is grade II listed and within the Conservation Area. Both are designated heritage assets. The addition of the defibrillator box would be a fairly minor alteration given that it would principally affect only one elevation of the building and is of a small size. However, its colouring would make it prominent on that elevation, but then its colouring is what helps make it readily locatable in the event of an emergency and is therefore appropriate to the use of the box. Overall given the size of the box it is considered that the change would be de minimis and even if it were to be concluded that on balance it did cause less than substantial harm to the character and appearance of the listed building as a result of the box colour it is considered that in this case the very low degree of harm attributed to it would be outweighed by the public benefit of the provision of a defibrillator in an accessible location close to the town centre and which would be available to all in the event of an emergency.
- 16.3** In terms of the setting of adjacent listed buildings, including the main school building identified in the conservation area appraisal as being the foremost building in the sub area, it is considered that the siting of the box on the western elevation of the building would not have any adverse impact on the setting of the adjacent listed building. It would be seen in the context of existing paraphernalia and street furniture in the wider street scene when looking east towards the school buildings, include lamp posts, signage and a ticket machine. The same applies in terms of the impact on the character and appearance of the Conservation Area and it is considered that given the de minimis nature of the development the Conservation Area character would be preserved. Overall it is considered that the proposed development accords with Policy ENV4 of the adopted local plan, Policy HT2 of the Neighbourhood Plan and the NPPF.

### **Impact on the AONB:**

- 16.4** Given the location of the site within the built-up area of Bridport it is considered that the development would not adversely impact on landscape character or the natural beauty of the AONB. Hence the development accords with Policy ENV1 of the adopted local plan.

### **Impact on residential Amenity:**

- 16.5** The nearest dwellings are in King Street to the west of the site and separated from the application site by a road and public car park. As such and given the nature of the development it is considered that it would have no adverse impact on residential amenity. Hence the development accords with Policy ENV16 of the adopted local plan.

### **Highway Safety:**

- 16.6** There would be no alterations to any access or parking provision as a result of the proposal. The location of the box is separated from the adjacent car parking spaces by an intervening area of planting and pavement. Given the nature and location of the development it is considered that it would have no adverse impact on highway safety. Hence the development accords with Policy COM7 of the adopted local plan.

## **17.0 Conclusion**

**17.1** It is considered that the proposed development would not adversely impact on the AONB, residential amenity or highway safety. The development when seen in the wider street scene context would preserve the character of the Conservation Area and would not result in harm to the setting of the adjacent listed building. Any harm to the character and appearance of the listed building to which the box would be attached, arising from the colour of the box, would be less than substantial harm which it is considered would be outweighed by the provision of a defibrillator in an accessible location close to the town centre. As such it is considered that the proposed development accords with Policies ENV1, ENV4, SUS2, ENV16 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015), Policy HT2 of the Bridport Neighbourhood Plan (2020) and the National Planning Policy Framework (2023).

## **18.0 Recommendation**

Grant subject to the following conditions:

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

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

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

Block, Site and Location Plan Drwg no. 23/095/01  
Existing and Proposed West Elevation Drwg no. 23/095/02

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