



# Western and Southern Area Planning Committee

**Date:** Thursday, 15 June 2023  
**Time:** 10.00 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

## Members (Quorum 6)

David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Dave Bolwell, Kelvin Clayton, Susan Cocking, Nick Ireland, Paul Kimber, Louie O'Leary, Mary Penfold, Sarah Williams, Kate Wheller and John Worth

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services  
Meeting Contact: Joshua Kennedy, [Joshua.kennedy@dorsetcouncil.gov.uk](mailto:Joshua.kennedy@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

## Agenda

Item	Pages
<b>1. APOLOGIES</b>	
To receive any apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

**3. MINUTES** 5 - 18

To confirm the minutes of the meeting held on 18 May 2023.

**4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee.

[GuidanceforspeakingatPlanningCommittee.doc.pdf](https://www.dorsetcouncil.gov.uk/GuidanceforspeakingatPlanningCommittee.doc.pdf)  
([dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)).

The deadline for notifying a request to speak is 8.30am on Tuesday 13 June 2023.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

- a) Application No 1/D/11/002012 - South West Quadrant, St Michael's Trading Estate, Bridport 19 - 138  
Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of 'Tower Building'. Appearance and landscaping reserved for further approval. (Further revised scheme).

An Appendix – July 2017 Report has been attached to this item for information only.

- b) Application No WD/D/16/002852 - Lilliput Buildings adjoining 40 St Michael's Lane, St Michaels Estate, Bridport. DT6 3TP 139 - 252

**Application for Full Planning Permission**

Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)

An Appendix – July 2017 Report has been attached to this item for information only.

- c) Application No P/RES/2021/04848 - Land at Foundry Lea, Vearse Farm, Bridport 253 - 372  
Construction of 760 dwellings, public open space (including play space and landscape planting), allotments, an orchard,

sports pitch provision, with associated changing rooms and car parking, pedestrian, cycle and vehicular links, drainage works and associated infrastructure (Reserved matters application to determine appearance, landscaping, layout and scale following the grant of Outline planning permission number WD/D/17/000986)

An appendix – Committee Report from August 2022 has been attached to this item for information only.

- |    |   |              |
|----|---|--------------|
| d) | Application No P/VOC/2023/00785 - Whitcombe Manor Stables, A352 Came Park Road to Main Road Broadmayne, Whitcombe, DT2 8NY<br>Erect 4 no. houses to existing yard and 3 no. houses to yard 2 without compliance with condition 4 of planning permission 1/E/96/000515 to remove restriction as to use.  | 373 -<br>382 |
| e) | Application No P/VOC/2023/00791 - Whitcombe Manor Stables, A352 Came Park Road to Main Road Broadmayne, Whitcombe, DT2 8NY<br>Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access (with removal of condition 11 of planning permission 1/D/09/001333) - restriction to use. | 383 -<br>392 |
| f) | Application No P/FUL/2023/01286 - 9-12 Land West Of Tobys Close Portland<br>Erection of one dwelling.   | 393 -<br>408 |
| g) | Application No P/FUL/2023/02025 - Scout Hall, Granby Close, Weymouth, DT4 0SR<br>Replacement Scout Hall.  | 409 -<br>422 |

## 6. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

## 7. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

**There is no scheduled exempt business for this meeting.**

## 8. SUPPLEMENT - UPDATE SHEET

423 -  
426





## WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 18 MAY 2023

**Present:** Cllrs Kelvin Clayton, Jean Dunseith (Vice-Chairman), Nick Ireland, Paul Kimber, David Shortell (Chairman) and John Worth

**Apologies:** Cllrs Dave Bolwell, Susan Cocking, Louie O'Leary, Sarah Williams and Kate Wheller

**Officers present (for all or part of the meeting):**

Ann Collins (Area Manager – Western and Southern Team), Charlotte Loveridge (Planning Officer), Philip Crowther (Legal Business Partner - Regulatory), Katrina Trevett (Development Management Team Leader), Elaine Tibble (Senior Democratic Services Officer), Joshua Kennedy (Apprentice Democratic Services Officer) and Joanne Langrish-Merritt (Planning Officer)

1. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

2. **Minutes**

The minutes of the meeting held on 20 April 2023 were confirmed and signed.

3. **Planning Applications**

Members considered written reports submitted on planning applications as set out below.

4. **Application No P/RES/2021/04848 - Land at Foundry Lea, Vearse Farm, Bridport**

This item was deferred until a later meeting due to technical reasons and was not determined at this committee meeting.

**Application No P/OUT/2021/03226 481 Chickerell Road, Chickerell, Dorset, DT3 4DQ**

The Development Management Team Leader presented the report for the erection of 6 no. 3 bedroom units in Chickerell. This application was originally submitted with 7 units, however it had been reduced to 6 following consultation with the Case Officer.

Members were shown the location of the site within Chickerell, as well as an aerial photograph and map highlighting the Defined Development

Boundary in Chickerell. Members were also shown a site plan and indicative floor plans and elevations of the units.

The Development Management Team Leader explained that although the application site was located outside of the Defined Development Boundary in Chickerell, it was considered that this was outweighed by the wildlife biodiversity benefits.

Members were shown a map outlining the 1.3 hectares of grassland adjacent to the application site, that had been agreed to be used for conservation purposes, due to the site being a likely travel area for Great Crested Newts, a European Protected Species. Therefore, the site in question was considered to be of national and European importance. The site would no longer be used for camping purposes and enhancement features would be installed to improve the biodiversity of the site, all secured by a S106 agreement.

The Development Management Team Leader also noted that this development did extend into the boundary of the Heritage Coast, however not as significantly as other nearby developments.

There was public representation from Ms Bruce, who spoke in support of the application as a representative of the applicant.

In response to questions from members the Development Management Team Leader informed the committee that:

- Dorset Council do currently have a 5-year housing land supply, however, didn't when this application was submitted.
- There would be no public access to the land, other than for ecologists, who will monitor the site and people carrying out biodiversity mitigation.
- All new dwellings will have to have windows agreed by condition to include soundproofing measures.

Several Councillors expressed concerns with this application being contrary to policy in the Neighbourhood Plan and felt that the habitat for Great Crested Newts was currently sufficient and the benefits of development did not outweigh the extra biodiversity measures.

Other members felt that this application was important for safeguarding this habitat for the future.

Proposed by Cllr Ireland and Seconded by Cllr Kimber.

Decision: That Delegated Authority be granted to the Head of Planning and Service Manager for Development Management & Enforcement to grant subject to a deed of variation to the S106 being completed to secure the correct GCN licensing regime and updated BP and subject to the conditions set out in the appendix to these minutes.

5. **Application No P/HOU/2023/00174 5 Overton Close, Timber Hill, Lyme Regis, DT7 3HQ**

The Development Management Team Leader presented the application to erect a first-floor extension to include a balcony as well as a front porch and associated works and landscaping.

The location of the site was shown within the northern area of Lyme Regis, as well as a photo of the single-storey bungalow under consideration and the surrounding properties.

Members were shown the proposed site plan, displaying the proposed elevations, roof line and floor plan of the property together with a photograph of the view from a neighbouring property, with the proposed roof line highlighted to show the extent of the application. The Development Management Team Leader explained that, a hedgerow would help to mitigate impacts on the neighbour's amenity and that the new roofline of 5 Overton Close would be approximately the same height as the hedgerow currently.

The Development Management Team Leader noted the application site was within the Defined Development Boundary and the Area of Outstanding Natural Beauty as well as showing pictures looking towards the site from The Cobb and Hill Road to highlight the limited impact from the increased roof height. The design and visual impact on amenity were considered to be acceptable and following the reduction in the roof height by 500mm to 1.3m above the existing roof line. The impact on neighbouring amenity was also considered to be acceptable and overcame previous refusal reasons.

Public representations were received from; Mr Offord, who spoke in opposition to this application, due to the impact it would have on the neighbouring properties; Ms Nokes, the applicant, who spoke in support of the application and Cllr Bawden, who spoke as the ward member in opposition to the application.

In response to a question from one member, the Development Management Team Leader explained that the proposed height of the extended property was such that there would still be long standing views from the neighbouring property over the top of the extension, which was not considered to have an overbearing impact on neighbouring amenity.

Proposed by Cllr Ireland and seconded by Cllr Worth.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

6. **Application No P/FUL/2022/07866 - Upton Manor Farmhouse, Uploders Road, Uploders, Dorset, DT6 4PQ**

The Planning Officer presented the report for both applications no P/FUL/2022/07866 and P/LBC/2022/07865 for the retention of a stone boundary wall.

Members were shown the site location and photographs of the stone wall, which had been in situ since 2018 and was constructed of natural stone. The wall was located within the Conservation Area and adjacent to Upton Manor Farm House, a Grade II\* listed building.

It was explained that although no objections had been made by the Conservation Officer, they did raise issues with the panels on the wall and this was the reason the application had come to the committee for determination.

The wall was not considered to be harmful to the nearby listed buildings or the wider Conservation Area, as such the application was recommended for approval.

Public representation was heard from the ward member Cllr Alford, who spoke in support of the application.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

7. **Application No P/LBC/2022/07865 - Upton Manor Farmhouse, Uploders Road, Uploders, Dorset, DT6 4PQ**

Proposed by Cllr Ireland and seconded by Cllr Kimber.

Decision: That the application was granted subject to the conditions set out in the appendix to these minutes.

8. **Application No P/FUL/2023/01474 - Dorset Fire and Rescue Service, Clay Lane, Beaminster, DT8 3BU**

The Planning Officer presented the application to erect a side extension to the Fire Station in Beaminster. It was explained that this application had come to the committee for determination because the application site was on land that was partially owned by Dorset Council.

Members were shown the location of the site within Beaminster and the boundaries of the Beaminster conservation area, which the application site was located outside of.

The site plan of the proposed extension was shown to members, and the Planning Officer explained that this would provide space for a lecture room and the current welfare facilities would be upgraded to provide separate showering facilities and an accessible toilet.

Proposed by Cllr worth and seconded by Cllr Clayton.



Decision: That the application was granted subject to the conditions set out in the appendix to these minutes.

9. **Urgent items**

There were no urgent items.

10. **Exempt Business**

There was no exempt business.

**Decision List**

**Duration of meeting:** 10.00 - 11.43 am

**Chairman**

.....

This page is intentionally left blank

## Western & Southern Area Planning Committee 18 May 2023 Decision List

**Application Reference:** P/OUT/2021/03226

**Application Site:** 481 Chickerell Road Chickerell Dorset DT3 4DQ

**Proposal:** Outline application for the erection of 6 no. 3 bedroom units (all matters reserved except access).

**Recommendation:** Delegate Authority to the Head of Planning and Service Manager for Development Management & Enforcement to grant subject to a deed of variation to the S106 being completed to secure the correct GCN licensing regime and updated BP and subject to conditions:

**Decision:** That Delegated Authority be granted to the Head of Planning and Service Manager for Development Management & Enforcement to grant subject to a deed of variation to the S106 being completed to secure the correct GCN licensing regime and updated BP and subject to the following conditions.

1. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended)..

2. Applications for approval of 'reserved matters' must be made not later than the expiration of three years beginning with the date of this permission.  
Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. No part of the development hereby approved shall commence until details of all reserved matters (landscaping, layout, scale, appearance) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

4. The development hereby permitted shall be carried out in accordance with approved plan: 1484/01, 1484/06 Rev A.

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

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 26 September 2022 must be strictly adhered to during the carrying out of the development.

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

- i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan or LEMP have been completed in full, unless any modifications to the approved Biodiversity Plan or LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
- ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan/the LEMP has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, permitted by Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. Before the commencement of development the precise levels of the finished floor slabs of the buildings hereby approved, with reference to a plan of a scale not less than 1:200 showing the fixed datum point, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the agreed plan.

Reason: To ensure that the buildings relate properly to neighbouring buildings and road levels in the locality and to safeguard the character and visual amenity of the area.

9. Before the development is occupied or utilised the turning/manoeuvring and parking shown on the submitted plan 1484/06 Rev A. must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

10. Before the development is occupied or utilised, the first 5.00 metres of the northern access crossing and drive must be constructed to a gradient not exceeding 1 in 12.

Reason: To ensure that the public highway can be entered safely.

11. Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway and into the site, must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

12. Prior to the commencement of development, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

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

13. No development shall commence until details of the enhanced sound insulation (for example double glazing with secondary glazing or triple glazing) to all windows in the development and details of the acoustic insulation performance of these windows compared to typical window elements shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the windows shall be installed in accordance with the approved details and shall be retained as approved and if any windows are replaced

these shall as a minimum have the same sound insulation properties as the approved units.

Reason: In order to protect the living conditions of future residents of the new dwellings having regard to neighbouring land uses.

**Informatives:**

1. Vehicle Crossings
2. Privately managed estate roads
3. S106
4. Public Right of Way
5. New dwellings (Street naming & numbering)
6. CIL
7. NPPF

**Application Reference:** P/HOU/2023/00174

**Application Site:** 5 Overton Close, Timber Hill, Lyme Regis, DT7 3HQ

**Proposal:** Erect a first-floor extension to include balcony, front porch and associated landscaping works.

**Recommendation:** Grant subject to conditions.

**Decision:** GRANTED 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:

119 STEP2\_01 Rev E Proposed ground, basement and first floor plan and roof plan

119 STEP2\_02 Rev E Elevations proposed

119 STEP2\_03 Rev C proposed site section

119 STEP2\_04 Rev C Proposed site section

119 STEP2\_05 Proposed site Plan

119 STEP2\_06 The location Plan

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

3. Prior to development above damp proof course level, 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 approved.

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

4. A single bat box or integrated bat box as detailed in the Arbtech Preliminary Roost Assessment submitted 6 December 2021 shall be erected prior to first occupation or use of the extension hereby approved and thereafter maintained and retained for the lifetime of the development.

Reason: To enhance or protect biodiversity.

**Informative:**

Informative- Geo technical information/condition

It is noted that this development may coincide with a scheme at 1 Overton Close. It is recommended that any ground related issues which emerge during the groundwork site assessment stage, for which ever development is first carried out, should be communicated to the Peter Chapman Ltd and the Local Planning Authority to ensure risk of instability to the wider area is minimised.

**Application Reference:** P/FUL/2022/07866

**Application Site:** Upton Manor Farmhouse Uploders Road Uploders Dorset DT6 4PQ

**Proposal:** Retain stone boundary wall.

**Recommendation:** GRANT subject to conditions.

**Decision:** GRANTED subject to the following conditions.

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

Location Plan DAS-21-74-01

Location and Block Plan DAS-21-74-01A

Floor Plans DAS-21-74-02

Elevations DAS-21-74-03

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

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

Location, Site, Proposed floor plans & elevations 16/208/001 Rev B

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

**Application Reference:** P/LBC/2022/07865

**Application Site:** Upton Manor Farmhouse Uploders Road Uploders Dorset DT6 4PQ

**Proposal:** Retain stone boundary wall

**Recommendation:** Grant subject to conditions.

**Decision:** Granted subject to the following conditions.

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

Location Plan DAS-21-74-01

Location and Block Plan DAS-21-74-01A

Floor Plans DAS-21-74-02

Elevations DAS-21-74-03

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

**Application Reference:** P/FUL/2023/01474

**Application Site:** Dorset Fire and Rescue Service, Clay Lane, Beaminster, DT8 3BU

**Proposal:** Erect side extension to existing fire station and creation of 2no. off street parking spaces

**Recommendation:** Grant planning permission subject to conditions.

**Decision:** Granted 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:

Location Plan – Dwg. No. 7003

Existing and Proposed Site and Floor Plans – Dwg No. 004 Rev B

Existing and Proposed Elevations – Dwg. No. 005 Rev D

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

3. Before the development is occupied or utilised the first 5.00 metres of the vehicle access, measured from the rear edge of the highway and into the site,



must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

4. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 004 Rev B must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

### **Informative:**

#### National Planning Policy Framework Statement

In accordance with paragraph 38 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 applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.

#### Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

This page is intentionally left blank

<b>Application Number:</b>	1/D/11/002012
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	SOUTH WEST QUADRANT, ST MICHAELS TRADING ESTATE, BRIDPORT
<b>Proposal:</b>	<p><b>Outline Application</b></p> <p>Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of 'Tower Building'. Appearance and landscaping reserved for further approval. (Further revised scheme).</p>
<b>Applicant name:</b>	Mr Hayward
<b>Case Officer:</b>	Matthew Pochin-Hawkes
<b>Ward Member(s):</b>	Cllr. Sarah Williams, Cllr. Kelvin Clayton and Cllr. Dave Bolwell

**1.0** Reason application is going to committee: Proposed change to S106 legal agreement Heads of Terms which were previously the subject of a planning committee resolution and to consider changes to national policy and the development plan which have occurred since the committee resolution.

**2.0 Summary of recommendation:**

**Recommendation A:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions detailed at Section 17 of this report.

**Recommendation B:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15<sup>th</sup> December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

**3.0 Reason for the recommendation:**

- Redevelopment of a highly sustainable allocated brownfield site within Bridport town centre for an appropriate mix of residential and commercial uses.
- The less than substantial harm to designated and non-designated heritage assets would be outweighed by the public benefits of the proposal.
- The reduced quantum of affordable housing has been rigorously assessed and found to be acceptable due to viability.
- There is not considered to be any significant harm to residential amenity.
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

This report relates to the outline application at St Michael's Trading Estate in Bridport. It is one of three separate, but related applications, for mixed use redevelopment of the Estate. This section summarises the key planning issues for the application.

Issue	Conclusion
Principle of development	The site is allocated in the Local Plan for mixed use development. Bridport Area Neighbourhood Plan (BANP) supports regeneration.
Employment	Whilst the proposal would result in a net loss of employment floorspace, the new build and refurbished spaces represents a qualitative improvement and would meet the needs of small businesses resulting in a net-gain in employment overall.

Residential	The dwellings are entirely acceptable in principle.
Housing mix	The size, form and type of dwellings (including houses and apartments) would meet a range of needs and would help to create a balanced and mixed community.
Affordable housing provision	Has been rigorously viability tested. 14 affordable dwellings would be secured within the development.
Affordable housing mix and distribution	Whilst the affordable housing mix is limited (all 2-bed apartments) and located entirely within one building (St Michael's Lane Buildings), it would meet local need and provide an appropriate tenure mix.
Heritage	Less than substantial harm to the Bridport Conservation Area and loss of Non-Designated Heritage Assets would be outweighed by benefits.
Area of Outstanding Natural Beauty	The proposal would not adversely affect the AONB.
Design (layout and scale)	Has been informed by the sensitive heritage context of the site. The layout and scale works in harmony with the existing site, retained heritage assets and the surrounding area.
Residential amenity	Significant adverse impacts from overlooking are avoided and appropriate residential amenity can be secured via planning conditions. Whilst the apartments within the Stover Building would not have private amenity space local open space is located close by.
Flood risk and drainage	Acceptable subject to conditions.
Ground conditions	Acceptable subject to conditions.
Highways, access and parking	Sufficient parking would be provided. No objection from the Highways Authority or National Highways.
Ecology and biodiversity	No adverse impacts on ecology or biodiversity. Net gains would be secured.
Energy efficiency and sustainability	Appropriate energy efficiency would be secured via planning condition

## **5.0 Description of Site**

5.1 St Michael's Trading Estate is a historic industrial estate on the West of Bridport. The site of the outline application comprises the majority of the BRID5 site allocation in the adopted West Dorset, Weymouth and Portland Local Plan (2015) excluding the Lilliput Buildings and 40 St Michael's Lane which form part of the related applications for full planning permission and listed building consent. The site also includes an area to the west of the site allocation adjacent to the River Brit and referred to as St Michael's Island. The site is bounded on the east by St Michael's Lane and the rear of residential properties, to the south by Foundry Lane, to the west by the River Brit and to the north by the Bridport Bus Station. 42-48 St Michael's Lane and the adjacent 3-storey apartment building (St Michael's Terrace) fall outside of the application site boundary.

5.2 With the exception of St Michael's Island and the area of the site adjacent to the River Brit, the site comprises previously developed land and provides a range of employment uses. There are numerous buildings across the site which are arranged in an east to west orientation towards the river with narrow gaps between the buildings reflecting the former ropewalks of the site's industrial past. Buildings range from single to three storey, with the tower of the Red Brick Buildings (to the south of the site) being the highest point on the Estate. The western part of the site is largely unoccupied, comprising hard standing and used for informal car parking. The site is predominantly level.

5.3 The surrounding area includes a mix of uses. Immediately north of the site is the Bridport Police Station, West Street Car Park and Bridport Bus Station, beyond which lies the B3162 (West Street) which leads to the centre of Bridport approximately 280m away. To the north east are residential dwellings and the Hope and Anchor Public House along St Michael's Lane, a Waitrose food store and Rope Walks Car Park accessed from Rope Walks. Buildings to the south east and south are in a mix of commercial and residential uses and include the Bridport Youth and Community Centre (BYCC) on Gundry Lane. To the west is the River Brit and adjacent open space, including tennis courts, children's play space and a skate park. A public footpath (W1/44) runs through this open space connecting West Street Car Park with another footpath (W1/29) which runs along the western bank of the River Brit to connect with an east-west footpath (W1/34) which leads to Foundry Lane to the south of the Estate. Surrounding buildings are predominantly two storey constructed in a mix of architectural styles.

## **6.0 Description of Development**

6.1 The proposed development is submitted in outline with matters of access, layout and scale submitted in detail and appearance and landscaping reserved for later determination.

6.2 The proposal comprises comprehensive redevelopment of the site through demolition and refurbishment of buildings to provide 83 dwellings (48 houses and 35 apartments within two blocks) and new and refurbished commercial floor space alongside associated car parking, new vehicular and pedestrian accesses, and repairs to the flood wall.

6.3 The houses would be arranged in five terraces (Rows A to E) comprising 2-3 storeys within the west of the site adjacent to the River Brit. A new road ('Lilliput Lane') would be created from West Street Car Park to provide access to the dwellings and a through-route to St Michael's Lane in the south east of the site. Lilliput Lane would essentially form a north/south division between houses and the wider Estate. The apartments are proposed in two apartment blocks: 'St Michael's Lane Buildings' fronting St Michael's Lane; and the Stover Building, within the centre of the site.

6.4 The two changes to the proposed development since the former West Dorset District Council Development Control Committee of July 2017 relate to:

- 1) the removal of an off-site highway contribution following further assessment of the highway implications of the development; and
- 2) the quantum of affordable housing, which the applicant proposes to reduce from 22 (24% including all housing within outline and detailed applications) to 14 (15%) dwellings owing to the revised viability of the proposal. The affordable homes would have a tenure mix of 70:30 affordable rented: intermediate. The housing mix is summarised as follows:

**Table 6.1: Housing Mix – Outline Application**

No. of bedrooms	Apartments		Houses			Total
	1-bed	2-bed	2-bed	3-bed	4-bed	
House Row A	0	0	7	0	1	8
House Row B	0	0	8	0	1	9
House Row C	0	0	1	11	1	13
House Row D	0	0	0	0	9	9
House Row E	0	0	8	0	1	9
Stover Building	6	15	0	0	0	21
St Michael's Lane Building	2	12	0	0	0	14
<b>Total</b>	<b>8</b>	<b>27</b>	<b>24</b>	<b>11</b>	<b>13</b>	<b>83</b>
Total (%)	9.6%	32.5%	28.9%	13.3%	15.7%	100%

**Table 6.2: Housing Mix – Outline and Detailed Application**

No. of bedrooms	Apartments		Houses			Total
	1-bed	2-bed	2-bed	3-bed	4-bed	
No. of dwellings	8	36	24	11	13	92
Total (%)	8.7%	39.1%	26.1%	12.0%	14.1%	100%

6.5 In combination with the associated detailed planning application, the proposals would involve the demolition of 3,681sq.m of existing commercial buildings, and the construction of 1,086sq.m of new floorspace – resulting in a net loss of 2,595sq.m overall. The proposed employment provision is summarised in the table below:

**Table 6.3: Employment Floorspace**

Floorspace (sq.m)	Detailed application (WD/D/16/002852)	Outline application (1/D/11/002012)	Total
Existing floorspace	1,541	9,005	10,546
Proposed demolitions	372	3,309	3,681
Proposed new floorspace	325	761	1,086
Net proposed	1,494	6,457	7,951
Change	-47	-2,548	-2,595

6.6 The buildings proposed to be demolished are identified on the 'Existing Masterplan Showing Demolition' drawing (ref: PL 002).

6.7 A total of 160 parking spaces would be proposed across the BRID5 allocation site. They would provide 1 space per residential unit (92) with the remainder (68) available for commercial tenants and visitors.

6.8 Access and landscaping would include an 8m-wide strip of land abutting the River Brit extending from the northern boundary of the application site to the Red Brick Buildings in the south. As well as forming part of the riverside walk, this area would also serve as a vehicle route and provide essential access for the Environment Agency (EA).

## 7.0 Background and Relevant Planning History

7.1 St Michael's Trading Estate has a detailed planning history. The application subject to this report has previously been considered twice by the former West Dorset District Council Development Control Committee where Member's resolved to grant permission subject to conditions and a Section 106 Agreement requiring a range of infrastructure requirements including affordable housing.

7.2 The relevant planning history is summarised in the table below:

**Table 7.1: Planning History**

App No.	Type	Proposal	Decision	Date
<b>Determined Applications</b>				
1/D/08/000574	OUT	Develop land by the erection of 175 dwellings, 1,814 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), a taxi office and a new bus station with associated office). Refurbish all remaining buildings and create new vehicular and pedestrian accesses	Refused	2 June 2009



1/D/08/000576	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33- 38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	Refused	2 June 2009
1/D/09/001051	OUT	Develop land by the erection of 173 dwellings, 1,904 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), and a new transport interchange with improved bus, coach and taxi facilities including 24 hour public conveniences). Refurbish all remaining buildings and create new vehicular and pedestrian accesses	Refused	26 August 2009
1/D/09/001052	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33- 38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	Refused	26 August 2009
1/D/11/002013	CAC	Demolish Buildings	Withdrawn	3 March 2017
WD/D/16/002853	LBC	Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing	Granted	7 August 2017

		unit); and (b) a net decrease of 47 sq.m of light industrial floorspace.(Revised scheme)		
<b>Live Applications</b>				
1/D/11/002012	OUT	Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of 'Tower Building'. Appearance and landscaping reserved for further approval. (Further revised scheme).	Pending	N/A
WD/D/16/002852	FULL	Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq.m of light industrial floorspace.(Revised scheme)	Pending	N/A
P/LBC/2022/071 18	LBC	Partial demolition and redevelopment of the Lilliput Building alongside the repair and re-use of the Grade II listed former Ropework Buildings, to the rear of no. 40 St. Michael's Lane, Bridport, to form 9 flats and improved commercial floor space.	Pending	N/A

### **Outline Application (1/D/11/002012)**

#### ***Initial Planning Committee – June 2012***

7.3 The outline application was registered on 02 January 2012, at which time it proposed the erection of 105 dwellings (66 houses, 4 maisonettes and 35 flats), new commercial floor space and space for the relocation of 'the Trick Factory' – an indoor skatepark which at that time was operating on the first floor of the Stover Building.

7.4 The application was considered by the former West Dorset District Council Development Control Committee on 21 June 2012 which resolved to grant planning permission subject to: (1) submission and agreement of an acoustic report demonstrating that the relocated Trick Factory could operate without detriment to the residential amenity of existing or proposed properties; (2) a Section 106 agreement to secure a range of infrastructure requirements, including affordable housing; and (3) various conditions.

7.5 Issuing a formal permission was dependent upon concluding the proposed Section 106 agreement. However, before this could happen English Heritage (now Historic England) extended the original listing of 40 St Michael's Lane (dating from 1975) to include "attached buildings to the rear and north-west", referred to locally as the Lilliput Building. This had the immediate effect of increasing the extent of listed buildings within the application site, effectively invalidating the committee's earlier resolution. A planning permission must have regard to the development plan and other material considerations as they apply on the day that the notice is issued, which would not have been the case in this instance. The extended listing of the Lilliput Building necessitated an amended procedural approach and brought policies into play that committee had not weighed in the planning balance as they were not relevant at the time of the planning committee.

### ***Second Planning Committee***

7.6 Following the initial planning committee the outline application was amended and separate but related applications for full planning permission (WD/D/16/002852) and listed building consent (WD/D/16/002853) were submitted in December 2016 – described in the sub-section below.

7.7 The scope of the outline application was changed in a number of ways to fix access, layout and scale at the outline stage (reserving appearance and landscaping for subsequent approval at the Reserved Matters stage) and remove 40 St Michael's Lane and the Northern Range of the listed buildings from the outline application site. The description of development was amended to reduce the number of dwellings from 105 to 83 (48 houses and 35 apartments) and references to making provision for the Trick Factory were removed. As well as fixing the number of dwellings the revised application proposed the demolition of 3,309sq.m of existing commercial floorspace and the construction of 761sq.m of new employment floorspace for uses within Class B1 (Light industrial) of the former Town and Country Planning (Use Classes) Order 1987 (as amended). This leads to an overall decrease of 2,548sq.m of commercial space.

7.8 The proposed layout was redesigned and revised illustrative materials were submitted to reflect the revised proposal. The revised application was accompanied by a series of revised and new documents and was subject to full re-consultation.

7.9 Members of the former West Dorset District Council Development Control Committee resolved to grant outline planning permission on 6 July 2017 subject to a Section 106 Agreement and planning conditions. The heads of terms of the Section 106 Agreement comprised:

- i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;

- ii. 22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme;
- iii. Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units.

The case officer’s report for the July 2017 committee is included at Appendix 1.

### **Applications for Full Planning Permission (WD/D/16/002852) and Listed Building Consent (WD/D/16/002853)**

7.10 The revised proposals for the Lilliput Building (the Northern Range to the rear of 40 St Michael’s Lane) were included within the separate applications for planning permission and listed building consent.

7.11 The Lilliput Building is a part single storey and part two storey structure. The proposals involve the demolition of the north-west corner of the building. It results in the demolition of 315sq.m of commercial space on the ground floor and 57sq.m. on the first floor. The proposals also involved taking down certain internal partitions throughout the building. The proposed development involves a replacement two and three storey building in the north-west corner, which, combined with the retained floorspace forms the foundation of a scheme to bring the building back into use as Class B1 employment space on the ground floor (325sq.m of new floorspace and 640sq.m refurbished) with nine residential units above.

7.12 The employment proposals result in an overall reduction of commercial floorspace of 47sq.m. The submitted plans show the ground floor subdivided into six separate units, of a range of different sizes and configurations.

7.13 The residential element of the scheme spans two floors. There are seven apartments on the first floor, including an existing unit which is proposed to be refurbished. Seven of the new apartments are contained within the new-build element of the scheme in the northwest corner; the remaining two are formed from the conversion of existing floorspace.

7.14 The history and significance of the Lilliput Building is examined in considerable detail in two reports submitted in support of these applications: (1) Philip Brebner’s “Historic Building Survey for The ‘Lilliput’ Buildings”; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. Both documents can be viewed in full online.

7.15 Members of the former West Dorset District Council Development Control Committee resolved to grant planning permission on 6 July 2017 subject to a Section 106 Agreement and planning conditions. The heads of terms of the Section 106 Agreement comprised those detailed above for the related outline planning application. Members also resolved to grant listed building consent subject to conditions. The listed building consent was issued but has since lapsed. A new application for listed building consent was submitted in 2022.

The case officer's report for the July 2017 committee is included at Appendix 1.

## 8.0 List of Constraints

- Area inside Defined Development Boundary
- Dorset 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)
- Landscape Character Areas: Urban and Undulating River Valley
- Contaminated Sites
- Main river 20m buffer
- Flood Zones 2 and 3
- Risk of Flooding from Surface Water: 1 in 100/year and 1 in 1000/year risk along the river corridor and St Michael's Lane
- Right of Way – Footpaths adjacent to the site: W1/44 and W1/34
- 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)

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

*Within the application site:*

- 40 St Michael's Lane and attached buildings to the rear and north-west (Historic England ref: 1287500). Note the Southern Range of the building (the Twine Store) falls within the application site.

*Within the setting of listed buildings:*

- 26, 28A and 28B St Michael's Lane (HE ref: 1287449)
- 36 and 38, St Michael's Lane (HE ref: 1227775)
- 42 and 44, St Michael's Lane (HE ref: 1227776)
- 46 and 48, St Michael's Lane (HE ref: 1227777)
- Hope and Anchor Public House (HE ref: 1227778)
- Warehouse Attached to East Side of No. 27 (Shangri La) (HE ref: 1227779)

Important Local Buildings identified in the Bridport Neighbourhood Plan within Sub-Area 7: South West Quadrant:

- St Michael's Lane Unit 104
- The ranges of industrial buildings attached to the rear of No. 40 St Michael's Lane (Note the Southern Range / Twine Store falls within the application site)
- No. 1 Stover Place
- Units 47 and 52 St Michael's Trading Estate
- Units 37, 60, 61 and 67 St Michael's Trading Estate
- Unit 58 St Michael's Trading Estate

- The Bridport Industries Building
- Nos. 66 to 69 St Michael's Lane
- The former Assembly Rooms in Gundry Lane

## **9.0 Consultations**

This section summarises the further consultation responses that have been received since the 6 July 2017 former West Dorset District Council Development Control Committee. Consultation responses received prior to the committee are summarised in the previous Committee Report (Appendix 1). All consultee responses can be viewed in full on the website.

### **Natural England**

Confirm agreement to the conclusions of Dorset Council's Habitat Regulations Assessment.

### **Environment Agency**

The EA has provided a clarification on detailed wording of planning conditions. They note the EA is reliant upon Dorset Council to ensure issues of co-dependency, phasing and maintenance of surface water management is appropriately managed between the outline and detailed proposals. The EA also recommends alder and Dorset apple varieties are incorporated within the proposals and notes additional habitat features within the site.

### **National Highways**

Following review of the Applicant's Transport Assessment Addendum (TAA), National Highways confirmed no objection to the proposed development and advised that off-site highway improvements are not required. Note the TAA provides a sufficiently robust assessment of the predicted development impact on the Strategic Road Network. National Highways also recommended that robust travel plan measures are secured to maximise the potential offered by the central location of the site and encourage take up of sustainable travel modes.

### **Dorset Council Highways**

No objection to the proposal subject to the same conditions previously recommended by Dorset Council Highways in comments dated 20 June 2017. These earlier comments recommended that an Outline Travel Plan be secured.

### **Housing Enabling Team**

No objection to the development and affordable housing mix. Although 14 affordable dwellings is less than the amount of affordable housing required by planning policy it is accepted that it is not viable to deliver the full amount of affordable homes. The proposed mix will ensure that there is on site provision of affordable homes and there is a high level of need for types of property that will be delivered.

There are currently over 4200 household on the Dorset Council Housing Register. Of these there are 252 households who have declared a local connection to the Bridport area (including Bridport, Allington and Bradpole). There is a high level of need for all property types, but the greatest demand is for smaller homes.

The last 1-bedroom flat advertised in Bridport had 60 bids. Recently advertised 2-bedroom flats have attracted 22 bids. This supports the fact there is a high demand for properties of this type.

**Lead Local Flood Authority**

The Flood Risk Management Team (Lead Local Flood Authority) provided amended flood risk management related conditions in response to the EA's comments and note the detailed surface water management scheme (proposed to be conditioned) should avoid the pumping of surface water.

**Tree and Landscape Officer**

No objection.

**Dorset Natural Environment Team**

Certificate of Approval issued.

**Dorset Council Environmental Protection**

Confirm Dorset Council Environmental Protection has no additional comments.

**Bridport Town Council**

Bridport Town Council note the Bridport Neighbourhood Plan has been made since the application was considered by the Local Planning Authority and state the proposal must accord with the neighbourhood plan.

In general terms, the town council state the proposals must:

1. Conserve and enhance listed and non-listed heritage assets;
2. Ensure that the current range of artisan/art activities can continue; and
3. Support new employment opportunities.

The town council specify that a number of detailed issues must be catered for in any permission granted, either by planning conditions or through further input by the applicant. The town council highlights a number of policies in the Bridport Neighbourhood Plan that should be complied with in relation to the following headline issues:

1. Housing and affordable housing – Request provision of affordable housing prioritises 1-2 bedroom social rented units and is distributed evenly across the development. Request the applicant consults with Bridport Area Community Housing.
2. Climate emergency – Commitment to carbon reduction requested and assessment against Policies CC2 and CC3 noted.
3. Commercial space – clarification requested on the existing amount of commercial space and request the applicant considers the provision of storage facilities for community organisations.
4. Heritage – including non-designated heritage assets and the phasing of development.
5. Green spaces – notably the protection and enhancement of the river corridor.

**Ward Councillors**

No comments received.

**Representations received**

Since the 6 July 2017 former West Dorset District Council Development Control Committee two objections from neighbouring residents have been received. In summary, the objections raise the following points:

- The antiques quarter should remain as it is, an artistic/artisan quarter and not for profit.
- Concerns with the co-location of residential and light industrial units. Noise and fumes from industrial uses will result in residents objecting to the industrial uses.

## 10.0 Relevant Policies

### West Dorset and Weymouth & Portland Local Plan (2015)

In line with the 2017 report to the former West Dorset District Council Development Control Committee, the following policies are still considered to be relevant:

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- ECON3 - Protection of other employment sites
- ECON4 - Retail and Town Centre Development
- HOUS1 - Affordable housing
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and HMOs
- COM1 - Community infrastructure
- COM5 - The retention of open space and recreational facilities
- COM7 - Creating a safe and efficient transport network
- COM9 - Parking standards in new development
- COM10 - The provision of utilities service infrastructure
- BRID5 - St. Michael's Trading Estate

### Bridport Neighbourhood Plan 2020-2036 (2020)

The Bridport Neighbourhood Plan was made in May 2020. The Plan was not part of the Statutory Development Plan at the time of the 2017 former West Dorset District Council Development Control Committee. The following policies are considered to be relevant:



- CC1 - Publicising carbon footprint
- CC2 - Energy and carbon emissions
- CC3 - Energy generation to offset predicted carbon emissions
- AM1 - Promotion of active travel modes
- AM2 - Managing vehicular traffic
- AM3 - Footpath and cyclepath network
- AM5 - Connections to sustainable transport
- AM6 - Transport hub proposal
- EE2 - Provision for new and small businesses
- H1 - General affordable housing policy
- H2 - Placement of affordable housing
- H4 - Housing mix and balanced community
- H6 - Housing development requirements
- H7 - Custom-build and self-build homes
- HT1 - Non designated heritage assets
- L1 - Green corridors, footpaths, surrounding hills and skylines
- L2 - Biodiversity
- L5 - Enhancement of the environment
- COB1 - Development in the centre of Bridport
- COB3 - Small business support
- COB4 - St Michael's support for the creative industries
- D1 - Harmonising with the site
- D3 - Internal transport links
- D4 - Mix of uses
- D5 - Efficient use of land
- D6 - Definition of streets and spaces
- D7 - Creation of secure areas
- D8 - Contributing to local character
- D9 - Environmental performance
- D10 - Mitigation of light pollution
- D11 - Building for life

## **Material considerations**

### **National Planning Policy Framework (2021)**

The latest version of the NPPF was published in 2021. At the time of the 2017 former West Dorset Development Control Committee the version was 2012. The relevant sections include:

- Section 2. 'Achieving sustainable development':
- Section 4: '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...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.

Of relevance to viability, Para. 58 of the NPPF states that 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 6 'Building a strong, competitive economy'
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Section 11 'Making effective use of land'. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 'Achieving well designed places. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal

change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 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). 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).

### **Other Material considerations**

Planning Practice Guidance (PPG). Of relevance to viability, the PPG explains with regard to changes in site circumstances that 'Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.' Paragraph: 007 Reference ID: 10- 007-20190509

South West Quadrant Bridport Regeneration Framework (2002)

Supplementary Planning Documents/Guidance Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Landscape Character Assessment February 2009 (West Dorset)

WDDC Design & Sustainable Development Planning Guidelines (2009)

The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66 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. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010). The Bridport Conservation Area was first designated in 1972 and was centred on the historic core of the town. It has subsequently been extended four times, the last occasion being in October 2010, when the latest Conservation Area Appraisal

which included a westward extension of its boundary was adopted by West Dorset District Council. The site falls within the South West Quadrant Sub-Area which is focused around St Michael’s Trading Estate.

### 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 Public Sector Equalities Duty. In particular:

- Access; there would be improved footpaths through the site linking with surrounding public rights of way and providing improved access to the Bridport Bus Station. Subject to Reserved Matters Approval, it is expected that the new housing and employment provision would provide inclusive access.
- Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

### 13.0 Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material Considerations	
Market housing	69 open market dwellings
Affordable housing	14 affordable dwellings
Open space	Including improved river corridor and access.

Implementation of Biodiversity Management Plan	Including biodiversity net gains, creation of an 8m strip along the banks of the River Brit and enhancement of St Michael's Island.
Improved employment space	Including through an Employment Buildings Refurbishment Scheme.
Community Infrastructure Levy (CIL)	In accordance with West Dorset CIL Charging Schedule and CIL Regulations
<b>Non Material Considerations</b>	
Council Tax	According to value of each property
Business Rates	According to rateable value of each unit
New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767

## 14.0 Environmental Implications

14.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.

14.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

14.3 This has to be balanced against the benefits of providing housing and enhanced employment provision in a highly sustainable location and should be offset against factors including the provision of electric car charging, low-carbon / renewable energy and the dwellings being reasonably energy efficient as required by Building Regulations and the 2021 Approved Documents. The new Building Regulations require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively.

14.4 As a brownfield site within the Defined Development Boundary of Bridport, the proposed redevelopment is inherently sustainable in that it would provide new homes and employment opportunities in a sustainable location in close proximity to public transport. This would reduce pressure on the redevelopment of greenfield sites and support active travel and transport by more sustainable modes.

14.5 The applicant has confirmed the potential to reduce carbon emissions through the use of ground source heat pumps and potential to meet BREEAM Excellent subject to detailed design and viability. Appropriate conditions are proposed to secure this.

## 15.0 Planning Assessment

15.1.1 The only changes to the proposed development since the former West Dorset Development Control Committee of July 2017 relate to the quantum of affordable housing, which the applicant proposes to reduce from 22 to 14 dwellings owing to the revised viability of the proposal, and provision of off-site highway works.

15.1.2 Notwithstanding the limited scope of changes, the below assessment revisits the material planning considerations of the proposal with reference to the previous 2017 Committee Report (Appendix 1) given the intervening adoption of the Bridport Neighbourhood Plan (2020) and newer version of the NPPF (2021). Matters such as biodiversity and highways have also been re-assessed following the respective submission of an updated Biodiversity Plan and Transport Assessment.

### **Principle of development**

15.2.1 The principle of comprehensive mixed-use redevelopment of St Michael's Trading Estate is established by site allocation BRID5 of the Local Plan. The allocation designates the site for mixed-use development subject to:

1. the retention and restoration of buildings of historic interest;
2. ensuring the maintenance or enhancement of employment opportunities;
3. respecting the character of the conservation area, including the historic plot patterns;
4. the provision of a riverside walk;
5. the provision for a wildlife corridor along the River Brit, including St Michael's Island.

15.2.2 The supporting text notes the potential role of residential development in helping to secure a viable future for the historic buildings and small-scale employment opportunities.

15.2.3 The NPPF establishes a presumption in favour of sustainable development and seeks opportunities to deliver net gains across each of the three objectives of sustainable development (Paras. 8 and 11). In promoting sustainable development, the NPPF supports the efficient use of land and requires making as much use as possible of previously developed land, specifically acknowledging the multiple benefits that can be delivered through mixed-use schemes (Paras. 119-120).

15.2.4 In tandem with the related applications for detailed planning permission and listed building consent, the proposal would result in comprehensive redevelopment of the site to provide a mix of residential and industrial uses as envisaged by the site allocation.

15.2.5 The following sections of this report consider the principle of the proposed uses. The other detailed aspects noted in the site allocation (Nos. 1-5 above) are assessed in subsequent sections.

### ***Employment (Proposed and loss of existing)***

15.3.1 It is a strategic objective of the Local Plan to *"increase employment opportunities"* and the ensuing strategic approach acknowledged that this be achieved, in part, through *"the suitable protection of existing employment sites (taking into account their significance) ..."*. Looking specifically at St Michael's Trading Estate it is an expectation of Local Plan Policy BRID5 that any redevelopment will ensure *"the maintenance or enhancement of employment opportunities"* (No. 2 above).

15.3.2 There are a wide variety of businesses at St Michael’s Trading Estate. These include light industrial, manufacturing and storage – conventional B Class – Uses, the Red Brick Café (Class E) together with some uses that have a high degree of retail sales (Class E) or fall outside of the use classes order, being Sui Generis (including Snips Hair and Beauty Salon). Whilst the Estate includes a varied mix of employment and retail space, it is clear the Estate is in desperate need of investment, repair and refurbishment to bring space up to modern standards and optimise the employment and economic benefits. The applicant advises 2,009sq.m of floorspace across the Estate is currently unlettable for various reasons, including poor condition, lack of access and inadequate welfare facilities. The poor condition is due to a number of reasons, including fire damage to the East Wing of the Tower Building caused by a fire in 2018.

15.3.3 Since the application was considered by the planning committee in 2017, amendments to the Use Class Order have been made to replace former uses classes A1-A5, B1, D1 and D2. However, as the application was submitted prior to the Use Classes Amendment Order (2020) coming into effect, the application must be determined with reference to the former uses classes as they were before the Order came into effect.

15.3.4 Whether or not the proposed employment uses maintain or enhance employment opportunities (in line with Local Plan Policy BRID5) is the key consideration underpinning the acceptability of the proposed employment uses.

15.3.5 In line with the 2017 Committee Report, it is relevant to consider the principle of employment comprehensively across the industrial state having regard to the outline and detailed proposals. The total existing amount of employment floorspace across St Michael’s Trading Estate is 10,546sq.m, although 2,009sq. m (19%) is identified as unlettable. This leaves 8,537sq.m active space available for letting, albeit to varying degrees of intensity. Since the 2017 committee, the applicant advises that employment has increased slightly from 127 to 131 Full Time Equivalent (FTE) jobs. Notwithstanding this modest increase, the conclusions of the 2017 report remain valid and provide a robust assessment of employment provision.

15.3.6 The table below summarises changes of employment across St Michael’s Trading Estate:

**Table 15. 1: Employment Provision**

<b>Floorspace (sq.m)</b>	<b>Outline application (1/D/11/002012)</b>	<b>Detailed application (WD/D/16/002852)</b>	<b>Total</b>
Existing floorspace	1,541	9,005	10,546
Proposed demolitions	372	3,309	3,681
Proposed new floorspace	325	761	1,086
Net proposed	1,494	6,457	7,951
Change	-47	-2,548	-2,595

15.3.7 The amount of retained floorspace matches the floorspace stated within BANP Policy COB4 for small and start-up businesses.

15.3.8 The applicant continues to maintain they can increase current levels of employment to 225 FTE (a net gain of 94 FTE jobs). This would be achieved by: (a) providing new, purpose-built floorspace in the Lilliput and Stover buildings; and (b) upgrading the 6,865sq.m. of retained floorspace in the historic buildings. Given no changes to employment provision are proposed, the conclusions of the 2017 Committee Report remain valid in that: the proposals would ensure the “*maintenance or enhancement of employment opportunities*” as noted in Policy BRID5 when assessed against job numbers. The employment opportunities would be further enhanced through the construction of purpose-built floorspace which meets modern occupier requirements. In light of the changes to the Use Classes Order, and in the interests of residential amenity, a planning condition requiring the new commercial floorspace to be occupied in B1 use is proposed.

15.3.9 Whilst the proposals would result in a quantitative net loss of employment floorspace, the quality would be substantially improved and opportunities to make more efficient use of floorspace would be provided. The improvements to existing employment space are identified in Appendix C of the Design and Access Statement. This identifies five levels of work that would be conducted in four phases. The first two phases of “essential” work would be carried out as part of the proposed development.

15.3.10 The resolution of the 2017 committee required a Section 106 Agreement requiring “*agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved*”.

15.3.11 The applicant has explored revised phasing since the 2017 committee to improve the viability of the development (see assessment section below). The applicant’s Affordable Housing Viability Review includes costs of approximately £2m towards refurbishment of employment floorspace. The proposed phasing plan links the phased occupation of the dwellings with the delivery of the essential refurbishment works. The three commercial refurbishment phases (Phases 3A, 3B and 3C) are shown to take place in parallel with the construction of the houses with completion of the final commercial refurbishment phase (Phase 3C) and occupation of the final open market dwellings happening at the same time.

15.3.12 The phasing triggers are proposed to form the basis of triggers within the Section 106 to ensure development proceeds in a phased manner and the delivery of commercial floorspace is incentivised. The phasing is summarised as follows:

**Table 15.2 – Phasing of Housing Delivery**

<b>Phase</b>	<b>Commencement of Construction</b>	<b>Completion of Construction</b>
1A – Open market houses	January 2024	December 2026 (Final occupation July 2027)
1B – Stover Building		
1C – Lilliput Building		
1D – New Build Commercial		
2 – Affordable Housing	January 2025	April 2026



3A – Commercial Refurbishment	June 2025	May 2026
3B – Commercial Refurbishment	February 2026	January 2027
3C – Commercial Refurbishment	February 2026	July 2027

15.3.13 Subject to securing appropriate phasing and refurbishment works through the Employment Buildings Refurbishment Scheme, the development would be acceptable in employment terms and it is not necessary or reasonable to refer to specific refurbishment costs within the Section 106 Agreement. For the avoidance of doubt, the dates specified above are illustrative. The phasing within the Section 106 would be based on months from commencement and occupation timescales.

15.3.14 Bridport Town Council comment that the proposals should ensure the current range of artisan/art activities can continue and an objection states the antiques quarter at the Estate should remain as existing and should be non-profit. It is clear from the state of disrepair that the Estate is in need of investment. This requires viable proposals which fund the refurbishment works and ongoing maintenance and investment in the Estate. Requiring part of the Estate to be operated on a not-for-profit basis would undermine the viability of the development and is not required by the Development Plan. Whilst there would be a net loss in floorspace overall, the proposed refurbishment works and new B1 space would provide a range of unit sizes that would provide opportunities for creative, artisan and antiques uses to continue together with new start-up and small businesses within growth sectors.

15.3.15 The proposals accord with BANP Policies EE2 and COB4 and have potential to meet the requirements of BANP Policy COB3 at the detailed design/reserved matters stage through the design of small units up to 280sq.m. The loss of existing floorspace and reprovision of new build and refurbished floorspace is acceptable.

### **Residential**

15.4.1 As an allocated site within the Defined Development Boundary of Bridport (a second tier settlement) the provision of housing is acceptable in principle.

15.4.2 The NPPF (Para. 47) is clear that significantly boosting the supply of housing is one of the Government’s key objectives. The NPPF (Para. 119-120) promotes the efficient use of land in meeting the need for homes and other uses and encourages the realisation of the multiple benefits of mixed use schemes. Pertinent to St Michael’s Trading Estate, the NPPF states that substantial weight should be given to the use of suitable brownfield land within settlements for homes and supports the *“development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example... building on or above service yards, car parks, lock-ups and railway infrastructure).”*

15.4.3 The Local Plan (Table 3.1) identifies St Michael’s Trading Estate for the potential delivery of 105 dwellings, reflecting the former West Dorset Development Control Committee’s resolution from 2012. The figure was subsequently updated to 92 dwellings in the West Dorset, Weymouth and Portland Five Year Housing Land Supply (5YHLS) statement (April 2021) to align with the resolutions for the 2017 committee.

15.4.4 No changes to the design or quantum of housing have been proposed since the application was considered by committee in 2017. In line with the 2017 committee Report, the proposed development would continue to deliver a net increase of 91 dwellings across the Trading Estate as a whole<sup>1</sup>: 83 within the outline application and eight within the Lilliput Building which forms part of the associated application for detailed planning permission and listed building consent. The housing would make a significant contribution towards housing delivery and is entirely acceptable in principle subject to securing appropriate residential amenity for new residents.

15.4.5 Members should be aware that at the time of the previous committee, the local planning authority was unable to demonstrate a 5 Year Housing Land Supply, whereas the local planning authority is currently able to do so.

15.4.6 The principle of including residential within the mix of proposed uses is acceptable.

### Housing Mix

15.5.1 The Local Plan requires a mix in the size, type and affordability of open market dwellings, taking into account the current range of housing types and likely demand in view of changing demographics (Policy HOUS3). The type, size and mix of affordable housing is expected to address the identified and prioritised housing needs of an area and should be proportionate to the scale and mix of market housing, resulting in a balanced community (Policy HOUS1).

15.5.2 BANP Policies H4 and H6(1b) seek to ensure that major housing developments include a mix of housing types and sizes to meet a range of needs, with the mix guided by the latest Bridport Area Housing Needs Assessment (2019). BANP Policy H7 encourages the inclusion of 4% custom-build and self-build homes as part of major developments.

15.5.3 The proposed housing mix across the Estate is noted below. Nine of the apartments would be located within the detailed element of the application (WD/D/16/002852).

**Table 15.3: Housing Mix – Outline and Detailed Application**

	Apartments		Houses			
No. of bedrooms	1-bed	2-bed	2-bed	3-bed	4-bed	Total
No. of dwellings	8	36	24	11	13	92
Total (%)	8.7%	39.1%	26.1%	12.0%	14.1%	100%

15.5.4 Within the outline element, 83 proposed dwellings would be arranged across a series of terraces and two apartment buildings:

**Table 15.4: Housing Mix – Outline Application**

Apartments	Houses
------------	--------

<sup>1</sup> Flat 1.7 in the Lilliput Buildings is a refurbishment of an existing unit

No. of bedrooms	1-bed	2-bed	2-bed	3-bed	4-bed	Total
House Row A	0	0	7	0	1	8
House Row B	0	0	8	0	1	9
House Row C	0	0	1	11	1	13
House Row D	0	0	0	0	9	9
House Row E	0	0	8	0	1	9
Stover Building	6	15	0	0	0	21
St Michael's Lane Building	2	12	0	0	0	14
<b>Total</b>	<b>8</b>	<b>27</b>	<b>24</b>	<b>11</b>	<b>13</b>	<b>83</b>
Total (%)	9.6%	32.5%	28.9%	13.3%	15.7%	100%

15.5.5 The proposed housing mix would provide a broad mix of dwelling types and sizes geared towards smaller 1- and 2-bedroom dwellings, which together make up over 70% of the dwellings proposed. This would be appropriate for the location within the town centre of Bridport and directly responds to the Bridport Area Housing Needs Assessment (2019).

15.5.6 The proposed development does not currently make provision for custom-build or self-build homes. However, such homes could be provided at the reserved matters stage and are, in any event, not mandated by BANP Policy H7.

15.5.7 Overall, the size, form and type of housing would meet a range of needs and would help to create a balanced and mixed community in accordance with BANP Policies H4 and H6(1c).

### **Affordable Housing Provision**

15.6.1 The Section 106 heads of terms included with the resolution of the 2017 Development Control Committee included the provision of *“22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme.”*

15.6.2 Following the 2017 committee, the applicant undertook a review of the viability of the development and produced an Affordable Housing Viability Review report (dated July 2021).

15.6.3 Paragraph 58 of the NPPF states that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force...”*.

15.6.4 In this case, the importance of achieving a viable development is recognised in the supporting text of the Local Plan site allocation (Para. 13.6.1) and the challenging viability of the site was acknowledged in the 2017 Committee Report, which included consideration of a viability assessment. Since the previous committee, the Applicant has further reviewed scheme viability and demonstrated

that the phased delivery of affordable housing resolved at the 2017 West Dorset Development Committee is no longer viable. Officers are satisfied that the need for a viability assessment has been appropriately demonstrated due to the heritage-related and flood risk costs associated with this complex phased mixed use development.

15.6.5 The submitted Affordable Housing Viability Review report considers the detailed phasing of the development and the scope of essential restoration works to the employment uses across the site. It reports the applicant’s discussion with a registered social landlord (RSL) to meet the affordable housing obligations of the 2017 resolution. In summary, the report concludes that the delivery of 22 affordable dwellings and front loading of commercial refurbishment works (referred to as ‘Option B’) as resolved at the 2017 committee is unviable.

15.6.6 The report assesses an alternative option (referred to as ‘Option A’) to provide 14 affordable dwellings together with a commitment to carry out refurbishment works to some of the retained commercial buildings on the Estate. The phasing of Option A provides for the advanced commencement of open market dwellings and concurrent delivery of the affordable dwellings and refurbished commercial buildings across the Estate. The applicant’s Affordable Housing Viability Review concludes that Option A is viable.

15.6.7 The refined phasing of dwellings is outlined below. Subject to securing the phasing via a Section 106 Agreement, it would ensure construction of the affordable housing is commenced before the first open market dwelling is occupied and would ensure all affordable homes are available for occupation before the 40<sup>th</sup> open market dwelling is occupied.

**Table 15.5 – Phasing of Housing Delivery**

<b>Milestone</b>	<b>Date</b>
<b>Phase 1: Open Market Housing</b>	
Start construction	Jan 2024
1 <sup>st</sup> dwelling occupied	Jan 2025
30 <sup>th</sup> dwelling occupied	Dec 2025
48 <sup>th</sup> dwelling occupied	July 2026
69 <sup>th</sup> dwelling occupied	April 2017
78 <sup>th</sup> (final) dwelling occupied	July 2027
<b>Phase 2: Affordable Housing</b>	
Start construction	Jan 2025
Completion construction	April 2026
Occupation of all dwellings	Prior to occupation of 40 <sup>th</sup> open market dwelling

15.6.8 The applicant’s Affordable Housing Viability Review has been independently reviewed by the District Valuer Services (DVS). The conclusion of that work are reported in DVS’ Viability Review Report (dated 5 October 2022). In summary, the report concludes that the provision of 14 affordable dwellings (as proposed by the

applicant) would still be unviable. Through gradual reduction of the affordable housing provision DVS' report finds the delivery of 7 affordable dwellings would be viable.

15.6.9 Notwithstanding the conclusion by DVS, the applicant has confirmed they would provide 14 affordable dwellings (15%) across the Estate subject to the above phasing and provision of affordable dwellings within the St Michael's Lane buildings. This represents a reduction of 7 affordable dwellings (-9%) compared to the 22 affordable dwellings (24%) proposed in 2017.

15.6.10 The reduction in affordable housing is regrettable. However, on the basis of the rigorous independent review of the applicant's viability review, and the benefits of bringing forward the regeneration of St Michael's Trading Estate, the revised affordable housing offer of 14 dwellings is justified under part iii) of Local Plan Policy HOUS1. The policy allows for a lower level of provision where *"there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought"*. In this instance, there are good reasons for bringing the development forward. The site is allocated for comprehensive mixed use development and the allocation (BRID5) seeks to secure the restoration of historic buildings and realisation of employment opportunities. The supporting text to the allocation (Para. 13.6.1) recognises the regeneration of St Michael's Trading Estate is important to secure a viable future for its historic buildings, and employment opportunities it provides, and notes the inclusion of residential development could help to ensure a viable scheme. The proposed development would unlock these opportunities.

15.6.11 The Housing Enabling Team acknowledges the challenging viability of the development and does not raise an objection.

15.6.12 In summary, the revised affordable housing offer is considered acceptable and in accordance with Local Plan Policy HOUS1, BANP Policy H1 and the NPPF subject to securing provision of 14 affordable dwellings with a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing.

### **Affordable Housing Mix and Distribution**

15.7.1 Local Plan Policy HOUS1 states the type, size and mix of affordable housing should reflect identified needs and should be proportionate to the scale and mix of market housing and designed to the same high quality resulting in a balanced community of housing so that it is 'tenure blind.'

15.7.2 BANP Policy H1(2) notes affordable housing mix will be guided by the latest Bridport Area Housing Needs Assessment. BANP Policy H2 states that affordable housing and open market housing will be fully integrated and evenly distributed across sites in such a way that once completed any quality and location differences are indiscernible.

15.7.3 The affordable housing mix, tenure and distribution is proposed to be secured via an Affordable Housing Scheme prior to commencement of development. Whilst the mix could be adjusted as part of the Affordable Housing Scheme, the applicant has confirmed the intention to deliver all 14 affordable dwellings within the St

Michael’s Lane Buildings. This would result in the provision of 2 x 1-bed apartments and 12 x 2-bed apartments, directly responding to the Bridport Area Housing Needs Assessment (2019), which identified higher demand for smaller 1- and 2-bed affordable rented homes. The applicant has also confirmed they have discussed the proposals with Bridport Area Community Housing (BACH).

15.7.4 The approach of locating all affordable homes within the St Michael’s Lane Buildings would not evenly distribute affordable housing across the Estate, as sought by Bridport Town Council and BANP Policy H2. However, as explored in the applicant’s viability assessment, the proposed approach would support the viability of the development and would enable the provision of 14 affordable dwellings. The final mix and distribution of affordable housing would be determined via the Affordable Housing Scheme to be secured as part of the S106 Agreement. There is therefore some flexibility for a revised distribution to provide some integration across the Estate, albeit the intended distribution is considered to be acceptable on balance.

15.7.5 Given the challenging viability of the proposed development, limited number of affordable dwellings and provision of housing across multiple phases, it is not considered justified to require the developer to provide an equal percentage of affordable housing across each phase as encouraged by BANP Policy H6(2). Such a requirement would undermine the viability of the proposed development and RSL management benefits of co-locating affordable homes in clusters. A condition relating to the appearance of the buildings (a reserved matter) would ensure dwellings are tenure blind. This would be assessed at the Reserved Matters stage. The requirement for similarly sized affordable and open market dwellings to be materially indistinguishable (in terms of outlook, design and appearance) via the Affordable Housing Scheme would further ensure housing would be tenure blind.

15.7.6 The Housing Enabling Team has reviewed the proposed affordable housing mix. They confirm there are 252 households who have declared a local connection in the Bridport area on Dorset Council’s Housing Register with the greatest need for smaller 1-bed (129 households) and 2-bed (80 households). The table below summarises the local need:

**Table 15.6 – Housing Register in Bridport Area (February 2023)**

Band	Bedroom need					Total
	1	2	3	4	5	
A - Urgent Housing Need	4	2	2			8
B - High Housing Need	29	3	3	1	1	37
C - Medium Housing Need	17	23	18	3	1	62
D - Low Housing Need	79	52	12	2		145
<b>Total</b>	<b>129</b>	<b>80</b>	<b>35</b>	<b>6</b>	<b>2</b>	<b>252</b>

15.7.7 The Housing Enabling Team also confirms there is high-demand for 1- and 2-bed flats, with the last 1-bed flat advertised in Bridport receiving 60 bids and a recently advertised 2-bed flat attracting 22 bids. This supports the proposed affordable housing mix and typology.

15.7.8 On balance, the proposed mix and intended distribution of affordable housing is acceptable.

## **Heritage**

15.8.1 St Michael's Trading Estate falls entirely within the Bridport Conservation Area, a designated heritage asset for the purposes of applying the relevant policy of the NPPF. The Estate includes a number of non-designated heritage assets and listed buildings (as noted in Section 8 of this report).

15.8.2 The Estate is contained within Sub-Area 7 of the Conservation Area, South West Quadrant, identified in the Bridport Conservation Area Appraisal.

15.8.3 Historic England sums up the significance of St Michael's Trading Estate as follows:

*“The South West Quadrant of Bridport is a nationally significant area of historic textiles activity which underpins the raison d’etre of the town and plays an important part in defining the character and appearance of the town and its conservation area. That activity, in its functional imperatives, determined the spatial arrangements of the Quadrant, and in particular the physicality of related buildings and spaces. While certain buildings, such as Priory Mills and the Bridport Industries Works, are notable and architecturally distinctive landmarks, much of the surviving historic estate spans a considerable period of time, is simple and spare in its vernacular, and capable of being easily overlooked in the value of its contribution to the significance of the site as a whole. The total is therefore greater than the sum of its parts, and it is important as a consequence that any proposals for intervention demonstrate an holistic understanding of the site and its relationship with its context, and especially of the inter-relationships between buildings and spaces rather than seek to promote it as a disaggregation of its constituent elements.”*

15.8.4 Since the application was considered by committee in 2017, the BNAP has been made. The neighbourhood plan includes Policy HT1 on non-designated heritage assets and the associated Locally Valued Non Designated Heritage Assets List (March 2019) identifies a number of buildings within the Estate as non-designated heritage assets. Bridport Town Council comment that the proposals must be assessed against Policy HT1 and note the phasing of the development should contribute to the protection of listed and non-listed assets.

15.8.5 With regard to Bridport Town Council's comments on phasing, the outline phasing strategy that has been worked up alongside the viability assessment would contribute to the protection of listed and non-listed assets by ensuring essential repairs are delivered in a timely manner.

15.8.6 The non-designated heritage assets within St Michaels Trading Estate are identified in the Bridport Conservation Area Appraisal (2010) and were thoroughly considered in Historic England's consultation response (28 March 2017) and in the 2017 Committee Report (see Paras. 8.68-8.103). Accordingly, the heritage context of the site has not changed since the 2017 committee and the conclusions on less than substantial harm to the Bridport Conservation Area through construction of Lilliput Lane and harm to the Tin Shed and Stover Building through their proposed

demolition remain valid. As noted at Para. 8.103 of the 2017 Committee Report, the applicant acknowledges that the Tin Shed is still perceived to have local heritage value and has agreed to it being relocated as the part of the proposals for new employment floorspace around Cattlemarket Square. This is recommended as a condition and is subject to the detailed design of and practicalities of relocating the building given the poor stage of repair.

15.8.7 For completeness, it is appropriate to outline the assessment of heritage impacts on other heritage assets within proximity to the site (identified in Section 8 of this report). Their significance is summarised as follows:

26, 28A and 28B St Michael's Lane (HE ref: 1287449)

15.8.8 The significance of these buildings lies in their spatial and visual relationship (group value) with the street-fronting domestic buildings of the former net and twine works on the west side of St Michael's Lane (the application site) and the Hope & Anchor Pub on the east side together with their visual experience from St Michael's Lane, from where their form as stone-built 18<sup>th</sup> century cottages can be understood and appreciated. The buildings reflect how this part of Bridport historically contained enclosed streets of worker's cottages. They form an important collection of remaining buildings and contribute positively to the character and appearance of the Conservation Area.

36 and 38, St Michael's Lane (HE ref: 1227775) / 42 and 44, St Michael's Lane (HE ref: 1227776) / 46-48 St Michael's Lane (HE ref: 1227777)

15.8.9 Their significance lies in their spatial and historical functional relationship (group value) with surviving remnants of working buildings and remnants of open and covered rope walks to the rear (within the application site) and their visual experience from St Michael's Lane from where their simple and contemporaneous form as mid-19<sup>th</sup> century domestic buildings can be understood and appreciated. The buildings reflect how this part of Bridport historically contained enclosed streets of worker's cottages. They form an important collection of remaining buildings and contribute positively to the character and appearance of the Conservation Area.

Hope and Anchor Public House (HE ref: 1227778)

15.8.10 The significance of the Hope and Anchor Pub lies in its visual experience on St Michael's Lane which helps to define St Michael's Lane and also act as frontage turning the corner onto Rope Walks.

Warehouse Attached to the East Side of No. 27 (Shangri La) (HE ref: 1227779)

15.8.11 Set back from St Michael's Lane on the east side of the road, the red brick warehouse is an early 19<sup>th</sup> Century example of a warehouse with six ranges of industrial windows and glazing bars. Whilst its significance, has been eroded through the installation of modern windows and extension to the north, its significance lies in its architectural and historical functional relationship (group value) as part of the surrounding industrial buildings within the surrounding area.



15.8.12 Given the majority of new build development, save for the new St Michael's Lane Building, is located to the west of the site, there is limited visual connection between the above buildings and the site. The St Michael's Lane Building would be co-visible in view along St Michael's Lane and would be located opposite the Warehouse Attached to the East Side of No. 27 (Shangri La), the layout and scale of the buildings would be compatible with the prevailing character of St Michael's Lane. Through appropriate materials, detailing and appearance (a Reserved Matter), the building would not harm the significance of the above buildings.

15.8.13 Whilst there has been no change in the heritage context of the site since the 2017 committee, there has been change to the package of public benefits and the balancing judgement that is required to be undertaken by the NPPF in respect of the less than substantial harm to the significance of designated heritage assets (Para. 202) and the effect of the proposals on non designated heritage assets (Para. 203). As explained above, the revised proposal includes a reduced quantum of affordable housing (from 22 to 14 dwellings) which has reduced the benefits of the proposals.

15.8.14 The public benefits of the proposal required to be weighed against the less than substantial harm (NPPF. Para 202) include:

1. Heritage: Restoration of a number of non-designated heritage assets which make a positive contribution to the character and appearance of the conservation area together with development which better reveals the significance of retained buildings.
2. Housing provision: Provision of 83 dwellings across a mix of houses and apartments, including 14 affordable homes.
3. Regeneration and placemaking: Regeneration and re-invigoration of an underutilised site in urgent need of investment through a comprehensive mix of residential and commercial uses and creation of new pedestrian routes through the site.
4. Employment uses: Supporting the local economy through the provision of refurbished employment uses which better meet the modern occupier requirements of small and medium sized enterprises.
5. Ecology: Provision of biodiversity net gains through soft landscaping and the measures contained within the Biodiversity Management Plan.

15.8.15 The above public benefits are considerable and concluded to outweigh the less than substantial harm identified. Similarly, as concluded within the balancing section of this report, the harm to non-designated heritage assets is outweighed by the benefits of the proposals. As such, the proposal is acceptable in heritage terms and in accordance with the NPPF, Local Plan Policy ENV4 and BANP Policy HT1. In accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard to the desirability of preserving the setting of listed buildings and special attention to the desirability of preserving or enhancing the character of the Bridport Conservation Area have applied.

### **Area of Outstanding Natural Beauty**

15.9.1 Whilst the site falls within the AONB, it is located within the town centre of Bridport on an allocated brownfield site. Buildings would be predominantly 2-3 storeys, consistent with prevailing building heights on the site and in the surrounding area. As such, the proposal would not harm the character, special qualities or natural beauty of the AONB in accordance with Policy ENV1. The proposal would preserve and enhance the natural beauty of the AONB through development of the site with an appropriate layout and scale in accordance with BANP Policy L1.

15.9.2 For the purposes of NPPF Para. 172, and for the avoidance of doubt, the proposal is not considered to be a major development for the purposes of NPPF Paragraph 172, and exceptional circumstances for development within the AONB are not required to be demonstrated. The AONB includes the entirety of Bridport and does not distinguish between the built-up town centre and surrounding countryside. The site is not considered to be a major development for the purposes of Para. 172 due to the urban context of the site and the appropriate scale and massing of proposed buildings.

### **Design (layout and scale)**

15.10.1 The design of the proposal has not changed since the 2017 committee. Access, layout and scale are submitted in detail and appearance and landscaping are reserved for later determination.

15.10.2 Policy ENV15 states development should optimise the potential of a site and make efficient use of land, subject to the limitations inherent to the site and impact on local character. Policy ENV12 requires that development is high quality of sustainable and inclusive design and that the siting, alignment, design, scale, mass and materials used complements and respects the character of the surrounding area or actively improves legibility or sense of place.

15.10.3 The BANP includes a series of design-related policies. Within the centre of Bridport the BANP establishes that development should c) improve the character and appearance of the town centre, considering the heritage and history of the urban area (Policy COB1). Policy D1 requires that housing developments respect and work in harmony with neighbouring land uses and existing features that are locally significant or important for local character or historical reasons. Efficient use of land, prioritisation of brownfield land and residential development above commercial ground floors are supported (Policy D5). Residential proposals should create a sense of place through building lines and appropriate scale and massing (Policy D6) and create secure areas within developments which have safe accesses and appropriate natural surveillance (Policy D7). Policy D8 establishes a series of criteria (a to g) that new development should meet to demonstrate high quality architecture.

15.10.4 Since the 2017 committee, the latest version of the NPPF (2021) has introduced a requirement for tree-lined streets. Para. 131 states that planning decisions should ensure that new streets are tree-lined, unless in specific cases, there is clear, justifiable and compelling reasons why this would be inappropriate.

15.10.5 The proposals make efficient use of land through the mixed use development of a brownfield site and co-location of residential and commercial uses. As detailed within the 2017 Committee Report and evidence in the design updates

since the initial 2012 committee, the proposed development is heritage-led and responds to the context of the Estate and surrounding area through an appropriate layout and scale of buildings.

15.10.6 The layout of the houses reinforces the existing and historic east-west axis and urban grain of the Estate which historically extended further west from St Michael's Lane to the river. The positioning of the two apartment buildings (Stover and St Michael's Lane Buildings) responds to the positioning of nearby buildings to create new areas between retained buildings. This would result in a strong sense of place and an improved relationship with new spaces within the site, including Twine Store Place, Cattlemarket Square and Riverside Walk. The introduction of apartment buildings and formation of streets through house Rows A to E would introduce natural surveillance throughout the site assisting to create secure areas and activity throughout the day and evening through the residential and commercial uses.

15.10.7 The proposed buildings range from 2-3 storeys. This is proportionate to the scale of existing buildings on and adjoining the site, notably the 3-storey St Michael's Lane Terrace apartment building immediately north of the proposed St Michael's Lane Buildings. The appearance of buildings and landscaping would be subject to reserved matters approval.

15.10.8 Whilst landscaping is a reserved matter, it is anticipated that the proposals would not provide tree-lined streets (trees on both sides of all new roads) due to the constraints of existing buildings and the need to accommodate on-street parking and pedestrian routes within the development. The applicant would therefore need to demonstrate why streets could not be tree-lined at the reserved matters stage in accordance with the NPPF (Para. 131).

15.10.9 Overall, the layout and scale of the proposal work in harmony with the existing site and surrounding area and would create a vibrant mixed use development with a strong sense of place. Subject to conditions and reserved matters approval, the design of the proposals continues to accord with Policies ENV10, ENV11, ENV12 and ENV15 of the Local Plan and accords with the relevant policies of the BANP.

### **Residential Amenity**

15.11.1 Since the 2017 committee, the NPPF (2021) has been updated to include the 'agent of change' principle wherein existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In such instances, the NPPF (Para. 187) states that the applicant should be required to provide suitable mitigation before the development has been complete. The BANP requires that where commercial premises are part of an overall development scheme, the potential noise and disturbance should not affect neighbouring uses (Policy D4).

15.11.2 There are a wide variety of businesses at St Michael's Trading Estate. These include light industrial, manufacturing and storage – conventional B Class – Uses, the Red Brick Café (Class E) together with some uses that have a high degree of retail sales (Class E) or fall outside of the use classes order, being Sui Generis

(including Snips Hair and Beauty Salon). The proposed non-residential uses would be Use Class B1 – entirely appropriate within a residential area.

15.11.3 In line with the conclusion of the 2017 committee report, the proposed development is not considered to give rise to significant adverse effects on neighbouring residential amenity.

15.11.4 Regarding the amenity of residents within the proposed new homes, the layout of the proposed development would physically separate the houses from the wider trading Estate. The St Michael's Lane Building is located on the eastern boundary of the Estate and would be separated from commercial uses by roads to the north and south (Stover Place and Lilliput Lane). The Cattlemarket Small Business Units immediately to the west would be B1-units and would buffer the rear of the apartments from the surrounding Estate.

15.11.5 The apartments within the Stover Building would be located adjacent to existing non-residential uses within the Twine Store, Snips, Northlight Building and Tarring Block which include some light industrial uses. The new commercial floorspace within the ground floor of the Stover Building are proposed as Class B1 and would be required to be occupied in B1 Use. In assessing possible residential amenity impacts it is relevant to consider how future changes in occupier would be compatible with residential amenity. In this regard, the Use Classes Amendment Order (2020) consolidated a number of uses (including shops (A1), financial/professional services (A2), cafés/restaurants (A3), indoor sports/fitness (D2 part), medical health facilities (D1 part), creche/nurseries and office/business uses (B1)) into Class E. The use class is intended to provide flexibility for units to be occupied in a variety of ways, thereby supporting businesses and innovation.

15.11.6 Whilst all new commercial floorspace would initially be required to be occupied in Class B1 Use (i.e. office, research and development or light industrial processes) and would be conditioned as such, subsequent changes of use or changes within Class E within the wider Estate could introduce uses that may have an adverse impact on residential amenity. It is therefore appropriate to condition the installation of plant equipment to ensure any non-B1 class units appropriately mitigate impacts on residential amenity. It is not considered necessary to impose planning conditions on sound insulation and/or ventilation within the new residential buildings or odour (for any potential future restaurant uses) given: the surrounding existing and proposed uses are compatible with residential uses; the dwellings would be built to modern Building Regulations; and restaurant uses are commonly provided alongside residential and would in any event be subject to separate applications for associated plant equipment. A condition on plant equipment and requiring the new commercial space to be occupied as B1 space responds to the agent of change principle (NPPF Para. 187) and would simultaneously protect residential amenity and support local businesses, by reducing potential for complaints from residents.

15.11.7 In line with the 2017 committee report, Members should note private amenity space would not be provided for apartments within the Stover Building. Given the location of the Stover Building in close proximity to non-designated heritages and employment buildings, provision of private amenity is considered undesirable in design terms in accordance with Local Plan Policy HOUS4. The absence of private and communal gardens for occupiers of the apartments would conflict with Part 1 of

BANP Policy L5. However, residents of the St Michael's Buildings would have private balconies and all residents would have good access to public open spaces, most immediately to the west of the River Brit via the proposed Riverside Walk.

15.11.8 Notwithstanding, the minor conflict with BANP Policy L5, adequate residential amenity would be secured by conditions to ensure compliance with Local Plan Policies ENV11, ENV16 and BANP Policy D4 and the NPPF.

### **Flood Risk and Drainage**

15.12.1 The Environment Agency (EA) withdrew its earlier objection to the proposal on 29 June 2017 shortly before the 6 July West Dorset Development Control Committee.

15.12.2 Since the application was considered by committee in 2017, the EA has provided a clarification on the detailed wording of planning conditions. They note the EA is reliant upon Dorset Council to ensure issues of co-dependency, phasing and maintenance of surface water management is appropriately managed between the outline and detailed proposals. In response to the EA's comments, Dorset Council's Flood Risk Management Team (Lead Local Flood Authority) has provided amended flood risk management related conditions and notes the detailed surface water management scheme (proposed to be conditioned) should avoid the pumping of surface water. Subject to these amended conditions, the proposed development is acceptable in flood risk and drainage terms in accordance with Local Plan Policy ENV5 and the NPPF.

### **Ground Conditions**

15.13.1 In accordance with the resolution of the 2017 committee, the proposed development would be subject to standard conditions related to land contamination, including pre-commencement conditions requiring a site investigation report, further investigation, risk assessment and remediation scheme. The remediation scheme would be required to be carried out before commencement of development. Subject to these conditions, the proposals accord with Local Plan Policy ENV9.

### **Highways, Access and Parking**

15.14.1 The proposed development would be accessed from the north and east and the proposed masterplan drawing shows a total of 160 parking spaces: 1 space per dwelling and the remainder (68) available for commercial tenants and visitors.

15.14.2 Highways, access and parking arrangements have not changed since the application was considered by committee in 2017. However, Building Regulations would now require a proportion of parking to include electrical vehicle charging facilities.

15.14.3 Given the passage of time since the 2017 committee the Applicant has prepared and submitted a Transport Assessment Addendum (TAA). This has been prepared in consultation with National Highways in order to update the baseline highway information since the application was last considered by committee. Taking into account updated trip generation and distribution information, the TAA concludes

the proposals will not have a material impact on the Strategic Road Network. Both National Highways and Dorset Council Highways have reviewed the TAA and raise no objection subject to conditions, including Travel Plans. National Highways advises that off-site financial contributions towards highway improvement works are not necessary to make the development acceptable. Accordingly, the previous draft planning obligation identified within the 2017 Committee Report related to an off-site financial contribution towards improvement of the East Road roundabout on the A35 is no longer proposed.

15.14.4 National Highways recommended that robust Travel Plans measures are secured in order to maximise the potential offered by the central location of the site and encourage the take up of sustainable travel modes. Dorset Council Highways note the primary purpose of a Travel Plan is to identify opportunities for the effective promotion and delivery of sustainable transport initiatives such as walking, cycling and public transport thereby reducing the demand for travel by less sustainable modes (Planning Practice Guidance Para. 005 Ref: 42-005-20140306). Dorset Council Highways note the proposed Travel Plans would seek to reduce car-borne trips thereby lessening the impact of traffic generation on the surrounding highway network. They would also serve to promote health and wellbeing, reduce carbon emissions and climate impacts and help to create accessible, connected and inclusive communities. Subject to conditions, the proposal remains in accordance with Local Plan Policies COM7 and COM9.

15.14.5 The BANP includes a series of highways, access and parking related policies. Policy AM1 requires that development should prioritise pedestrian movement, make safe, convenient and appropriate connections to existing footpaths, cycle paths and rights of way, public transport and facilities for car sharing and electric vehicles. Policy AM2 requires inter alia that roads and junctions improve pedestrian access and connectivity to surrounding areas. Policy AM3 supports improving and extending the existing footpath and cycle path network. Policy AM5 states that developments should include provisions to enable access to public and community transport and provide easy connections to facilities within the neighbourhood plan area. Policy AM6 states that redevelopment of land immediately around the bus station should retain and enhance its primary use as a transport hub and enable the successful integration of the bus station and any new buildings with the surrounding area.

15.14.6 BANP Policy D3 requires that residential development should create walkable and accessible neighbourhoods, with public transport access, that the community have access to facilities, ensure that streets are designed to be well connected and legible and have a 20mph in residential areas.

15.14.7 The site falls within a highly sustainable location within the town centre of Bridport adjacent to Bridport Bus Station. The proposed development would improve access between the bus station and surrounding area by creating new pedestrian routes (Lilliput Lane, Stover Place and Riverside Walk) through the site. These would create safe and convenient pedestrian routes through the site knitting the development with St Michael's Lane and Tannery Road and supporting opportunities for active travel. As required by the site allocation (Policy BRID5) a riverside walk would create a new pedestrian route along the western boundary of the site which would improve access to public rights of way to the north and west of the site (W1/44 and W1/34).

15.14.8 Overall, the proposed development accords with the above BANP policies related to highways, access and parking.

## **Ecology and Biodiversity**

### Mitigation and Enhancement

15.15.1 Since the application was considered by committee in 2017, the certified Biodiversity Management Plan (BMP) for the development has expired.

15.15.2 The applicant has therefore produced a revised BMP which has been assessed in accordance with the Dorset Biodiversity Appraisal Protocol (DBAP). The BDAP is designed to meet the requirements of Natural England Protected Species Standing Advice and to address the mitigation hierarchy and provide biodiversity net gain as set out in the NPPF.

15.15.3 The revised BMP has been granted a Certificate of Approval by the Council's Natural Environment Team. The BMP commits to a series of mitigation and enhancement measures, including:

1. Production of a more sympathetic lighting scheme in conformity with Bat Conservation Trust and Institution of Lighting Professionals guidelines (2018).
2. Demolition of buildings outside of the bird nesting season.
3. Agreement of a method statement for works to flood defences and bridge works to provide water vole mitigation.
4. Provision of an 8m maintenance strip along the banks of the River Brit.
5. Offsite mitigation and enhancement of St Michaels Island through: control of Himalayan balsam (invasive species); installation of six bat boxes and three bird boxes; and agreement of a long-term management plan for the area.
6. Installation of bat and bird boxes to 50% of the new housing.
7. Inclusion of bee bricks and hedge
8. Extensive tree planting, including fruit trees.

15.15.4 In line with the 2017 iteration of the BMP, the latest version includes mitigation and compensation measures for water voles which responds to the comments raised by Natural England. Natural England is keen to develop the opportunities associated with the potential for St Michael's Island as a Local Nature Reserve (LNR). Policy BRID5 does not go that far; its expectation is that there will be: "... *the provision for a wildlife corridor along the River Brit, including St Michael's Island.*" In line with the 2017 Committee Report, the applicant accepts this requirement and it is recommended that a detailed scheme for the future of St Michael's Island is secured through a planning condition. This should include details of long-term maintenance, which would not rule out the possibility of it becoming a LNR.

15.15.5 Since the Certificate of Approval was granted, the Environment Agency has commented to note 'riparian edge' and '(boundary) river corridor habitat' also form habitats which support habitat specific bird species. The Environment Agency notes that Alder is also a suitable tree species and that local Dorset apple varieties should be considered within Cattle Market Square. Given the BMP provides appropriate mitigation, these recommendations are included as an informative.

## Chesil Beach and the Fleet Special Area of Conservation

15.16.1 Since the application was previously considered by planning committee in 2017, Natural England has made Dorset Council aware of evidence on the unacceptable level of recreational pressure at Chesil and the Fleet. As the site lies within 5km of Chesil Beach and the Fleet Special Area of Conservation (SAC) and Special Protection Area (SPA), European designated sites it therefore has the potential for adverse effects through increased recreational pressure caused by new residents.

15.16.2 It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment to secure any necessary mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

15.16.3 An Appropriate Assessment undertaken by Dorset Council concludes that there will be no adverse effect on the integrity of the Chesil and the Fleet SPA or SAC subject to mitigation measures addressing the additional recreational pressure generated by residents of the new dwelling being provided. Funding to deliver these measures will be provided by CIL. Accordingly, the development offers suitable mitigation and is acceptable and in line with Policy ENV 2 of the Local Plan.

15.16.4 Overall, the proposals would introduce significant ecological enhance enhancements and deliver biodiversity net gains whilst avoiding adverse impacts. Subject to conditions, the proposals comply with Policy ENV2 of the Local Plan, BANP Policies L2 and D10 of the NPPF.

### **Energy Efficiency and Sustainability**

15.17.1 Bridport Town Council notes the relevance of BANP Policies CC2 (energy and carbon emissions) and CC3 (energy generation to offset predicted carbon emissions) to the proposed development. The Town Council confirms its preference for carbon neutral development and states there must be an unequivocal commitment to adhere to these policies, recognising the detail can be set out at the reserved matters stage.

15.17.2 Since the application was considered by planning committee in 2017, new Building Regulations have been introduced. As a minimum, the proposals would be required to comply with 2021 Building Regulations which require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for new dwellings and non-residential uses respectively. Should the Future Homes Standard and Future Buildings Standard come into effect in 2025, then all buildings would be constructed to enhanced standards. The new Future Homes Standard should ensure all new homes built from 2025 will produce 75-80% less carbon emissions than homes completed under current regulations, making a significant step towards achieving carbon neutrality.

15.17.3 The planning system does seek to promote sustainable development and BANP Policy D9 seeks to encourage applicants to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime. BANP Policy CC2 seeks to exceed the target emission rate of Building Regulations Part L 2013 for



dwellings and ensure non-residential development meets BREEAM excellent. Policy CC3 seeks that new development, both commercial and residential, is encouraged where possible to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources. Policies CC2 and CC3 establish aspirational targets which developments 'should aim' or are 'encouraged' to meet where achievable/possible. The policies do not set mandatory targets which require unequivocal commitment.

15.17.4 Being a brownfield town centre site and including refurbishment of existing non-residential buildings, the proposed development is inherently sustainable. Given the introduction of the 2021 Building Regulations, the proposals would comply with the residential component of BANP Policy CC2.

15.17.5 The applicant notes ground source heat pumps could provide a low carbon solution to providing at least 10% of total unregulated energy from decentralised and renewable or low carbon sources in a way that is compatible with the heritage constraints of the site. Given the outline nature of the application, and need for further assessment to confirm the feasibility and viability, a suitably worded planning condition is proposed to allow further details to be submitted in due course. Detailed energy modelling would be undertaken once future legislation relating to the Future Homes Standards has been confirmed. A planning condition is proposed to ensure the new employment floorspace seek to target BREEAM excellent.

15.17.6 In addition, electric vehicle charging points in accordance with Part S of the Building Regulations will be required.

15.17.7 Subject to conditions and necessary compliance with Building Regulations, the proposals respond to the points raised by Bridport Town Council and comply with the relevant policies regarding energy efficiency and sustainability: Neighbourhood Plan Policies CC2 and CC3 and Local Plan Policy ENV13. Compliance with BANP Policy D9 would be considered at the reserved matters stage.

### **Community Infrastructure Levy (CIL)**

15.18.1 Community Infrastructure Levy (CIL) came into effect in West Dorset area on 18 July, 2016. CIL Would be liable in accordance with the West Dorset CIL Charging Schedule and CIL Regulations 2010 (as amended). The unindexed CIL rate for residential development is £100/sq.m. All other development is £0/sq.m.

## **16.0 Summary of planning issues and the planning balance**

16.1 St Michael's Trading Estate is a historic core of Bridport. It was borne out of the cordage and rope industry with open walks and ancillary buildings being present west of St Michael's Lane from the mid-19<sup>th</sup> Century. The area was extensively developed as an area for net, twine and rope production in the late 19<sup>th</sup> Century and first half of the 20<sup>th</sup> Century in response to the expansion of Bridport's cordage industry. The industrial past of the site underpins the character of the Estate and its buildings. This is evident in the east-west orientation of the buildings and former Rope Walks, which would have originally extended from St Michael's Lane to the River Brit. It forms a key part of the South West Quadrant, within the Bridport Conservation Area, includes the Grade II listed 40 St Michael's Lane and a number of non-designated heritage assets.

16.2 Following the decline of the cordage and rope industry, the site evolved to support a range of commercial premises and workshops, becoming the St Michael's Trading Estate in 1967. Today the Estate supports a wide range of occupiers and uses including: antiques dealers; light industrial manufacturing; a café; hairdressers and record store. There are a high number of vacancies and unlettable units. It is clear the Estate is in dire need of investment and regeneration to breathe new life into the buildings and establish a flourishing ecosystem of employment uses once again.

16.3 This outline application forms the majority of the BRID5 mixed use allocation. The original proposals were submitted over a decade ago. Members of the former West Dorset District Council Development Control Committee resolved to grant planning permission for the same development in 2017. However, the Section 106 Agreement was not signed, and since the committee the applicant has further reviewed the viability of the proposals and has sought to reduce the quantum of affordable housing from 22 (24% including all housing within the outline and detailed applications) to 14 dwellings (15%). This reduction in the quantum of affordable housing and omission of off-site highway works are the only changes to the application from what was considered in 2017.

16.4 This report has reconsidered the proposals against the Statutory Development Plan and other material considerations, including the Bridport Area Neighbourhood Plan (2020) and latest version of the NPPF (2021) which have been made/published since the 2017 committee.

16.5 This report notes there are instances of sub-optimal provision and/or non-compliance with policy comprising:

- Affordable housing provision – The proposal would provide 15% affordable housing, below the target of 35%. The lower provision is justified on viability grounds and accords with Policy HOUS1 iii);
- Affordable housing distribution – Is limited to the St Michael's Lane Building only and would not be evenly distributed across the site as encouraged by BANP Policy H2. Subject to reserved matters and the Affordable Housing Scheme the affordable housing would be indistinguishable in design terms.
- Amenity space – Private amenity space for the apartments within the Stover Building and communal gardens would not be provided as encouraged by BANP Policy L5.

16.6 The proposals would also cause less than substantial harm to the significance of the: Bridport Conservation Area; Stover Building; and the Tin Sheds, through demolition of buildings which make a positive contribution to the Conservation Area. This engages the tests of Paragraphs 202 and 203 of the NPPF, requiring balancing exercises to be carried out. As assessed in Section 15 of this report, despite the reduction in affordable housing, the proposals still provide significant public benefits comprising:

1. Heritage: Restoration of a number of non-designated heritage assets which make a positive contribution to the character and appearance of the conservation area together with development which better reveals the significance of retained buildings.
2. Housing provision: Provision of 83 dwellings across a mix of houses and apartments, including 14 affordable homes.

3. Regeneration and placemaking: Regeneration and re-invigoration of an underutilised site in urgent need of investment through a comprehensive mix of residential and commercial uses and creation of new pedestrian routes through the site.
4. Employment uses: Supporting the local economy through the provision of refurbished employment uses which better meet the modern occupier requirements of small and medium sized enterprises.
5. Ecology: Provision of biodiversity net gains through soft landscaping and the measures contained within the Biodiversity Management Plan.

16.7 These benefits are considerable and outweigh the less than substantial harm identified. The harm to non-designated heritage assets and minor deficiencies in policy alignment (summarised above) are outweighed by the benefits of the proposal.

16.8 Overall, the proposals would meet the objectives of the BRID5 allocation and assist in repositioning the Estate fit for the 21<sup>st</sup> Century. Together with the associated detailed planning application and application for listed building consent, the proposals would help to knit the Estate with the surrounding area of Bridport and create a vibrant mixed use quarter within the town centre.

16.9 On balance, the proposed development complies with the development plan as a whole notwithstanding the minor deficiencies noted above. Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. There are no material considerations which would warrant refusal of this application.

## **17.0 Recommendation**

**Recommendation A:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions below.

## **Planning Conditions**

### **Approved Plans**

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

Site Location Plan - 10155 PL 001

Masterplan Showing Demolition - 10155 PL 002

Proposed Site Plan - 10155 PL101 Rev D

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

### **Procedural Conditions**

2. Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of the Reserved Matters shall be submitted to the Local Planning Authority and shall be carried out as approved.

REASON: To ensure the satisfactory development of the site.

3. The scale of buildings shall comply with the storey and building heights shown on the below plans:

Proposed Layout (new build) - Stover Building - 10155 PL110

Proposed St Michael's Lane - Residential - 10155 PL111

Proposed New Housing-Proposed Plans, Sections & Elevations – Types C, D, E and F - 10155 PL112 Rev A

Proposed Aerial View - 10155 PL201

Proposed Site Sections Sheet 1 - 10155 PL202

Proposed Site Sections Sheet 2 - 10155 PL203

Proposed Site Sketches Across Cattlemarket Square - 10155 PL204

REASON: To ensure the satisfactory development of the site.

4. Application(s) for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

5. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

### **The Stover Building**

6. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a contract for the subsequent and immediate implementation of the redevelopment of that part of the site as approved by this permission has been entered into. .

REASON: To avoid the premature demolition of the Stover Building in the interests of preserving the character of the Bridport Conservation Area.

7. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a scheme for recording the building's heritage significance during the process of demolition has been submitted to, and approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure a complete record of the heritage significance of the building.

### **The "Tin Shed"**

8. No demolition of the "Tin Shed" (the northernmost building marked as no. 20 on drawing no. PL 002) shall take place until a scheme for the storage, re-use and relocation of the structure including timetable, shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter demolition and/or relocation shall proceed in accordance with such scheme and timetable as is approved unless otherwise agreed by the Local Planning Authority in writing.

REASON: To ensure that the structure is retained as part of the redevelopment proposals.

### **Residential Amenity**

9. The ground floor of the new Stover Building and the two structures marked as "Cattlemarket small business units" on drawing PL101 Revision D shall only be

used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties.

10. Before installation of plant or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measures shall be fully implemented and permanently retained thereafter.

Reason: In order to protect the amenity of nearby residential properties.

### **Biodiversity**

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11 November 2022 must be implemented in accordance with any specified timetable and completed in full for the relevant phase (including the submission of compliance measures to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development within the relevant hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To enhance biodiversity.

### **St Michael's Island**

12. Unless agreed otherwise in writing by the Local Planning Authority, none of the dwellings hereby approved shall be first occupied until a Management Plan for the enhancement and long-term management of St Michael's Island (marked as no. 8 on drawing no. PL 101 Revision D) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the features identified at Section G of the approved Biodiversity Plan

certified by the Dorset Council Natural Environment Team on 11 November 2022 and shall include: (a) timetabled proposals for enhancements to biodiversity and long term management; (b) details of arrangements for public access; and (c) details of the body/organisation charged with long-term maintenance. Thereafter, enhancement and long-term management shall proceed in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

### **Riverside Walk**

13. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be commenced until a scheme for a riverside walk, incorporating the Environment Agency's 8m wide -maintenance strip east of the River Brit, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; (2) timetable for provision and phased construction arrangements, if appropriate; (3) proposals for limiting vehicle access; and (4) proposals for long-term maintenance and public access. Thereafter, the development shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

### **Cattlemarket Square**

14. Unless agreed otherwise in writing by the Local Planning Authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and future use of Cattlemarket Square (as identified on approved drawing PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; (2) proposals for long-term maintenance and public use/access (3) a timetable for implementation. Thereafter, the proposals for Cattlemarket Square shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To ensure that the potential of Cattlemarket Square to serve a number of uses is fully realised.

### **Flood Risk**

15. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the

proposed development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

16. The development hereby permitted shall not be commenced until such time as a scheme to ensure the finished ground floor levels of all new buildings (with the exception of the new Stover building) are set at least 300mm above the adjacent / corresponding present day 1 in 100 year flood level has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

17. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways has been submitted to and approved in writing by the Local Planning Authority. All other site levels must not be higher than those prior to the development. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

18. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing /



phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

19. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of any drainage infrastructure and highway works immediately adjacent to the replacement river wall and flood defence wall which are proposed to be carried out simultaneously with the flood defence works. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of all other development works on the site excluding any drainage and highway works included within the approved scheme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

### **Surface Water**

20. No development shall take place on any phase of development until a detailed surface water management scheme for each phase of development has been submitted to and approved in writing by the Local Planning Authority. The detailed surface water management scheme is to be based upon:

- a) The hydrological and hydrogeological context of the development.
- b) Provide clarification of how surface water is to be managed during construction for each phase.
- c) Liaison with the Lead Local Flood Authority, and current industry best practice, guidelines and legislation.

The surface water scheme for each phase of development shall be fully implemented in accordance with the submitted details before each phase of the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

21. For each phase of development, no development shall take place until details of maintenance and management of both the surface water sustainable

drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme for each phase shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

### **Land Contamination**

22. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

6. Prior to the first occupation or use of a relevant phase of development a verification report to confirm that the relevant phase is fit for purpose following remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).

Reason: To ensure potential land contamination is addressed.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of

BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

### **Estate Road**

25. Before the development is first occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

### **Cycle Parking**

26. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for the relevant phase must be constructed before the relevant phase of development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

### **Travel Plan**

27. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include the Travel Plan measures identified at Section 5.2 of the Transport Assessment Addendum (ref. L06221/TAA02 dated 13 April 2023) together with:

- a) Targets for sustainable travel arrangements.
- b) Effective measures for the on-going monitoring of the Travel Plan.
- c) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- d) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development.

The development must be implemented only in accordance with the approved Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

### **Construction Traffic Management Plan**

28. For each phase of development, no development shall take place within the relevant phase until a Construction Traffic Management Plan (CTMP) is submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

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

The development of the relevant phase must be carried out strictly in accordance with the approved CTMP.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

### **Sustainability**

29. Prior to commencement of development, an Energy Strategy setting out how the new residential and non-residential uses hereby permitted shall secure at least 10% (or such other percentage as may be agreed by the Local Planning Authority) of total unregulated energy from decentralised and renewable or low carbon sources, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented and permanently retained thereafter.

Reason: In the interest of addressing climate change and securing sustainable development.

30. The new non-residential space within the Stover Building and Cattlemarket Small Business Units as identified on drawing PL101 Revision D, shall be registered with Building Research Establishment (BRE), and shall achieve BREEAM Rating Excellent.

(A) Within six months of the completion of the new non-residential space, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.

(B) Within six months from the date of first use of the new non-residential spaces commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures have been implemented.

Following any approval of a 'Post Construction Stage' assessment and certificate of the new non-residential spaces, the approved measures and technologies to achieve the BREEAM Rating shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change and securing sustainable development in accordance with Bridport Area Neighbourhood Plan Policy CC2.

**Informatives:**

1. This permission should be read in association with the agreement made under Section 106 of the Town and Country Planning Act 1990 and dated #####.
2. Surface water

The surface water drainage scheme required by conditions 20 and 21 must meet the following criteria:

Any outflow from the site must be limited to run-off rates identified in the FRA and discharged incrementally for all return periods up to and including the 1 in 100 year storm;

The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the 1 in 30 year flood event (as agreed in the FRA);

If there is any surcharge and flooding from the system, overland flood flow rates and "collection" areas on site (e.g. car parks, landscaping etc.) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

The adoption and maintenance of the drainage system must be addressed and clearly stated.

3. Flood defence consent (recommended by the Environment Agency)

The applicant is reminded that in addition to planning permission, all works in, under, over or within 8 metres of a Main River channel such as the River Brit, or formal flood defence assets, will require prior Flood Defence Consent (FDC) from the Environment Agency. Such consent is required in accordance with the Water Resources Act 1991 and Byelaws legislation, and relates to both permanent and temporary works. Further guidance in this respect is available from the Environment Agency's Development and Flood Risk Officer (Tel. 01258 483351).

4. Sustainable Construction (recommended by the Environment Agency)

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

5. Pollution prevention during construction (recommended by the Environment Agency)

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

6. Waste Management (recommended by the Environment Agency)

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/).

#### 7. Site waste management plan (recommended by the Environment Agency)

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

#### 8. National Planning Policy Framework Statement

In accordance with paragraph 38 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 applications/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.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

#### 9. Biodiversity Plan

In addition to the suitable tree species identified at Section H of the approved Biodiversity Plan (certified by the Dorset Council Natural Environment Team on 11 November 2022) Alder (*Alnus glutinosa*) is recommended by the

Environment Agency. Dorset apple varieties are also recommended for the 75% fruit trees within Cattle Market Square.

**Recommendation B:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15<sup>th</sup> December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.



**Planning Committee**  
**06 July 2017**  
**1/D/11/002012**

---

**Application Number: 1/D/11/002012 Outline**

---

**Registration Date:** 2 January, 2012

**Application Site:** SOUTH WEST QUADRANT, ST MICHAELS TRADING ESTATE, BRIDPORT

**Proposal:** Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of "Tower Building". Appearance and landscaping reserved for further approval.

**Applicant:** Hayward & Co

**Ward Members:** Cllr D Rickard, Cllr F McKenzie, Cllr Mrs S Brown

**Case Officer:** Andrew Martin

---

**Application Number: WD/D/16/002852 Full**

---

**Registration Date:** 27 February, 2017

**Application Site:** LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE, ST MICHAELS ESTATE, BRIDPORT, DT6 3TP

**Proposal:** Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)

**Applicant:** Hayward & Co.

**Ward Members:** Cllr D Rickard, Cllr F McKenzie, Cllr Mrs S Brown

**Case Officer:** Andrew Martin

---

---

**Application Number: WD/D/16/002853 Listed Building Consent**

---

**Registration Date:** 27 February, 2017

**Application Site:** LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE,  
ST MICHAELS ESTATE, BRIDPORT, DT6 3TP

**Proposal:** Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide:  
(a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)

**Applicant:** Hayward & Co.

**Ward Members:** Cllr D Rickard, Cllr F McKenzie, Cllr Mrs S Brown

**Case Officer:** Andrew Martin

---

**1. SUMMARY RECOMMENDATION**

**1/D/11/002012 Outline**

- 1.1. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
  - b. a section 106 agreement; and
  - c. conditions:

**WD/D/16/002852 Full**

- 1.2. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
  - b. a section 106 agreement; and
  - c. conditions:

**WD/D/16/002853 Listed Building Consent**

- 1.3. Grant listed building consent subject to conditions.

**2. PROPOSAL**

- 2.1. This report deals with three separate, but related, applications for St Michael's Trading Estate in Bridport. Many of the material planning considerations are common to each application and the bulk of this report is structured to reflect that. Where issues are specific to one application then this is made clear. The report concludes with separate recommendations for each application. This section proceeds with a brief description of each application.

### **1/D/11/002012 Outline**

#### **History of this application**

- 2.2. This outline application was registered on 02 January 2012, at which time it proposed the erection of 105 dwellings (66 houses, 4 maisonettes, & 35 flats), new commercial floor space and space for the relocation for 'the Trick Factory' – an indoor skatepark which at that time was operating on the first floor of the Stover Building. The application was considered by the Development Control Committee (as was) on 21 June 2012 and the resolution at that time was to approve, subject to; (1) submission and agreement of an acoustic report demonstrating that the relocated Trick Factory could operate without detriment to the residential amenity of existing or proposed properties; (2) a section 106 agreement to secure a range of infrastructure requirements, including affordable housing; and (3) various conditions. The case officer's report at that time can be viewed [here](#).
- 2.3. Issuing a formal permission was dependent upon concluding the proposed section 106 agreement, but before this could happen English Heritage (now Historic England) extended the original listing of 40 St Michael's Lane (dating from 1975) to include "*attached buildings to the rear and north-west*", referred to locally as the Lilliput Building. This had the immediate effect of increasing the extent of listed buildings within the application site, effectively invalidating Committee's earlier resolution. A planning permission must be based upon a resolution that has regard to the development plan and other material considerations as they apply on the day that the notice is issued, which would not have been the case in this instance. The extension to the listing of the Lilliput Building brought policies into play that Committee had (for obvious reasons) not weighed in the planning balance.

#### **The amended proposal**

##### **Overview**

- 2.4. The applicants have chosen to respond to this situation by amending their proposals. And in so doing they have chosen not only to consider the implications of the extended listing, but also to address the concerns underpinning the officer recommendation of refusal in 2012. This process has also involved a programme of stakeholder engagement, summarised in the

Statement of Community Consultation and Engagement submitted in support of the revisions.

- 2.5. The revised proposals deal with the Lilliput Building separately, via fresh applications for full planning permission and listed building consent, registered under references WD/D/16/002852 and WD/D/16/002853 respectively – and described below. Part of the extended listing to 40 St Michael’s Lane remains within the area of the outline planning application, but there are no proposals to alter this at this stage.
- 2.6. The area covered by the original outline application has been reduced commensurately and the proposal has been changed in a number of other respects. It now seeks to fix access, layout and scale at this stage (reserving appearance and landscaping for subsequent approval), but the description of development has been amended to reduce the number of dwellings from 105 to 83 (48 houses and 35 apartments) and removes reference to making provision for the “Trick Factory”. As well as fixing the number of dwellings the application also proposes the demolition of 3,309 sq. m. of existing commercial floorspace and the construction of 761 sq. m. of new employment floorspace for uses within Class B1(c) (Light industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This will lead to an overall decrease of 2,548 sq. m. of commercial space.
- 2.7. The proposed layout has been completely redesigned and the supporting illustrative material has been reworked to reflect the new approach. The following suite of new/amended technical documents has also been submitted:
  - Planning Statement
  - S.106 Agreement: Heads of Terms
  - Development Appraisal
  - Stover Building: Viability Statement
  - Development Appraisal: Stover Building New Build
  - Employment, Economic & Regeneration Impacts Statement
  - Archaeological and Cultural Heritage Assessment
  - Design & Access Statement
  - Historical Report on the Stover, Ocean and Corrugated Iron Buildings
  - Statement of Community Consultation and Engagement
  - Transport Assessment
  - Phase 1 Environmental Report
  - Biodiversity Mitigation Plan

- Biodiversity Mitigation Plan Certificate of Approval
- Ecology (Extended Phase I Survey)
- Arboricultural Appraisal
- Flood Risk Assessment

2.8. The application has been re-publicised as if it were new, first in March 2017 and then again in May 2017 following further amendments.

***The amended proposal in more detail***

- 2.9. The proposal involves the demolition of 11 separately identifiable buildings, or extensions to buildings. These are all clearly identified on drawing no. PL 002 – *Masterplan showing demolition*. The total floorspace lost in demolitions amounts to 3,309 sq. m. The majority of the buildings to be lost are currently in active use for a range of employment activities. Two of the buildings to be demolished are also identified as “*Buildings of Local Importance*” in the Bridport Conservation Area Appraisal (2013). These are *Stover*, marked as 11 on drawing no. PL 002, and the *Covered Walk* (sometimes referred as the *Tin Shed*), the northernmost of the two structures marked as 20 on drawing no. PL 002.
- 2.10. Proposed in replacement are 83 dwellings and 761 sq. m. of new employment space – specified to be Use Class B1. 48 houses are proposed in five terraces to the west of the site, marked as Rows A to E on the proposed Masterplan – drawing no. PL101 Revision D. The precise appearance of these buildings is to be reserved for further approval, but the footprint and scale (shown as two and two-and-a-half storeys on drawing no. PL112 Revision A, would be fixed if this application is approved.
- 2.11. The houses are effectively divided from the remainder of the site by *Lilliput Lane*, which represents the main site access and weaves its way between Coach Station Square and St Michael’s Lane. The 48 houses are accessed by spurs from *Lilliput Lane*, which extend westwards to connect with a further thoroughfare which runs along the east bank of the River Brit. This is intended to serve a number of functions: it will provide essential maintenance access for the Environment Agency; it will provide limited vehicular access to a number of residential parking spaces; and it will form part of a new riverside walk.
- 2.12. Four further new buildings are proposed. The largest is a new building to replace *Stover*. This is depicted on drawing no. PL 110 as comprising three-and-a-half storeys, with 404 sq. m. of commercial floorspace on the ground floor and 21 one- and two-bedroom flats on the three floors above.
- 2.13. A further new building is proposed fronting St Michaels Lane, marking the eastern edge to Cattlemarket Square. This building is entirely residential and

comprises 14 flats in a building shown as part two-storey, part two-and-a-half storey and part three-storey.

- 2.14. Finally, there are two further commercial buildings proposed, both annotated as “Cattlemarket small business units” on drawing no. PL101 Revision D. These contain a total of 327 sq. m. of Class B1 floorspace.
- 2.15. The retained historic buildings are to be refurbished in accordance with a scheme which is summarised in Appendix C *Regeneration of Commercial Estate* of the revised Design and Access Statement.

### **Conservation area consent**

- 2.16. The outline planning application was submitted concurrently with an application for Conservation Area Consent (registered under reference 1/D/11/002013) which sought approval for the demolition of a number of unlisted buildings. However, The need for conservation area consent was withdrawn by The Enterprise and Regulatory Reform Act 2013. The total or substantial demolition of an unlisted building in a conservation area now only requires planning permission and so, in this case, the relevant issues will be considered as part of the revised outline application. Consequently, the original application for Conservation Area Consent has been withdrawn.

### **WD/D/16/002852 Full & WD/D/16/002853 Listed Building Consent**

- 2.17. The revised proposals for the Lilliput Building (the rear of 40 St Michael’s Lane) are now contained within separate applications for planning permission and listed building consent.
- 2.18. The Lilliput Building is a part single storey and part two storey structure. The proposals involve the demolition of the north-west corner of the building; two-storeys of commercial floorspace comprising 315 sq. m on the ground floor and 57 sq. m. on the first floor. The proposals also involve taking down certain internal partitions throughout the building.
- 2.19. By way of redevelopment the submitted plans show replacement two and three storey floorspace in the north-west corner, which, combined with the retained floorspace forms the foundation of a scheme to bring the building back into use as Class B1 employment space on the ground floor (325 sq. m. of new floorspace and 640 sq. m. refurbished) with nine residential units above.
- 2.20. The employment proposals see an overall reduction of commercial floorspace of 47 sq. m. However, a significant proportion of the existing space (354 sq. m.) is currently unlettable. The submitted plans show the ground floor subdivided into six separate units, of a range of different sizes and configurations.
- 2.21. The residential element of the scheme spans two floors. There are seven flats on the first floor, including an existing unit which is to be refurbished. Four of the

new flats are contained within the new-build element of the scheme in the north-west corner; the remaining two are formed from the conversion of existing floorspace. Two flats are proposed on the second floor, completely within the new-build element of the scheme.

- 2.22. The history and significance of the Lilliput Building is examined in considerable detail in two reports submitted in support of this application: (1) Philip Brebner's "*Historic Building Survey for The 'Lilliput' Buildings*"; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. Both of these can be viewed in full online.

### **3. RELEVANT PLANNING HISTORY**

<b>App. No</b>	<b>Type</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1/D/08/000574	OUT	Develop land by the erection of 175 dwellings, 1,814 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), a taxi office and a new bus station with associated office). Refurbish all remaining buildings and create new vehicular and pedestrian accesses	R	02 June 2009
1/D/08/000576	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33-38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	R	02 June 2009
1/D/09/001051	OUT	Develop land by the erection of 173 dwellings, 1,904 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), and a new transport interchange with improved bus, coach and taxi facilities including 24 hour public conveniences). Refurbish all remaining buildings and create	R	26 August 2009

		new vehicular and pedestrian accesses		
1/D/09/001052	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33-38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	R	26 August 2009

#### **4. POLICY CONSIDERATIONS**

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

4.1. As far as this application is concerned the following policies are considered to be relevant.

INT1. PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

ENV1. LANDSCAPE, SEASCAPE AND SITES OF GEOLOGICAL INTEREST

ENV2. WILDLIFE AND HABITATS

ENV4. HERITAGE ASSETS

ENV5. FLOOD RISK

ENV9. POLLUTION AND CONTAMINATED LAND

ENV10. THE LANDSCAPE AND TOWNSCAPE SETTING

ENV11. THE PATTERN OF STREETS AND SPACES

ENV12. THE DESIGN AND POSITIONING OF BUILDINGS

ENV13. ACHIEVING HIGH LEVELS OF ENVIRONMENTAL PERFORMANCE

ENV15. EFFICIENT AND APPROPRIATE USE OF LAND



ENV16.	AMENITY
SUS1.	THE LEVEL OF ECONOMIC AND HOUSING GROWTH
SUS2.	DISTRIBUTION OF DEVELOPMENT
ECON3.	PROTECTION OF OTHER EMPLOYMENT SITES
ECON4.	RETAIL AND TOWN CENTRE DEVELOPMENT
HOUS1.	AFFORDABLE HOUSING
HOUS3.	OPEN MARKET HOUSING MIX
COM1.	MAKING SURE NEW DEVELOPMENT MAKES SUITABLE PROVISION FOR COMMUNITY INFRASTRUCTURE
COM5.	THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES
COM7.	CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK
COM9.	PARKING STANDARDS IN NEW DEVELOPMENT
COM10.	THE PROVISION OF UTILITIES SERVICE INFRASTRUCTURE
BRID5	ST. MICHAEL'S TRADING ESTATE

### **Supplementary Planning Documents**

- 4.2. West Dorset Design Guidelines (2009);

### **National Planning Policy Framework**

- 4.3. The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In terms of decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
- or where specific policies in the Framework indicate development should be restricted.

4.4. The NPPF also states that:

*Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. (Para. 186)*

*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work pro actively with applicants to secure developments that improve the economic, social and environmental conditions of the area. (Para. 187)*

4.5. Other sections of the NPPF relevant to this application are listed below. These will be referred to in the “Planning issues” section of the report.

<b>Section</b>	<b>Subject</b>
1.	Building a strong, competitive economy
2.	Ensuring the vitality of town centres
3.	Supporting a prosperous rural economy
4.	Promoting sustainable transport
6.	Delivering a wide choice of high quality homes
7.	Requiring good design
8.	Promoting healthy communities
10.	Meeting the challenge of climate change, flooding and coastal change
11.	Conserving and enhancing the natural environment
12.	Conserving and enhancing the historic environment

- 4.6. On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This includes the following statement:

*This guidance is intended to assist practitioners. Ultimately the interpretation of legislation is for the Courts but this guidance is an indication of the Secretary of State's views. The department seeks to ensure that the guidance is in plain English and easily understandable. Consequently it may sometimes be oversimplified and, as the law changes quickly, although we do our best, it may not always be up to date.*

- 4.7. Elements of the Planning Practice Guidance relevant to this application will be referred to in the "Planning issues" section of the report.

#### **Other material considerations**

- 4.8. South West Quadrant Bridport Regeneration Framework (February 2002);
- 4.9. Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010);

### **5. STATUTORY CONSULTATIONS**

#### **Bridport Town Council (comments from 06 April 2017. Amended comments to be reported)**

##### **1/D/11/002012 Outline**

*"Objection on the following grounds:*

*"The Committee noted that Historic England had concerns regarding the application on heritage grounds and that the proposals would have a harmful impact on the historic environment. Whilst they stated that the harm is less than substantial, they state that under the terms of NPPF 134, the planning authority has to decide if that harm is outweighed by wider public benefits. The Committee did not consider that this test would be met in view of the redevelopment's impact on this historic site that was so popular with the public. The loss of the distinctive buildings, such as the tin shed, and the potential impact on the use of the site by local artisans (bearing in mind the close proximity of residential and business premises), would be detrimental to the wider public interest and was contrary to Local Plan Policy BRID 5.*

*"The scale and particularly the height of the replacement Stover building would have a detrimental impact on the residential amenity of nearby properties and residents. This was contrary to Local Plan policy ENV 16. The scale would also have a detrimental impact on the conservation area and listed buildings contrary to Local Plan policy ENV4.*

*“It was also considered that the building heights could have a detrimental impact on sightlines in and out of the town centre.*

*“The Committee felt that the Stover building should be retained as employment space and that the spread of housing across the site would be detrimental to the existing businesses and the industrial nature of the trading estate contrary to Local Plan policy ECON3. The Committee re-iterated its view that, as far as possible, the residential provision should be located away from the industrial uses. The Town Council had commented in the Local Plan review that St Michaels should be designated as a key employment site.*

*“Access routes in to the site were considered to be inadequate for the scale of the proposed re-development.*

*“The car parking provision was considered to be inadequate for the scale of housing being proposed, alongside business use.*

*“The proposed provision of affordable housing at only 17 units was not in keeping with the Local Plan policy of 35% and would not meet the local housing need.”*

#### **WD/D/16/002852 Full & WD/D/16/002853 Listed Building Consent**

*“The scale and particularly the height of the new buildings would have a detrimental impact on the residential amenity of nearby properties and residents, particularly from the east facing windows on the three storey block. This was contrary to Local Plan policy ENV 12 and ENV16.*

*“The scale would have a detrimental impact on the conservation area and listed buildings contrary to Local Plan policy ENV4.*

*“It was felt that, also with reference to the whole site, as far as possible the residential provision should be located away from the industrial uses.”*

#### **Local highway authority (DCC)**

##### **1/D/11/002012 Outline**

*“The County Highway Authority has NO OBJECTION, subject to the following conditions:*

*Estate Road Construction (adopted or private)*

*Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the*

*Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.*

*Reason: To ensure the proper and appropriate development of the site.”*

**WD/D/16/002852 Full**

- 5.1. No objection.

**Highways England**

- 5.2. No objection subject to a £8K financial contribution towards improvements to East Road roundabout.

**Environment Agency**

- 5.3. Objects to inadequate floor levels and flood resilience measures for ground floors of new Lilliput and Stover buildings.

**Lead Local Flood Authority**

- 5.4. Defers to the Environment Agency.

**Natural England**

- 5.5. No objection.

**Historic England**

- 5.6. Recommends as follows:

*“Historic England has concerns regarding the application on heritage grounds. We are of the view that while this scheme potentially represents a significant improvement upon the earlier iteration, the proposals would have a harmful impact on the historic environment. The harm is less than substantial, and under the terms of NPPF 134 your authority must therefore decide if that harm is outweighed by wider public benefits”*

**6. OTHER CONSULTATIONS**

**Senior Archaeologist, Dorset County Council**

*“The application documentation includes Philip Brebner’s Historic Building Survey, which in turn refers to the desk-based archaeological assessment of the wider area of St Michael’s Trading Estate produced by AC Archaeology about a decade ago. The application’s Design and Access Statement also refers to a need for a pre-development photographic survey of the affected buildings, with the results being integrated into Philip Brebner’s survey. I*

*also note that Historic England has been involved in discussions about the site, and is among the consultees.*

*“Hence, it seems to me that the archaeological aspects are being dealt with satisfactorily here. If consent is granted, the attachment of a condition to secure the building recording would be appropriate. If Historic England has already suggested one, then all well and good, but if not, I would be happy to discuss.”*

### **Wessex Water**

*“New water supply and waste water connections will be required from Wessex water to serve this proposed development.*

*“Separate systems of drainage will be required to serve the proposed development.*

*“No surface water connections will be permitted to the foul sewer system.”*

### **Environmental Protection Team, WDDC (via WPA Environmental)**

- 6.1. Recommend imposition of standard ground contamination conditions.

## **7. REPRESENTATIONS**

- 7.1. At the time of completing this report there had been a total of 425 representations submitted since March 2017 in response to all three of the applications being considered. This total comprises seven representations of support, 12 neutral comments and 406 objections. A summary of the representations submitted in respect of application 1/D/11/002012 as originally submitted can be seen in the [2012 case officer report.](#)

### **Summary of representations since March 2107**

#### ***Objections***

- Whilst there might be a need for additional housing it should not be at the expense of employment floorspace;
- St Michael’s is one of the few locations in Bridport to provide for new employment to balance planned housing growth;
- Commercial floorspace will be reduced by 20%;
- Applicant’s calculations for increased employment density in remaining buildings are inaccurate and based upon wishful thinking;

- Proposals would irreversibly damage a thriving, business and tourist destination. They would mark the beginning of a gentrification process that would drive out a unique community of artists and businesses.
- St Michael's Trading Estate is one of the most important visitor attractions in Bridport;
- Close integration of employment and housing will lead to amenity problems;
- Integration of housing will sanitise the remainder of the estate, encouraging quiet uses at the expense of today's broad mix of tenants;
- Residential amenity for new and existing properties will be inadequate;
- How can there be enough rental income from the retained buildings (20% less) to cover ongoing maintenance costs?
- The proposal involves the loss of a valuable Asset of Community Value (the "Trick Factory");
- Inappropriate to consider an outline application in such a sensitive area;
- The proposals would lead to the loss of heritage assets;
- The proposals would neither preserve nor enhance the character of Bridport Conservation Area;
- The site is vulnerable to flooding;
- Is there adequate sewage capacity?
- There is inadequate parking. This means that further pressure will be placed on town centre car parks deterring visitors;
- Traffic problems within the site could lead to safety issues;
- The development will inevitably lead to further traffic congestion in and around the town centre;
- Vacant Building Credit calculation is incorrect;
- Any housing should be affordable housing;
- Affordable housing should not be provided as a single block;
- The Council should consider alternative redevelopment options.

7.2. All representations can be viewed on [www.dorsetforyou.com](http://www.dorsetforyou.com).

## **8. PLANNING ISSUES**

8.1. The main planning issues relevant to this application are:

- The principle of development;
- Comprehensiveness;
- Mix of uses;
  - Employment;
  - Housing;
  - Affordable housing;
  - Recreation;
    - The “Trick Factory”;
    - Riverside Walk;
    - St Michaels’ Island;
- Heritage assets;
  - Bridport Conservation Area;
  - 40 St Michaels’ Lane;
  - Stover Building;
  - The “Tin Shed”;
- Residential amenity
- Flood risk
- Access and parking;
- Biodiversity;
- Community Infrastructure Levy (CIL);

### **The development plan**

8.2. Section 38(6) of the Planning and Compulsory Planning Act 2004 provides that when making a determination under the Planning Acts “*the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” The development plan in this case is the West Dorset, Weymouth & Portland Local Plan 2015 (the “Local Plan”).

8.3. How weight is apportioned to the different policies in the development plan can be a challenge, and is ultimately a judgement for the decision maker. However, in exercising that judgement it is clear that the presumption in favour of sustainable development is preeminent, and (according to paragraph 14 of the NPPF) “*should be seen as a golden thread running through both plan-making and decision-taking*”. That presumption is now also embodied in the development plan with policy INT1 (PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT) stating:

- i) *There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.*



*Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:*

- *the extent to which the proposal positively contributes to the strategic objectives of the local plan;*
- *whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and*
- *whether the adverse impacts of granting permission could significantly outweigh the benefits.*

### **The principle of development**

- 8.4. St Michael's Trading Estate is covered by a site specific policy in the Local Plan.

#### **BRID5 ST. MICHAEL'S TRADING ESTATE**

- i) St. Michael's Trading Estate (as shown on the policies map) is designated for a comprehensive mixed-use development, subject to:
- the retention and restoration of buildings of historic interest;
  - ensuring the maintenance or enhancement of employment opportunities;
  - respecting the character of the conservation area, including the historic plot patterns;
  - the provision of a riverside walk;
  - the provision for a wildlife corridor along the River Brit, including St Michael's Island.

### **Comprehensiveness**

- 8.5. Local Plan policy BRID5 expects St. Michael's Trading Estate to be developed comprehensively and the applicants have made clear that that is their intention. And notwithstanding that they have effectively split the site into two for the purposes of progressing their latest proposals; they accept that planning obligations will be necessary to link certain elements of any permissions.

### **Mix of uses**

#### **Employment**

- 8.6. It is a strategic objective of the Local Plan to “increase employment opportunities” and the ensuing strategic approach acknowledged that this be achieved, in part, through “*the suitable protection of existing employment sites (taking into account their significance) ...*”. Looking specifically at St Michael’s Trading Estate it is an expectation of Local plan policy BRID5 that any redevelopment will ensure “*the maintenance or enhancement of employment opportunities*”.
- 8.7. The *Tenancy List* in *Appendix 3* of the applicant’s *Employment, Economic & Regeneration Impacts Statement: Revision B (May 2017)* (“Impact Statement”) provides a snapshot of the variety of different commercial uses that exists on St. Michael’s Trading Estate at any one time. There are activities here that fall within a number of different use classes (as defined within The Town and Country Planning (Use Classes) Order 1987), including: Class A1. Shops; Class A3. Restaurants and cafes Class; Class B1. Business; Class B2. General industrial; and Class B8. Storage or distribution. Additionally, there are composite uses, involving a mix of different activities, and so-called *sui generis* uses – those that do not fit comfortably within any established use class. The overall effect is a rich mosaic of activities.
- 8.8. Notwithstanding that the applicant’s current proposals are disaggregated into two separate applications for planning permission, it makes sense to consider St Michael’s Trading Estate as a whole (the area subject to Local Plan policy BRID5) when considering the issue of employment.
- 8.9. The total existing amount of employment floorspace across St Michael’s Trading Estate is put at 10,546 sq. m., although 1,065 sq. m (10%) is identified as currently unlettable for various reasons, including poor condition, lack of access and inadequate welfare facilities. This leaves 9,481 sq. m. in active use, albeit to varying degrees of intensity. The *Tenancy List* in *Appendix 3* of the applicant’s *Impact Statement* also provides a snapshot of employment levels and shows that there are currently 127 FTE jobs across the Estate. Estimates of employment levels have varied considerably in the various planning applications since 2008. For example, the report to Committee in 2012 used a figure of 212, which was based upon an assessment carried out at the time and contained within an *Employment Issues: Response Statement*. However, the applicants consider that the figure of 127 is more representative given that it is based upon a more robust survey.
- 8.10. The applicant’s *Impact Statement* uses the [Homes & Communities Agency \(HCA\) Employment Densities Guide \(3rd Edition 2015\)](#) to undertake a number of calculations. This document is generally recognised as the “*industry-wide point of reference for projected job creation*”, although site specific factors will always have a bearing. The applicants use 127 FTE jobs as the basis for undertaking comparative calculations, whereas this report also considers the higher figure of 212 reported in 2012.

- 8.11. The HCA Guide uses an Employment Density Matrix, which has been reproduced in Appendix 1 of the applicant's Impact Statement. This identifies the amount of floorspace (measured in sq. m.) typically attributed to an individual employee across a range of different use classes. The Matrix uses different metrics for different use classes: Gross External Area (GEA); Gross Internal Area (GIA); and Net Internal Area (NIA). Each of these is defined in the HCA Guide. The applicant's building surveys are all presented as GIA, and the HCA Guide suggest that gross figures are typically 15-20% higher than net internal space.
- 8.12. To avoid overcomplicating things the following analysis assumes that the prevalent use class within St Michael's Trading Estate is B1 (Business). That is a reasonable assumption given that artists' studios are B1 and even a lot of the composite / sui generis uses exhibit B1 characteristics. And the assumption is only being made in order to establish a common denominator for comparing the most likely impacts that the development will have upon employment. The "multiplier effect" referred to in the applicant's Impact Statement – the method by which one assesses the benefits to the wider economy - is also seen as being common to all of the following calculations.
- 8.13. The HCA Guide considers all B1 uses on the basis of NIA. Using the harshest of its conversion factors would establish a net lettable floorspace figure of 7,870 sq. m. for St Michael's (83% of 9,481 sq. m.). That leads to an employment density of 62 sq. m. (for 127 FTE jobs) and 37 sq. m. (for 212 FTE jobs). That range represents poor performance for Class B1(a) (Offices), average performance for Class B1(b) (R&D) and average performance for Class B1(c) (Light Industrial).
- 8.14. The proposals would involve the demolition of 3,681 sq. m. of existing commercial buildings, and the construction of 1,086 of new floorspace – a net loss of 2,595 sq. m. (25%) across the Estate as a whole. This is summarised in the table below.

	<b>Lilliput (Application ref. WD/D/16/002852)</b>	<b>Remainder of St. Michael's (Application ref. 1/D/11/002012)</b>	<b>Totals</b>
<b>Existing floorspace (sq. m.)</b>	1541	9005	<b>10546</b>
<b>Proposed demolitions (sq. m.)</b>	372	3309	<b>3681</b>
<b>Proposed new floorspace (sq. m.)</b>	325	761	<b>1086</b>

<b>Proposed resulting floorspace (sq. m.)</b>	<b>1494<sup>1</sup></b>	<b>6457</b>	<b>7951</b>
---	-------------------------	-------------	-------------

The buildings to be demolished are all clearly identified on drawing PL 002 *Masterplan showing demolition*.

- 8.15. Notwithstanding the net loss of floorspace the applicants contend that they can maintain current levels of employment by establishing, at the very least, the HCA average of 47 sq. m. per employee for Class B1(c) uses across the site. This would be achieved by: (a) providing new, purpose-built floorspace in Lilliput and Stover; and (b) upgrading the 6,865 sq. m. of retained floorspace in the historic buildings. A 47 sq. m. standard applied across all 7,951 sq. m of commercial floorspace (new and retained) after the development is complete would result in 140 FTE jobs (83% of 7,951 / 47). However, if one assumes that the new floorspace performs more favourably – which is a reasonable assumption – then a higher jobs total is more likely. For example, if the new floorspace in Lilliput and Stover achieves the 13 sq. m per employee that the HCA Guide assigns to Class B1(a) (Offices) then those two buildings alone could deliver 70 FTE jobs (83% of 1,086 / 13) – and that is assuming the most severe of the HCA’s gross to net conversion factors. If, in this scenario, the retained historic buildings maintained an average of 47 sq. m. per employee then that would deliver an additional 121 FTE jobs (83% of 6,865 / 47) – a total of 191 overall, approaching the higher figure reported in 2012.
- 8.16. An analysis of this nature inevitably involves a number of assumptions, but, nevertheless, it is considered robust enough to conclude with a reasonable degree of certainty that if one measures the “*maintenance or enhancement of employment opportunities*” – the BRID5 test – on job numbers alone then the current proposals are (subject to the discussion below) policy compliant. If one takes a broader view of that test and regards the introduction of new, purpose-built floorspace as a different form of “*opportunity*” then the policy position is even stronger.
- 8.17. All of the above relies upon being able to make more efficient use of the 6,865 sq. m. of floorspace in the retained historic buildings; getting them all to perform to a standard where, on average, each employee can operate in an area of 47 sq. m. or less. This level of performance has been frustrated in recent years by various deficiencies in the historic buildings. One can argue about the reasons behind this, but the applicants maintain that it results from the difficult and delicate balance between retaining affordable rents whilst continuing to invest in the upkeep and refurbishment of a varied and complex site. The low-rent regime that has allowed St Michael’s to operate as a seedbed for small businesses has undoubtedly been part of the issue. And making good some of the problems

---

<sup>1</sup> Section 22 of the combined application form for applications WD/D/16/002852 and WD/D/16/002853 was amended on 08 June 2017 to reflect these figures.

stemming from that under-investment will clearly be essential if the applicants are to realise their aspirations.

- 8.18. To address this point the applicant's commissioned Peter Gunning & Partners (PGP) to work with the scheme architects to undertake a site-wide "rapid assessment" to establish, in broad terms, what would be necessary to refurbish the retained buildings to a standard where all of the space would be lettable and at a density that reflects the HCA Guide. This work was lacking when the proposals came before the Committee in 2012.
- 8.19. The results of PGP's work are summarised in Appendix C *Regeneration of Commercial Estate* of the revised Design and Access Statement – submitted in support of application 1/D/11/002012. In essence, this identifies five levels of work that will be conducted in four phases, with two phases of "essential" work being undertaken concurrently with the redevelopment. The total cost of these essential works is estimated at approximately £2.3m. The applicants propose that the bulk of this will be funded by a £2m cross-subsidy from the housing component of this development. The remainder will be funded from ongoing revenue income.
- 8.20. Clearly, if Members are persuaded by the employment arguments now being advanced then the applicant's commitment to refurbishing the retained buildings would need to form part of any permission. There would need to be an agreed programme to ensure that refurbishment works are phased in parallel with the proposed housing. In different circumstances that might be difficult. If, for example, it was the applicant's intention to sell off the housing element of the scheme separately then that would almost certainly be frustrated if there were obligations that linked housing completions to refurbishment work which, in that scenario, would be somebody else's responsibility. However, the applicants have made it clear that that is not their intention in this case; they propose to retain control over the development as a whole and they accept, and even welcome, the need for refurbishment triggers linked to progress on the associated housing development.
- 8.21. The detail of such a programme needs further work. There is enough at the moment to establish some broad parameters, including a £2m budget, but the final programme will need to contain a lot more detail, including: tighter definitions of the work involved; agreement over phasing; and a procedure for "signing off" each phase. There is nothing unprecedented here; it is just that there will need to be bespoke requirements for this particular project. In this case it is recommended that agreement to those requirements be delegated to officers via compliance with a planning obligation. Members resolved similarly in 2012.

## Residential

- 8.22. Including residential development in the mix of uses proposed for St Michael's Trading Estate is intended to achieve two broad objectives: (1) help meet the Local Plan's housing land supply target; and (2) provide a means to help cross-subsidise the regeneration of the retained commercial buildings on the site as described above.

## Housing supply

- 8.23. Providing sufficient housing is central to the social dimension of the Government's definition of sustainable development, set out in paragraph 7 of the NPPF as:

*“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”*

- 8.24. Paragraph 47 of the NPPF is clear that one of the Government's key planning objectives is *“To boost significantly the supply of housing ...”*. Local planning authorities are told that they should *“... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing ...”*. And paragraph 49 confirms that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”*. It also makes clear that *“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 8.25. The most up-to-date analysis of the Local Plan's five-year housing land supply comes out of the appeal decision relating to 98 dwellings proposed on Land Off Ryme Road, Yetminster (WDDC ref. WD/D/15/002655). After a detailed examination of the deliverability of sites across entire the plan area the inspector concluded that West Dorset and Weymouth currently have a 4.63 year supply. The Local Plan's policies for the supply of housing are, therefore, demonstrably out-of-date.
- 8.26. Table 3.7 of the Local Plan identifies a housing supply of 105 dwellings for St Michael's Trading Estate, reflecting the Development Control Committee's resolution from 2012. This figure does not represent a commitment; it is merely an estimate that was based upon the best available evidence at the time that the Local plan's housing projections were being prepared. The current estimate in the latest five-year housing land supply monitoring report (for 2015/16) suggests a figure of 93 dwellings for the site.

- 8.27. In total the applicant's revised proposals establish a net increase of 91 dwellings across the Trading Estate as a whole<sup>2</sup>: eight in the Lilliput Building and 83 elsewhere on the estate. This reduction from the position in 2012 reflects the fact that the layout has been completely redesigned in order to address a number of things, including the extended listing of 40 St Michael's Lane and the misgivings expressed in the officers' recommendation at that time. Whilst this reduction is below the housing supply figure for this site in the Local Plan, it is very close to the figure in the latest monitoring report, which provides the basis for the overall supply figure across the Local Plan area of 4.63 years.
- 8.28. A recent Supreme Court judgement<sup>3</sup> has clarified what the NPPF means by "policies for the supply of housing" and has, in effect, given the phrase a narrower interpretation than earlier court judgements. The Supreme Court has ruled that the phrase should only relate to 'housing supply policies', rather than to other policies which may have some effect on their operation (e.g. a policy for the protection of the countryside). The significance of that in this case is that if Members consider that some aspect of this development disqualifies it from being regarded as sustainable development, as defined in paragraph 14 of the NPPF, then, provided that view is evidence-based it is likely to carry more weight in the planning balance than would have been the case prior to the recent Supreme Court ruling, even though we cannot currently demonstrate a five-year housing land supply.

### **Regeneration**

- 8.29. The principle of using housing as a means to support regeneration of the Estate was challenged during the examination of the Local Plan, leading the Inspector to conclude as follows:
- 185 *In written representations and views expressed during the hearings it was clear that St Michael's Trading Estate is an area which makes an important contribution to the vitality of Bridport town centre. An eclectic mix of businesses occupies traditional but small-scale industrial buildings which add considerably to the town's retail appeal. Some of these buildings are of historic interest but the Councils, supported by the owner, maintain that regeneration of the Trading Estate is necessary to secure its future. This would involve retaining employment opportunities and restoring buildings of historic interest by allowing residential development as part of a viable scheme.*
- 186 *It is apparent the buildings are in need of repair and improvement but opponents fear proposals could devalue the unique form and appeal of the site and undermine its character. Such risks cannot be discounted but*

---

<sup>2</sup> Flat 1.7 in the Lilliput Buildings is a refurbishment of an existing unit.

<sup>3</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 37

*ignoring the condition of the buildings is more likely to jeopardise the future of the site in its current form. Incorporating some residential use appears to be a realistic and modest option which is capable of funding improvements while retaining the inherent character of the Estate. I see no reason to reject the proposal subject to the changes to the policy (BRID 5) and the supporting text to reinforce measures necessary to safeguard the riverside corridor and maintain its wildlife value (MM74 and MM75).*

- 8.30. The policy was subsequently amended to reflect the Inspector's recommendations (to read as it now does) and the preamble (paragraph 13.6.1) now states that "*The inclusion of residential development could help bring forward a viable scheme.*" The extent to which the current proposals achieve that objective, and retain the inherent character of the Estate, is discussed in other sections of this report.

### **Affordable housing**

#### ***Number of affordable dwellings***

- 8.31. Local Plan policy HOUS1 (Affordable Housing) states that:

- i) Where open market housing is proposed affordable housing will be sought, unless the proposal is for replacement or subdivision of an existing home. The level of affordable housing required reflects the viability of development land in the local area, and will be ... 35% in Weymouth and West Dorset.

- 8.32. It makes sense to look at this issue comprehensively; to consider obligations for affordable housing as they bear upon the applicant's proposals for the BRID5 allocation as a whole. Ordinarily that would establish a requirement for 32.2 affordable units – 35% of the overall net increase of 91 dwellings . However, Vacant Building Credit (VBC) is also a material consideration in this case.

- 8.33. National Planning Practice Guidance states<sup>4</sup>:

*"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."*

---

<sup>4</sup> Paragraph: 021 Reference ID: 23b-021-20160519



8.34. VBC is applied as a credit, equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. National Planning Practice Guidance provides an example:

*“... where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.”*

8.35. The VBC in the applicant’s original *Scheme Viability & the Delivery of Affordable Housing* was miscalculated, but has been corrected in updated version – *Revision B* dated June 2017. This identifies a total of 1,065 sq. m. of current vacantly floorspace which is either to be demolished or brought back into use.

8.36. The relevant VBC calculation is therefore as follows:

- Existing vacant building to be demolished or converted – 1,065 sq. m.
- Proposed development of 92 dwellings – 7,736 sq. m.
- Increase in floor space – 6,671 sq. m. (7,736 sq. m. - 1,065 sq. m.);
- 35% of 92 dwellings – 32.2
- 6,671 sq. m. as a percentage of the overall development of 7,736 sq. m. – 86%
- 32.2 x 86% - 27.69 dwellings (rounded to 28).

8.37. The applicants have asked for this figure to be reduced on the basis of a viability argument which they consider to be consistent with criterion iii) of Local Plan policy HOUS1, which states:

*“Applicants seeking to justify a lower level of affordable housing provision will be expected to provide an assessment of viability. A lower level of provision will only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought.”*

8.38. Full details of the applicant’s arguments in this regard are contained within the *Scheme Viability & the Delivery of Affordable Housing - Revision B*. And this concludes that the scheme can support 15 affordable dwellings.

8.39. This work has been independently checked by District Valuer Services (DVS) and the conclusions of that work are contained with its *Development Viability Assessment, St Michael’s Trading Estate, Bridport, Dorset* which can be viewed online. The conclusions of that report are that the scheme can support the

provision of 22 affordable units and that is the recommendation to Members. However, at the time of concluding this report that figure has not been agreed by the applicant.

### ***Tenure***

- 8.40. Local Plan policy HOUS1 also establishes criteria for considering tenure mix and the type, size and mix of affordable housing:
- iv) Within any affordable housing provision, the councils will seek the inclusion of a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing, unless identified local needs indicate that alternative provision would be appropriate.
  - v) The type, size and mix of affordable housing will be expected to address the identified and prioritised housing needs of the area and should be proportionate to the scale and mix of market housing, resulting in a balanced community of housing and / or flats that are ‘tenure blind’.
  - vi) Where there is an identified local need for specially designed affordable housing to cater for disabled people with particular needs, or affordable housing that can be easily adapted to meet a variety of such needs, developments should prioritise provision of this accommodation.
- 8.41. Other than a commitment to a tenure split that will meet the expectations of Local Plan policy HOUS1 there is currently no agreement on unit sizes or the disposition of affordable housing units across the site. That is not unusual with an outline application. It is ordinarily dealt with by agreement of an Affordable Housing Scheme prior to development commencing and that is the recommendation in this case.

### **Recreation**

#### **The “Trick Factory”**

#### ***Asset of Community Value***

- 8.42. On 29 March 2016 Unit 33 St Michael’s Trading Estate (on the first floor of Stover) was listed as an Asset of Community Value (ACV) under Part 5 Chapter 3 of the Localism Act 2011. At that time the unit was occupied by “*The Trick Factory*”, which the District Council’s decision letter described as “*an indoor skateboarding / BMX / roller skating park [which] is considered to be a sports /recreational facility that furthers the social wellbeing / social interests of the local community*”.<sup>5</sup>

---

<sup>5</sup> Service Manager, Planning (Community and Policy Development), 29 March 2016

- 8.43. The Trick Factory subsequently vacated Unit 33 and the bespoke equipment (ramps etc.) has all been removed. At the time of writing this report Unit 33 is essentially an empty shell, although it still remains listed as an ACV.
- 8.44. The relevance of this to the planning process is summarised in the Government's publication entitled Community Right to Bid: Non-statutory advice note for local authorities.<sup>6</sup> Paragraph 2.20 states:

*"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."*

- 8.45. Some of the representations raise questions about the applicant's responsibilities in respect of the ACV should they come to sell the site. These responsibilities are prescribed in the Localism Act 2012 and are entirely separate from the planning process.
- 8.46. One consequence of approving this application would be demolition of Stover - and the loss of the ACV in Unit 33 in the process. And by extension of the principle established in the paragraph quoted above that would be a material consideration.
- 8.47. The fact that The Trick Factory has ceased to operate is also material. Unit 33 was listed as an ACV on the basis that, at the time, it housed a "sports /recreational facility that furthers the social wellbeing / social interests of the local community" – but that facility no longer exists. However, the unit itself still exists and its value as an ACV in the planning process should reflect the practicality of reusing the space for another facility that meets the original objectives of listing. And, in that context, The Trick Factory had a very particular set of requirements and Unit 33 appears to have suited it well, and the value of the space for a facility of equivalent, or even alternative, community value appears extremely limited. Consequently, your officers consider that the weight to be applied to retaining Unit 33 as an ACV in the planning balance should be similarly limited.

### **Policy COM5**

- 8.48. Local Plan policy COM5 (THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES) approaches the same issue from a broader perspective; it establishes a presumption against the loss of "recreational facilities" unless one of four conditions is satisfied. Unit 33 would be a

---

<sup>6</sup> Community Right to Bid: Non-statutory advice note for local authorities, Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012, October 2012, Department for Communities and Local Government

recreational facility for the purposes of applying this policy and “loss” in this context relates to the lawful use of the building rather than The Trick Factory specifically.

- 8.49. The first two conditions in policy COM5 are irrelevant to this application, but the last two do have a bearing and are considered below. In each case the condition represents a set of circumstances that would need to be satisfied if the general presumption of the policy is to be overridden. Only one condition would need to be satisfied to establish policy compliance.

**“Alternative and/or suitable replacement outdoor or indoor provision of equal or better recreational quality or value is provided in a location which is suitable to meet any deficiency in provision, and/or better placed and accessible to the surrounding community it serves, and there is a clear community benefit”**

- 8.50. There is nothing within this application that directly replaces the space that would be lost through the demolition of Unit 33, but there are alternative proposals that could be judged to provide “*equal or better recreational quality or value*”. These include the riverside walk and the inclusion of St Michael’s Island into a wildlife corridor (both explicit requirements of policy BRID5 and discussed in more detail elsewhere in this report) and the proposals for environmental enhancements in association with the potential dual use of Cattlemarket Square – parking and as a space for public events. For example, it has been suggested that this area could be used to extend the available space for the existing “Food market” and “Vintage Market”, as well as other activities that cannot currently be accommodated on the estate. The proposals would also bring potential heritage benefits; Cattlemarket Square is identified as an “*Important Space*” in the *Bridport Conservation Area Appraisal*, but it is not particularly well-celebrated as such as things stand. The two sketches on drawing no. PL 204 indicate how this area might be enhanced, although the final details will be resolved through subsequent submissions of reserved matters. A condition is recommended at this stage to establish a trigger for these works to be completed.

- 8.51. Taking the above into account it is considered that this condition of policy COM5 is satisfied and, therefore, the policy as a whole.

**“It can be demonstrated that the open space, buildings or land are surplus to requirements and there is no need for alternative open space of public value or recreational uses which could reasonably take place at the site.”**

- 8.52. There is no evidence that the space being lost in Unit 33 is surplus to requirements. Indeed, it is explicit in the site allocation policy (BRID5) that additional recreational provision (as discussed above) will be necessary. Consequently, this condition of policy COM5 is not satisfied.

## **Riverside walk**

- 8.53. It is a requirement of Local Plan policy BRID5 that the comprehensive mixed-use development of St. Michael's Trading Estate should include the provision of a riverside walk.
- 8.54. In the current application this requirement comprises a number of different elements. Most significant is a new 8m-wide open strip free abutting the River Brit extending from the northern boundary of the application site, adjoining Coach Station Square, to the "Red Brick Buildings". As well as forming part of the riverside walk this area will also serve as; (1) a vehicular route providing access to a number of residential parking spaces; and (2) as an essential access route for the Environment Agency (EA) in pursuit of its maintenance obligations for the Flood Alleviation Scheme. To meet the EA's requirements the 4m closest to the river will be hard-surfaced to a standard capable of taking maintenance vehicles up to 20 tonnes in weight. The 4m furthest from the river will need to be kept free of buildings, to provide a safety zone for maintenance equipment to operate, but the EA has confirmed that there is no issue with this area being landscaped, including trees and seating. The fine detail of landscaping and surface treatment(s) will be resolved through subsequent submission(s) of reserved matters, but enough is known at this stage to be confident that this area has the potential to be a significant public amenity.
- 8.55. Beyond the Red Brick Buildings the opportunity for a riverside walk follows a more circuitous route. Progressing eastwards "Red Brick Lane" continues to follow the River Brit for approximately 50m, but thereafter the way is temporarily blocked by buildings, most significantly the "Tower Building(s)". Proposals for redevelopment submitted in 2008/09 included a cantilevered footway over the river in order to create a short, direct connection with Foundry Lane and the southern boundary of the site. No such connection is proposed in this application, so the most direct route will now involve a diversion onto St. Michael's Lane.
- 8.56. Although a more direct route might be preferable, the meandering option now proposed is not without merit. In particular, it will provide pedestrians with opportunities to appreciate more of the area's historic significance – notably the "Tower Building(s)" and the associated buildings in Foundry Lane. It will also take people directly past the remodelled Cattlemarket Square.

## **St Michael's Island**

- 8.57. It is a requirement of Local Plan policy BRID5 that the comprehensive mixed-use development of St. Michael's Trading Estate should include provision for a wildlife corridor along the River Brit, including St Michael's Island. This is being offered as part of the current proposals and a planning condition will be necessary to ensure that a management plan is agreed.

## **Green Infrastructure and Recreation**

- 8.58. This development will also be CIL-liable and 5% of WDDC's receipts from this development will be allocated to "Green Infrastructure and Recreation". This is discussed further under the CIL heading in this report.

## **Heritage assets**

- 8.59. It is a strategic objective of the Local Plan to:

*"Protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area – this will be the over-riding objective in those areas of the plan which are particularly sensitive to change".*

- 8.60. In meeting this objective the Local Plan states:

*"High priority will be given to protecting and enhancing the area's heritage assets – including its Listed Buildings and Conservation Areas, and other features with local historic or cultural associations, particularly where they contribute to the area's local distinctiveness".*

- 8.61. This objective features as a common thread through a number of policies, but is expressed most clearly in policy ENV 4.

### **ENV 4. HERITAGE ASSETS**

- i. The impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance.
- ii. Applications affecting the significance of a heritage asset or its setting will be required to provide sufficient information to demonstrate how the proposals would positively contribute to the asset's conservation.
- iii. A thorough understanding of the significance of the asset and other appropriate evidence including conservation area character appraisals and management plans should be used to inform development proposals including potential conservation and enhancement measures.
- iv. Any harm to the significance of a designated or non-designated heritage asset must be justified. Applications will be weighed against the public benefits of the proposal; if it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset, and; if the works proposed are the optimum required to secure the sustainable use of the asset.

- v. The desirability of putting heritage assets to an appropriate and viable use that is consistent with their conservation will be taken into account.
  - vi. Where harm can be justified, appropriate provision will be required to capture and record features, followed by analysis and where appropriate making findings publically available.
- 8.62. There is also a more general requirement expressed in criterion (i) of Local plan policy ENV 10:

### **ENV 10. THE LANDSCAPE AND TOWNSCAPE SETTING**

- i. All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings.

### **Statutory provisions**

- 8.63. It is also necessary to bear in mind certain statutory provisions. In particular, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”.*

- 8.64. There is also a statutory obligation imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that in the determination of planning applications in a conservation area *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

### **NPPF and NPPG**

- 8.65. A core land-use planning principle of the NPPF (paragraph 17) is that planning should:

*“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”*

- 8.66. Paragraph 129 advises that:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They*

*should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.”*

8.67. And paragraph 131 states that:

*In determining planning applications, local planning authorities should take account of:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

### **Heritage assets - discussion**

8.68. These proposals will directly impact a number of designated and undesignated heritage assets. Each of these will be considered in turn. And in doing so judgements will be drawn from a range of different plans and reports. Given the high profile nature of these proposals Historic England has provided all of the necessary heritage advice throughout the process.

### **NPPF Paragraph 130**

8.69. As part of a general introduction to a discussion of the heritage assets within St Michael's Trading Estate one also needs to consider the relevance of paragraph 130 of the NPPF, which states:

*Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.*

8.70. It has been suggested by those objecting to this redevelopment that paragraph 130 describes precisely the position on the Estate and that, consequently, one of the fundamental arguments underpinning the applicant's case – that the proposals are necessary in order to cross-subsidise essential refurbishment works to the retained historic buildings – is flawed.

8.71. The main counter to that argument is that the principle of using redevelopment for “*funding improvements*” to the Estate was accepted as a legitimate *argument* by the Local Plan Inspector when he considered the outstanding objections to policy BRID5 at his Examination in during November and December 2014 and the principle is now enshrined in the policy. Paragraph 130 existed at that time and had the Inspector considered that the Estate had been deliberately



neglected as a means to gaining some planning advantage then he could have recommended that policy BRID5 be struck out. But he did not.

- 8.72. As mentioned elsewhere in this report, the current condition of St Michael's Trading Estate is undoubtedly due in no small part to years of under-investment, and so does represent neglect to that extent. But it would be disingenuous to suggest that this represents a calculated plan hatched over several decades with the ultimate intention of abusing the planning process. The reasons underpinning that under-investment are bound to be complex, but the low-rent regime that has allowed St Michael's to operate as a seedbed for small businesses – many of whom have gone on to bigger and better things - has unquestionably been part of the story.

### **Bridport Conservation Area**

- 8.73. St Michael's Trading Estate is completely contained within the Bridport Conservation Area, a designated heritage asset for the purposes of applying the relevant policy in the NPPF. The Estate is contained within Sub-Area 7 of the Conservation Area, *South West Quadrant*, identified in the Bridport Conservation Area Appraisal.
- 8.74. Historic England has summed up the significance of St Michael's Trading Estate as follows:

*“The South West Quadrant of Bridport is a nationally significant area of historic textiles activity which underpins the raison d'etre of the town and plays an important part in defining the character and appearance of the town and its conservation area. That activity, in its functional imperatives, determined the spatial arrangements of the Quadrant, and in particular the physicality of related buildings and spaces. While certain buildings, such as Priory Mills and the Bridport Industries Works, are notable and architecturally distinctive landmarks, much of the surviving historic estate spans a considerable period of time, is simple and spare in its vernacular, and capable of being easily overlooked in the value of its contribution to the significance of the site as a whole. The total is therefore greater than the sum of its parts, and it is important as a consequence that any proposals for intervention demonstrate an holistic understanding of the site and its relationship with its context, and especially of the inter-relationships between buildings and spaces rather than seek to promote it as a disaggregation of its constituent elements.”*

- 8.75. However, there is another dimension to the significance to St Michael's Trading Estate that comes across in many of the representations, and that is the special character that has developed from the synergy between the unique mix of uses and the eclectic architecture of the buildings. In some ways the sense of time having stood still combined with a focus on the production, restoration and sale of art and “vintage” material is seen as the basis of a unique charm which

underpins the essential appeal of the place. Many fear that the current proposals represent gentrification which will inevitably erode that charm and, consequently, damage the special contribution that St Michael's makes to the character of the conservation area.

- 8.76. That is completely understood, but is in many ways beyond the control of the local planning authority. The planning system can influence things to the extent that it can determine the quantity, type and disposition of commercial uses across the Estate, but it cannot be concerned with the fate of individual tenants, or groups of tenants; that is ultimately the responsibility of whoever owns and/or manages the site. The trading character that has emerged to date has undoubtedly been fostered by the existing site owners and it will be the future site owners that will, to a large extent, continue to determine the character of the Estate if, and when, these proposals are approved and implemented.

### ***New housing***

- 8.77. The impacts upon the significance of the conservation area resulting from the proposals for: (1) the Lilliput Building; (2) the Stover Building; and (3) the "Tin Shed" are discussed under separate headings. The remainder of this section considers the impact of the new housing to the west of the site and along St Michael's Lane.
- 8.78. Officers had serious misgivings about the form of the residential element of the scheme as it was presented in 2012. They considered that the two large perimeter blocks on the western half on the western half of the site cut across this strong east-west axis and, as such, would neither preserve nor enhance the character of the conservation area.
- 8.79. The amended scheme takes an entirely different approach, and seeks to reinforce the established east-west grain with a series of parallel streets and terraces. This comes across very strongly on plan, although the exigencies of providing decent standards of amenity for the housing, both in terms of internal space standards and garden sizes, has meant that the east-west routes are not entirely seamless, although, at Historic England's request, Row C on the north side of Stover Lane has been repositioned slightly to provide an uninterrupted line of sight from St Michael's Lane through to the river via Stover Place and Stover Lane. However, Historic England remains critical of "Lilliput Lane" which it regards as the "imposition of a north-south road cutting through the grain of the site", leading to harm to the historic environment, albeit less than substantial in the terms established by the NPPF. And, Historic England believes, greater emphasis of the other east-west links is still needed. But it acknowledges that this can be achieved through the hard landscaping scheme that will form the subject of future reserved matters applications.
- 8.80. Lilliput Lane does bisect the site quite dramatically, but it is practical response to the need to provide all users of the site, commercial and residential, with

adequate vehicular access. In many ways it is a functional replacement for the existing north-south route which currently runs along the western boundary of the site. That route will remain in the current proposals, but will be subject to environmental enhancements to deliver, amongst other things, the riverside walk required by policy BRID5. So, although the scheme would, arguably, be better without Lilliput Lane, its inclusion does bring other benefits. Nevertheless, Historic England is clear that it represents harm – albeit less than substantial – and that is something that will need to be weighed in the final planning balance. The test established by paragraph 134 of the NPPF states;

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

- 8.81. The appearance of the individual houses is another matter that will be resolved through future reserved matters applications, although the scale as shown on the various illustrative drawings would be fixed at this stage. And those drawings indicate a range of two- and two-and-a-half storey buildings, with a predominance of two-storey units according to the housing schedule on Masterplan drawing PL 101 Revision D. That is a scale that broadly reflects the established character of the area, St Michael's Lane for example. Historic England's only point in this regard relates to the proposed south-facing housing on 'Stover Lane' where it feels that further elevational revisions will be necessary as part of the detailed design. It considers that domestic accoutrements such as projecting porches and front gardens should be omitted to enhance the linearity of this block when viewed from 'Stover Place'.
- 8.82. Further new residential accommodation is proposed fronting St Michael's Lane; a block of 14 flats on the eastern edge of Cattlemarket Square. The current proposals are set out on drawing no. PL 111, which shows a single building comprising different elements at two, two-and-a-half and three storeys. If these proposals are approved the footprint and scale of this building would be fixed, but the appearance – the detailed design – would be the subject of subsequent applications for approval of reserved matters.
- 8.83. If one looks at the footprint for this building in the broadest context as shown on drawing PL 101 Revision D then it clearly picks up on the grain of St Michael's Lane. Drawing PL 111 usefully shows the scale of what is proposed in the context of the existing buildings immediately to the north and the long section on drawing PL 203 presents scale in the context of a much longer stretch of St Michael's Lane. The building would close down a view of the Bridport Industries building seen from Rope Walks Car Park, which is regrettable, but on the other hand it would help frame the proposed environmental improvements to Cattlemarket Square, which is indicated on Sketch 1 on drawing no. PL 204. Overall, it is considered, that this element of the scheme at least preserves the character of the conservation area. Historic England offers no view other than a

desire that when the detailed design comes up for consideration some of the more contemporary detailing proposed for the new housing on the western part of the site is applied to the elevational treatment.

#### **40 St Michael's Lane**

- 8.84. It was the decision of English Heritage (now Historic England) to extend the original listing of 40 St Michael's Lane (dating from 1975) to include "*attached buildings to the rear and north-west*", referred to locally as the Lilliput Building, that prevented the resolution from the Development Control Committee in 2012 progressing to a planning permission.
- 8.85. Since that time a considerable amount of work has been undertaken to gain a better understanding of the significance of the Lilliput Building. This included two pieces of work that have been submitted in support of these proposals: (1) Philip Brebner's "*Historic Building Survey for The 'Lilliput' Buildings*"; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. The applicants and their advisers have also engaged directly with representatives of Historic England, which is acknowledged in Historic England's response to these proposals.
- 8.86. The scheme which has emerged involves demolition of the western end of the building and the removal of certain internal walls and features. This is justified by the further analysis of the building that has been undertaken and is accepted by Historic England, which has stated that "*This area is of low quality later fabric and its removal is not considered to cause major harm to the overall significance of the buildings or the conservation area.*"
- 8.87. From an agreed position in respect of demolition the proposals then proceed to integrate an element of new-build with the refurbishment of the retained fabric. The new-build element reflects and reinforces the historic grain of the buildings (currently masked by the areas to be demolished) by creating three linked pitched roofed elements on an east-west axis. The northernmost of these, abutting the police station, is three storeys; the remaining two are two-storeys. They are expressed as three pitched gables in the most striking view from the west. Three storeys take the building higher than what currently exists, and the impact that has in its context is clearly demonstrated on drawing no. PL 211.
- 8.88. Historic England draws the following conclusions in respect of the proposals:

*"The scale, form and design of the proposed new build element, which will replace that demolished, is integral to the success of any scheme for this site. We are therefore pleased that the proposals take on board our concerns regarding the height and perceived bulk of this new building. The result is an outline that will complement the horizontal emphasis that is characteristic of the surrounding area with a traditional vertical style creating an interesting gateway to the site, although we regret the proposed pseudo-*

*historicist windows at upper levels. A contemporary approach would be more appropriate and delineate the new from the old. However, this issue can be resolved through details of fenestration condition.”*

### **Stover Building**

8.89. There are two separate, but related, issues relating to the Stover Building: (1) the significance of its loss as both an undesignated heritage asset in its own right (as a Building of Local Importance) and in terms of its impact upon the significance of Bridport Conservation Area; and (2) the impact that its proposed replacement will have upon the significance of the conservation area.

8.90. English Heritage (as was) was asked to consider listing a number of buildings on the Estate after the committee resolution in 2012, the Stover Building amongst them. As Historic England’s response to these proposals confirms, it was:

*“... not deemed to meet the high test to become a listed building, but its contribution to the conservation was noted.”*

8.91. The current proposals include further analysis of the Stover Building in an *Historical Report on the Stover, Ocean and Corrugated Iron Buildings* prepared by Richard Sims. That document can be read online in full.

8.92. Historic England’s current position on the demolition of the Stover building recognises that there is:

*“... historic value to the building, particularly as representative of a key part of the net-making industry for which Bridport is noted. Some of this illustrative value is derived from the surviving mezzanine floor, which of course lacks any statutory protection due to the unlisted nature of the building. The aesthetic value of the building is limited. It has a linear form which follows the historic grain of the site, but the contribution it makes to the appearance of the conservation area is limited due to the replacement roof and deteriorated condition.*

*“The loss of the Stover Building would cause harm to the significance of the conservation area, as the illustrative historic value of the building would be lost.”*

Later in its response it assesses the harm associated with the loss of the Stover Building as less than substantial. And that will again need to be weighed in the final planning balance having regard to paragraph 134 of the NPPF, insofar as the conservation area is concerned, and paragraph 135 in respect of the Stover Building’s status as a non-designated heritage asset in its own right. Paragraph 135 states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.*

*In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

- 8.93. In this case that balanced judgement will, in part, involve a comparable assessment of the merits of what is being proposed as a replacement. The footprint of the new building is shown in context on drawing no. PL 101 Revision D, and the scale and illustrative appearance are shown in detail on drawing no. PL 110.
- 8.94. The footprint essentially mirrors that of the building to be demolished, although it does project slightly further westwards and at a maximum ridge height of 12.9m it is 3.4m taller than the building it replaces. The footprint is fundamentally rectangular and the overall form appears as two linked pitched-roof elements. It is shown as four storeys, with the top floor contained within the roof. The illustrative appearance suggests an industrial pastiche.
- 8.95. The scale of the building in a broader context can be seen in the two site sections, drawing no. PL 202 (1&2), and on the aerial view on drawing no. PL 201. These show it to be the most dominant of the new buildings proposed, with a ridge height comparable to the top of the tower on the Bridport Industries building.
- 8.96. The justification for the chosen design appears in section 5 of the Design and Access Statement:
- “The proposals take the form of a large warehouse or mill building, there being a number of examples of buildings of similar scale and mass in Bridport’s South West Quadrant (Priory, Gundry and West Mills for example). Proposals include reverting to the twin ridge form of the earlier Stover roofs and introducing long ‘industrial’ style dormers to enable use of the roofspace. The building echoes other industrial features such as vertical arrangements of loading bays and large openings on the ground floor to facilitate workshop uses. The mass of the new Stover building is moderated by being closely surrounded by other retained commercial buildings; Ropewalks and Twine store to the North, Northlight and former offices (Snips) buildings to the South and East. The building naturally sets back to the west creating space around the principal elevation. From St Michael’s Lane and other approaches the new Stover will provide a ‘summit’ in the composition surrounded by the retained and new buildings of St Michael’s.”*
- 8.97. Some concern has been expressed in the representations about the potential dominance of the building, but it is considered that the architect’s reasoning has considerable merit. The character of this part of town is as described, with examples of notably larger structures (warehouses and mills) rising above a predominance of buildings of a more domestic scale, albeit that three storeys is not uncommon. In that context another large building punctuating the townscape

would preserve the character of the conservation area. Historic England broadly echoes that view, commenting as follows:

*“... the proposed new building on the site would also be of a similar scale with a linear form, preserving the historic grain of the conservation area. It would take the form of a mock-warehouse, expressing the area’s industrial character and appearance.*

*“As with the Lilliput Building, we caution against pseudo-historicist details however. While it is important that a replacement building is contextual and respects the character and appearance of the conservation area, it should also be recognisable as a new addition. We recommend that some of the more contemporary detailing proposed for the new housing on the western part of the site is applied to the elevational treatment of the replacement structure on the site of the Stover building. The same applies to the proposed new buildings fronting St Michael’s Lane. Again, this could be addressed through the subsequent reserved matters applications.”*

- 8.98. If Members are minded to allow the demolition of the Stover Building then Historic England is asking for the imposition of a condition that would prevent demolition until the detailed design of the proposed replacement is known. That would be normal in these circumstances anyway; development (including demolition) could not take place until outstanding reserved matters, including appearance, had been approved. However, Members could go further in this case and impose a condition that prevented demolition until a contract for redevelopment had been let. This would provide a safeguard against premature demolition. The Senior Archaeologist at Dorset County Council has recommended a condition requiring that the building be recorded during the process of demolition.

### ***The “Tin Shed”***

- 8.99. The “Tin Shed” refers to the corrugated iron building that runs along a significant section of the northern boundary of St Michael’s Trading Estate, abutting Coach Station Car Park. It is identified as a Building of Local Importance in the Bridport Conservation Area Appraisal. It was another of the buildings, along with the Auction House to the east, that English Heritage (as was) was asked to list following the Development Control Committee’s resolution in 2012. But that request was rejected, for reasons which included *“the corrugated structure to the rear does not survive intact and its function cannot be determined with any certainty”*.
- 8.100. Richard Sims’ Historical Report on the Stover, Ocean and Corrugated Iron Buildings is similar inconclusive:

*“It has been suggested that this building was used as a line walk in the past. However, at 50m in length, it is just half the length of the other line walks in*

*the vicinity. The eastern end, with its lights at eave and roof level, might indicate that this end of the building contained machinery of some kind. It is also possible that the processes carried out in this building relate to the rectangular arch structure seen in the two photographs mentioned above. If this were to have been used as a line walk then it is to be expected that tracked line-making machinery would have been in place.”*

8.101. He also states that:

*“If the building is considered of sufficient importance to be retained then it might be worth looking to see if it could be relocated elsewhere on the site.”*

8.102. Historic England’s current position is as follows:

*“The loss of the long, corrugated sheds to the rear of the existing auction house remains a source of regret. Although modest architecturally and of early C20th origin, and whilst they may not have been a line walk (as has previously been suggested) they contribute strongly to the linearity and industrial character of the site. Drawings of Block A, the proposed new housing fronting ‘Auction House Lane’ are absent and it is not possible to see if the corrugated sheds could have been incorporated into Block A to be used for car parking, refuse stores, etc.”*

8.103. The applicant’s proposals continue to involve the demolition of the corrugated sheds. The position of the terrace of houses marked as Row A is heavily constrained by other factors and whilst, in theory, it could be adjusted so that the corrugated shed becomes a continuous lean-to along the northern elevation of this terrace, it would lead to pretty miserable living conditions. Each house would lose its limited amount of external amenity space and the light to the ground floor would be severely reduced. And this is considered too great a compromise given the current consensus of opinion that the significance of this structure has, in the past, been overrated. However, the applicant’s acknowledge that the structure is still perceived to have local value and they have agreed to it being relocated as the part of the proposals for new employment floorspace around Cattlemarket Square. This is being recommended as a condition.

### **Residential amenity**

8.104. It is a strategic objective of the Local Plan to:

*“Support sustainable, safe and healthy communities with accessibility to a range of services and facilities”.*

8.105. Meeting this objective in terms of residential amenity is expressed in Local Plan policy ENV 16.

### **ENV 16. AMENITY**



- i. Proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided:
  - They do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy;
  - They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker;
  - They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and
  - They do not generate unacceptable pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity and living conditions, health and the natural environment can be mitigated to the appropriate standard.
- ii. Development which is sensitive to noise or unpleasant odour emissions will not be permitted in close proximity to existing sources where it would adversely affect future occupants.
- iii. Proposals for external lighting schemes (including illuminated advertisement schemes) should be clearly justified and designed to minimize potential pollution from glare or spillage of light. The intensity of lighting should be the minimum necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

8.106. It is also a core planning principle of the NPPF that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.

8.107. The two broad areas of concern in this application: (a) the impact that the proposal would have upon existing properties surrounding the site; and (b) the living conditions that would be created for the accommodation proposed within this scheme itself. Each of these will be considered separately.

### **Residential amenity – Existing properties**

8.108. There are a number of existing residential properties along St. Michael’s Lane that will be affected by these proposals. The issues, in the context of policy ENV16, are whether the amenity of these properties will be significantly adversely affected through loss of privacy and/or through inadequate daylight or excessive overshadowing. The block of flats proposed to abut St Michael’s Lane is positioned such that it is immediately obvious that none of these issues will be

relevant, but the relationships established by the proposals for the Lilliput and Stover buildings deserve more detailed consideration.

### ***The Lilliput Building***

- 8.109. The significant change to the Lilliput Building occurs at the western end, where an existing two-storey element of the building is to be demolished and replaced with a part two- and part three-storey structure. The east elevation of this new element will be staggered, but at its closest to properties in St Michael's Lane (nos. 30 and 32) it will be 18m to the boundary and approximately 30m to their extended rear elevations. The ridge height of the two storey element will be approximately 8.5m above existing ground levels, whilst for the three storey element this figure will be approximately 10.75m. There will be windows serving habitable rooms at both first and second floors. Given the distances involved there is no prospect of any significant adverse effects on the amenity of either 30 or 32 St Michael's Lane. There will be direct overlooking of the service yard to Bridport Police Station, but this does not raise any planning issues.
- 8.110. Flat 1.7 on the first floor represents the reuse and enlargement of an existing residential unit - 34 St Michael's Lane. This unit already relies upon windows that have historically looked directly into the gardens of 30 or 32 St Michael's Lane. The additional accommodation proposed will not make this situation any worse.

### ***The Stover Building***

- 8.111. The new Stover Building will present a three-and-a-half storey, dual-pitched gable, with a maximum ridge height of 12.9m, at a distance of approximately 27m from the rear face of the opposing properties in St Michael's Lane. A sense of this relationship can be obtained from The "Cattlemarket Square Elevation" on drawing PL 202, Sheet 1. The new building will be a significant feature in the outlook from the closest properties (more so than the building it replaces) and it will affect sunlight in certain circumstances, although at the distance involved there is unlikely to be an appreciable impact upon daylight. Although the final design will only be resolved through subsequent submission(s) of reserved matters, the illustrative designs on drawing no. PL 110 indicate that there is no need to include windows in the eastern gable and so here should be no loss of privacy to existing neighbours. Overall, the building is not considered to establish the sort of relationship that would result in the significant adverse effects that would be necessary to fall foul of policy ENV16.

### **Residential amenity – Proposed properties**

- 8.112. There are two issues here: (1) the potential harm to acceptable levels of residential amenity that will result from the close integration with other uses on the site; and (2) the inherent level of amenity being provided within the new-build element of the scheme.

- 8.113. The proposals in this case are different from many of the other mixed-use schemes that the Council has promoted elsewhere within the district in that they are seeking to integrate housing with established business premises – some of which fall outside of the B1 use class that one would ordinarily expect in mixed-use schemes involving residential properties. However, to some extent the site will be “zoned” with all of the housing (as opposed to flats) being positioned west of Lilliput Lane where it will benefit from a degree of physical separation and experience living conditions not dissimilar to those experienced by established properties along St Michael’s Lane.
- 8.114. However, the 44 flats in the three buildings east of Lilliput Lane – Lilliput, Stover and St Michael’s Lane Buildings – will have a quite different living experience. The new commercial floorspace within and abutting those buildings is being proposed as Class B1 and can be conditioned as such. But, unless such a restriction was imposed retrospectively on every retained building on the estate – which would be possible using a planning obligation – then the amenity of those flats could be compromised by their close proximity to some potentially unneighbourly uses.
- 8.115. The risk of this is actually quite low for two reasons. First, the bulk of the established uses in the buildings to be retained, even the sui generis uses, are either akin to B1, or, if they fall within a use class at all, are probably A1 or B8 – which are not generally regarded as bad neighbours. The standard of amenity might be lower than with Class B1, but would still be within a spectrum that one might reasonably expect to find in any town of Bridport’s size and character. And any future change of use of these units to a less neighbourly activity would almost certainly be material and require planning permission. Second, if a particularly bad situation did arise then the local authority does have powers under the Environmental Protection Act to abate a nuisance.
- 8.116. The applicants have also made the point that it is their intention to retain ownership of the commercial buildings on the Estate and that they can minimise the risk of problems through good management. On the face of it that sounds reassuring, and may indeed prove to be of benefit if these proposals are approved. But it offers no certainty and should carry little weight in the final planning balance.
- 8.117. If Members remain concerned on this point then they do have the option of enforcing a range of neighbourly uses on the entirety of the Estate via a planning obligation and the applicants have indicated that they would accept that, albeit reluctantly. And it would not be popular generally; it would be seen as an unwarranted sanitisation that would further threaten the special character of the area.
- 8.118. Officers had more serious concerns for the amenity of future residents with the proposals tabled in 2012. It was considered that the perimeter block approach being pursued for the housing on the western side of the site at that time

established poor levels of amenity for a number of reasons as described in the report at the time.

- 8.119. The completely revised approach adopted in these latest revisions is much improved. Not only does the proposed series of terraces respond more appropriately to the established grain of the area, but it also establishes better levels of amenity. The proposals remain high density and whilst each house is provided with a garden, these are generally pretty shallow – 5 or 6 metres deep for Rows B to E and only three metres deep for Row A. But this is not atypical of this part of Bridport. Back-to-back distances for Rows B to E reduce commensurately - something that can be best appreciated on the “Housing Elevation” on drawing no. PL 202 Sheet 1 and the aerial view on drawing PL 201 - but any negative effects of this can easily be mitigated through clever internal design. As the design of these houses evolves then careful attention to detail could make them very desirable places to live.
- 8.120. In terms of amenity space the flats east of Lilliput Lane present particular challenges. The wording of Local Plan policy HOUS4 (DEVELOPMENT OF FLATS, HOSTELS AND HOUSES IN MULTIPLE OCCUPATION) includes an expectation that flats should (not will) *“provide sufficient private amenity space within the site for the likely future occupants, normally comprising at least 10% of the site area for conversions providing 4 or more flats, and 20% of the site area for all new build schemes, unless such provision is undesirable in design terms.”* That expectation clearly isn’t being achieved in Lilliput or Stover, where there is no dedicated amenity space proposed at all, but the illustrative drawings indicate that it could be achieved with “St Michael’s Lane Buildings”.
- 8.121. This is not a situation in which adherence to policy HOUS4’s standards is considered desirable; the urban design imperatives in this case are regarded as more important. And the occupiers of the flats concerned will have easy access to public open space – most immediately to the west of the River Brit.

### **Flood risk**

- 8.122. St. Michaels Trading Estate is vulnerable to river flooding, although it does benefit from the Environment Agency’s Bridport Flood Alleviation Scheme (FAS), which in this location comprises a number of components abutting the River Brit, including flood walls, flood banks and buildings which tie back into the walls and banks – the westernmost wall of the Red Brick Buildings for example. Were the site undefended it would be entirely within Flood Zone 3 – at highest risk of flooding, but, taking the defences into account, the site is within Flood Zone 2 - at risk in a 1000 year event. The Environment Agency’s need to maintain the FAS is also a material consideration in the determination of this application.
- 8.123. The NPPF makes it clear that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing*

*flood risk elsewhere.*” The NPPF also establishes that Local Plans should be supported by Strategic Flood Risk Assessment and should develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans are required to apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

- 8.124. The evidence base supporting the West Dorset, Weymouth & Portland Local Plan includes a two-stage Strategic Flood Risk Assessment (SFRA), prepared by Halcrow Group Limited: The Level 1 SFRA is dated August 2008 and the Level 2 SFRA dated August 2010. On the strength of the information contained within these reports the principle of developing St. Michael’s Trading Estate was judged safe on flood risk grounds and the site was allocated for development by Local Plan policy BRID5.
- 8.125. When dealing with individual planning applications the NPPF ordinarily expects development to be subject to two tests: (1) a Sequential Test, which always aims to steer development to areas with a lower probability of flooding; and (2) if relevant, an Exceptions Test, which seeks to demonstrate wider sustainability benefits to the community that outweigh any flood risk. However, the NPPF is explicit (in paragraph 104) that *“For individual developments on sites allocated in development plans through the Sequential Test [as in this case], applicants need not apply the Sequential Test”* nor, by extension, the Exceptions Test. This is also made clear in paragraph ii) of Local Plan policy ENV5 (FLOOD RISK).
- 8.126. This does not obviate the need to consider flood risk further; the NPPF makes clear (at paragraph 103) that *“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment”*. In this case that requirement is met by the Flood Risk Assessment (FRA) prepared by Such Salinger Peters – Revision A (May 2017). The Environment Agency has considered this FRA and maintains two objections to the proposals.

### **Ground floor levels – Stover and Lilliput**

- 8.127. It is a requirement of the FRA to demonstrate that during extreme flooding events there are adequate routes through the site to allow for the passage of flood water, thereby reducing the risk to other properties within and surrounding the site. In this case the FRA proposes that this will be achieved through the general principle of maintaining roads and passageways at existing ground levels and then raising the footprint of new buildings by at least 300mm above the 100 year flood level. The Environment Agency (EA) is recommending that this principle is enforced through a planning condition. However, the EA also notes that this would be unachievable for Stover and Lilliput where ground floors are being

proposed at a lower level. For Stover the ground floor is proposed at a maximum of 7.40, only 80mm above 100 year flood level, and for Lilliput the ground floor ranges between 7.20 and 7.28 which is actually between 70mm and 150mm below the 100 year flood level.

- 8.128. The ground floors of both Stover and Lilliput are proposed as commercial and ordinarily the EA would be less concerned about achieving a 300mm freeboard in those circumstances; its preoccupation tends to be with more vulnerable uses, particularly residential. However, in this case it is adopting what it describes as a “precautionary and sustainable” approach by trying to future proof the buildings. It acknowledges that a change of use to residential would require planning permission in its own right, but is trying to avoid a situation where that became impracticable or difficult through a lack of forethought in building design.
- 8.129. Achieving a 300mm freeboard on both buildings would be relatively easy, but it is not considered desirable in design terms in either case. It would produce an ugly step in Lilliput at the junction between the new build and the refurbished part of the building and it would make Stover appear incongruous in its setting where the other retained buildings have ground floors set much closer to existing levels.
- 8.130. The applicants also make the point that the generous ground floor ceiling heights in both buildings (typical for commercial floorspace) offer the potential to raise internal floor areas above the 100 year flood level if a change of use to residential was ever proposed. The EA accept this principle, but at the time of writing this report is still awaiting calculations to prove that it is a viable solution in respect of both of these buildings. Members will be provided with an update at Committee.

### **Flood resistance and resilience**

- 8.131. The EA’s concern here is that, as things stand, the applicant’s FRA is not committing to residential standards of flood resistance and resilience to the ground floors of Stover and Lilliput and that, as with the point about floor levels, this is not future proofing the buildings. This could be resolved by imposing the EA’s recommended condition, but the EA wants the FRA updated before withdrawing its objection. Discussions are ongoing on this point and Members will be provided with an update at Committee.
- 8.132. If the EA’s objection cannot be withdrawn and Committee is ultimately minded to approve the two planning applications currently under consideration then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the applications would need be referred to the Secretary of State via the National Planning Casework Unit.

## **Surface water**

8.133. The Lead Local Flood Authority (LLFA) has offered discretionary advice on both planning applications currently under consideration: it considers that both applications fall outside of its remit. However, the EA has considered the issue and confirmed itself content subject to the imposition of a condition.

## **Access and parking;**

8.134. It is a strategic objective of the Local Plan to:

*“Provide greater opportunities to reduce car use; improve safety; ensure convenient and appropriate public transport services; and seek greater network efficiency for pedestrians, cyclists and equestrians.”*

8.135. The decision to allocate St Michael’s Trading Estate for mixed-use development is, in part, a reflection of the fact that it is in a very accessible location, within easy walking distance of the town centre and convenient access to public transport.

## **Access**

8.136. The first two criteria in Local Plan policy COM7 (CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK) reemphasise the locational exigencies of the Plan’s strategic objectives. Subsequent criteria consider more

8.137. Highways England has considered the impact of the development upon the strategic highway network and maintains the position that it adopted in 2012; it requires a financial contribution of £8,000 (index-linked) towards improvement of the East Road roundabout on the A35. This will need to be secured through a planning obligation.

8.138. The local highway authority has no objection to the development subject to the imposition of a condition.

## **Parking**

8.139. Local Plan policy COM9 (PARKING STANDARDS IN NEW DEVELOPMENT) expects parking provision associated with new residential development to be assessed under the methodology set out in the Bournemouth, Poole & Dorset Residential Car Parking Study, taking into account the following factors:

- Levels of local accessibility;
- Historic and forecast car ownership levels;
- The size, type, tenure and location of the dwellings;

- The appropriate mix of parking types (e.g. unallocated, on-street, visitor etc).
- 8.140. Policy COM9 expects parking standards for non-residential development to be agreed through joint discussions between the local Highway Authority and the Local Planning Authority in accordance with published local parking guidelines, which in this case is the County Council's *"Non-Residential Parking Guidance"*.
- 8.141. Masterplan drawing PL 101 Revision D shows a total of 160 parking spaces across the BRID5 allocation, which is unintended to provide 1 space per residential unit (92) with the remainder (68) available for commercial tenants and visitors. The local highway authority is content with this level of provision in this location. It should be noted that another consequence of this development proceeding will be to displace a significant amount of "fly-parking". The whole of the estate is regarded by some as a free car park.

**Biodiversity:**

8.142. It is a strategic objective of the Local Plan to:

*"Protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area – this will be the over-riding objective in those areas of the plan which are particularly sensitive to change"*.

8.143. And in meeting this strategic objective the Local Plan states:

*"Development should protect and enhance the natural environment - its landscape, seascapes and geological conservation interests, its wildlife and habitats and important local green spaces - by directing development away from sensitive areas that cannot accommodate change. Where development is needed and harm cannot be avoided, appropriate mitigation to off-set any adverse impact to the landscape, wildlife and green infrastructure network will be required"*.

8.144. This objective is expressed through a number of policies, but most succinctly through policy ENV 2:

**ENV 2. WILDLIFE AND HABITATS**

- i. Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.
- ii. Development that is likely to have an adverse effect upon the integrity of the Poole Harbour and Dorset Heaths International



designations will only be permitted where there is provision to avoid or secure effective mitigation of the potential adverse effects in accordance with the strategy in Table 2.2.

- iii. Development that is likely to have an adverse effect upon nationally designated wildlife sites will not be permitted unless the benefits, in terms of other objectives, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.
- iv. In other locations, including locally identified wildlife sites and water-bodies, where significant harm to nature conservation interests cannot be avoided, it should be mitigated. Where it cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity otherwise development will not be permitted. Features of nature conservation interest should be safeguarded by development.
- v. Proposals that would result in the loss or deterioration of irreplaceable habitats, such as ancient woodlands and veteran trees, will be refused unless the need for and public benefits of the development clearly outweigh the loss.
- vi. Proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. Development of major sites should take opportunities to help connect and improve the wider ecological networks.
- vii. Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution. Development on sites supporting other protected species will only be permitted where adequate provision can be made for the retention of the species or its safe relocation.

8.145. The outline application is supported by a Biodiversity Mitigation Plan (BMP) dated 31st January 2017 which was granted a Certificate of Approval by the Natural Environment Team of Dorset County Council on 3rd February 2017. The broad conclusions of the BMP are:

*“No signs or potential habitat for bats was found in any of the buildings effected. There was evidence of Herring gulls breeding on top of some of the buildings and pigeons in the two-storey building. No other signs of breeding birds could be detected. There were signs of water voles in the river but no change in the management of the riverside habitat is proposed.*

*“Most of the proposal area was hardstanding, except an 8m zone alongside the river which is being retained for Environment Agency access. The river*

*corridor offers opportunities for a variety of river wildlife including feeding birds, bats and invertebrates in an otherwise concrete habitat.”*

8.146. The BMP goes on to suggest limited mitigation and compensation in this context, which should also address the Environment Agency’s in respect of water voles.

8.147. Natural England is keen to develop the opportunities associated with the potential for St Michael’s Island as a Local Nature Reserve (LNR). Policy BRID5 does not go that far; its expectation is that there will be:

*“ ... the provision for a wildlife corridor along the River Brit, including St Michael’s Island.”*

8.148. The applicants accept this requirement and it is recommended that a detailed scheme for the future of St Michael’s Island is secured through a planning condition. This should include details of long-term maintenance, which would not rule out the possibility of it becoming a LNR.

**Community Infrastructure Levy (CIL):**

8.149. These proposals are CIL liable. It is impossible to make an accurate assessment of that liability at this stage, particularly given that a significant element of the scheme is being considered in outline. But an estimate at the moment suggests an overall figure of approximately £400K. 15% of this will go to Bridport Town Council, with 85% retained by WDDC and apportioned as follows:

<b>CIL Theme Apportionment</b>	
	<b>WDDC CIL Apportionment</b>
<b>Culture &amp; Leisure Facilities</b>	17.5%
<b>Dorset Heathlands</b>	5%
<b>Education &amp; Training Facilities</b>	30%
<b>Emergency Services</b>	5%
<b>Flood Mitigation and Coast Protection</b>	5%
<b>Green Infrastructure &amp; Recreation</b>	5%
<b>Healthcare</b>	2.5%
<b>Poole Harbour Nutrient Management</b>	5%
<b>Public Realm</b>	2.5%
<b>Transport</b>	15%
<b>Utilities</b>	2.5%
<b>Waste Management</b>	5%

## **9. SUMMARY OF ISSUES AND THE PLANNING BALANCE**

- 9.1. St Michael's Trading Estate is allocated for a comprehensive mixed-use development by Local Plan policy BRID5. The Local Plan considered many of the objections levelled at the current proposals during the examination into the Local Plan and whilst acknowledging concerns about the potential to "*devalue the unique form and appeal of the site and undermine its character*" but that "*ignoring the condition of the buildings is more likely to jeopardise the future of the site in its current form. Incorporating some residential use appears to be a realistic and modest option which is capable of funding improvements while retaining the inherent character of the Estate.*"
- 9.2. The current proposals include a net increase of 91 dwellings across the Estate. This would be a valuable contribution towards the Local Plan's five-year housing lands supply, albeit less than 105 dwellings currently identified. The housing is also proposed to fund a £2m cross-subsidy for essential repairs to the retained commercial buildings on the site, many of them exhibiting historic interest.
- 9.3. There would be a net loss of approximately 25% of the existing commercial floorspace, but the cross-subsidy is intended to carry out essential repairs to the retained buildings that would bring vacant and under-used floorspace up to standard that would retain existing employment levels. The new floorspace within Lilliput and Stover would also provide opportunities for businesses not well-suited to the inherent limitations of the retained buildings. The proposals are considered to meet the requirement for "*maintenance or enhancement of employment opportunities*" established by Local Plan policy BRID5.
- 9.4. Taking into account Vacant Building Credit and viability arguments accepted as valid by an independent valuer the affordable housing requirement for these proposals as a whole would be 22 dwellings. At that level the proposals would be consistent with Local Plan policy HOUS1, subject to agreement of an Affordable Housing Scheme to resolve the detailed mix and disposition of units across the Estate.
- 9.5. The "Trick Factory" is an Asset of Community Value (ACV) and the purpose for which it was listed is a material planning consideration. However, the unit is now vacant and given the alternative recreational facilities being provided within the proposals (including a new riverside walk and future management of St Michael's Island as a wildlife corridor) the loss of the Trick Factory is judged compliant with Local Plan policy COM5.
- 9.6. These proposals will directly impact a number of designated and undesignated heritage assets. The main designated assets are 40 St Michaels Lane (including Lilliput) - a grade II listed building, and the Bridport Conservation Area. The undesignated heritage assets of concern are the Stover Building – proposed to be demolished in these proposals – and the "Tin Shed" - proposed to be relocated.

- 9.7. Historic England has been closely involved in the evolution of these latest proposals and acknowledges that the scheme potentially represents a significant improvement upon the earlier 2012 iteration. However it does retain concerns and considers that the proposed demolitions (Stover and the “Tin Shed”) and the imposition of a north-south road cutting through the grain of the site.(Lilliput Lane) would cause harm to the significance of the conservation area, albeit less than substantial harm. In those circumstances the Committee would need to have regard to: (1) the statutory requirement imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”; and (2) paragraph 134 of the NPPF which requires decision makers to weigh any harm against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there are a number of public benefits that weigh heavily against the harm, particularly the provision of much-needed housing (including affordable housing) and some significant investment in the fabric of those buildings to be retained.
- 9.8. There are two aspects to concerns about residential amenity, the potential impact upon existing properties and the living conditions that would be created for new properties.
- 9.9. The relationships established by the new buildings, and particularly the new Lilliput and Stover buildings has been carefully considered and no existing property will suffer the significant adverse effect required to fall foul of Local Plan policy ENV16.
- 9.10. The amenity of new properties, particularly the 44 flats proposed in the eastern half of the site, will be reduced as a consequence of close proximity to commercial premises, some of which will not be constrained by the limitations of a lawful B1 use. Nevertheless, the majority of the established uses within the retained buildings are not considered to be such bad neighbours as to lead to the significant adverse effects which is the test established by Local Plan policy ENV16.
- 9.11. The Environment Agency is now broadly content with the proposals although, as things stand, it has retained an objection to the proposals for the new Lilliput and Stover buildings on the basis that the ground floor levels and flood resilience measures do not take into account the potential for a future change to a more vulnerable residential use. This is not considered to be a sustainable basis for refusing planning permission.
- 9.12. 160 parking spaces are being proposed across the Estate to support these proposals; one of each residential unit and the residual to serve commercial tenants and visitors. Taking into account the Estate’s good level of accessibility the local highway authority is content with this level of provision, subject to a

planning condition. Highways England is content with the proposals subject to a £8K financial contribution towards improvements to East Road roundabout.

- 9.13. Natural England raises no objections to the proposals subject to implementation of the submitted Biodiversity Mitigation Plan and securing a scheme for the implementation and future management of a scheme for a wildlife corridor on St Michael's Island.
- 9.14. Overall, this remains a controversial proposal. There is an overriding concern that a mixed use redevelopment involving housing will inevitably destroy the essential character of something which is regarded as very special to Bridport, its conservation area and its economy. But, as the Local Plan inspector recognised when allocating the site, the greater risk is in doing nothing. There have been various iterations of redevelopment proposals for the Estate over the years, but this is considered to be the most successful to date. It strikes the right balance between accommodating sufficient housing to boost the five-year supply and retaining many of the essential qualities of the site. It also offers the prospect of a significant investment in the retained buildings and the provision of some valuable new amenities.

## **10. RECOMMENDATION**

### **1/D/11/002012 Outline**

- 10.1. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- d. referral to the Secretary of State via the National Planning Casework Unit ;
  - e. a section 106 agreement addressing the following heads of terms;
    - i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;
    - ii. 22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme;
    - iii. Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved;
  - f. And the following conditions:
    - 1. Approved plans

## **Outline conditions**

2. Approval of the details of the appearance of the building(s) and the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To ensure the satisfactory development of the site.

3. Application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

## **The Stover Building**

5. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a contract has been let for the subsequent and immediate implementation of the redevelopment of that part of the site approved by this permission, or such alternative redevelopment for that part of the site as may be approved within the life of this permission. .

REASON: To avoid the premature demolition of the Stover Building in the interests of preserving the character of the Bridport Conservation Area.

6. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a scheme for recording the building's heritage significance during the process of demolition has been submitted to, and approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure a complete record of the heritage significance of the building.

## **The "Tin shed"**

7. No demolition of the "Tin Shed" (the northernmost building marked as no. 20 on drawing no. PL 002) shall take place until a scheme for the relocation of the structure, as far as is practicable, shall have been submitted to, and

approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure that the structure is retained as part of the redevelopment proposals.

### **Residential amenity**

8. The ground floor of the new Stover building shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV16.

### **Biodiversity**

9. Unless agreed otherwise in writing by the local planning authority, the development shall be carried out in accordance with the recommendations of the Biodiversity Mitigation Plan submitted by Bronwen Bruce, MCIIEM dated 31st January 2017 and granted a Certificate of Approval by the Natural Environment Team of Dorset County Council on 3rd February 2017.

REASON: To enhance biodiversity in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV 2.

### **St Michael's Island**

10. Unless agreed otherwise in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and long-term management of St Michael's Island (marked as no. 8 on drawing no. PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (a) timetabled proposals for enhancements to biodiversity; (b) details of arrangements for public access; and (c) details of the body/organisation charged with long-term maintenance. Thereafter, enhancement and long-term management shall proceed in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

### **Riverside Walk**

11. Unless agreed otherwise in writing by the local planning authority, the development hereby permitted shall not be commenced until a scheme for a riverside walk, incorporating the Environment Agency's 8m wide maintenance strip east of the River Brit, has been submitted to, and approved

in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; (2) phased construction arrangements, if appropriate; (3) proposals for limiting vehicle access; and (4) proposals for long-term maintenance and public access. Thereafter, the development shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

### **Cattlemarket Square**

12. Unless agreed otherwise in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and future use of Cattlemarket Square (as identified on approved drawing PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; and (2) proposals for long-term maintenance and public use/access. Thereafter, the proposals for Cattlemarket Square shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To ensure that the potential of Cattlemarket Square to serve a number of uses is fully realised.

### **Flooding**

13. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the proposed development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

14. The development hereby permitted shall not be commenced until such time as a scheme to ensure the finished ground floor levels of all new buildings (with the exception of the new Stover building) are set at least 300mm above the adjacent / corresponding present day 1 in 100 year flood level has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.



REASON: To reduce the impact of flooding on the proposed development and future occupants.

15. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways. All other site levels must not be higher than those prior to the development. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme must be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

16. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA, under all phases of the development. All proposed works within 8m of the defences and associated infrastructure, through all phases of the development, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

17. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the local planning authority. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of other development works on the site, with contingency arrangements put in place where necessary. Localised drainage infrastructure and highways works may be incorporated simultaneously. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

### **Surface water**

18. No development shall take place on land to which reserved matters relate until the detailed drainage design for each phase of development, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. Sufficient attenuation storage and flow control shall be provided for each phase of development. This should be clearly demonstrated in a detailed Surface Water Management Strategy document (and Masterplan) showing attenuation volumes and final discharge rates and for each discreet phase, and for cumulative phases, to be submitted under each relative reserved matters application if the development comes forward in phases. Phasing and maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

### **Land contamination**

19. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority: (a) a 'desk study' report documenting the site history; (b) a site investigation report documenting the ground conditions of the site, and incorporating a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment; (c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed; (d) a detailed phasing scheme for the development and remedial works. The remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

20. Before the commencement of development, a further investigation and risk assessment shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

21. Before the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

22. Before the commencement of development, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation

scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

#### **Estate road construction**

24. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

#### **WD/D/16/002852 Full**

- 10.2. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
  - b. a section 106 agreement addressing the following heads of terms;
    - i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;

- ii. 22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme;
  - iii. Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved;
- c. And the following conditions:
1. Approved plans.

#### **Time limit**

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).

#### **Materials**

3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In order to safeguard the character of the listed building in accordance with West Dorset, Weymouth & Portland Local Plan policies ENV4 and ENV12.

#### **Residential amenity**

4. The areas of the ground floor of the building proposed for commercial use (all those areas not providing access to the upper floor flats) shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV16.

#### **Flooding**

5. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the

proposed development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

6. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways. All other site levels must not be higher than those prior to the development. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme must be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

7. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA, under all phases of the development. All proposed works within 8m of the defences and associated infrastructure, through all phases of the development, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

8. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the local planning authority. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of other development works on the site, with contingency arrangements put in place

where necessary. Localised drainage infrastructure and highways works may be incorporated simultaneously. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

### **Surface water**

9. No development shall take place on land to which reserved matters relate until the detailed drainage design for each phase of development, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. Sufficient attenuation storage and flow control shall be provided for each phase of development. This should be clearly demonstrated in a detailed Surface Water Management Strategy document (and Masterplan) showing attenuation volumes and final discharge rates and for each discreet phase, and for cumulative phases, to be submitted under each relative reserved matters application if the development comes forward in phases. Phasing and maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

### **Land contamination**

10. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority: (a) a 'desk study' report documenting the site history; (b) a site investigation report documenting the ground conditions of the site, and incorporating a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment; (c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed; (d) a detailed phasing scheme for the development and remedial works. The remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

11. Before the commencement of development, a further investigation and risk assessment shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

12. Before the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.



13. Before the commencement of development, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

### **WD/D/16/002853 Listed Building Consent**

- 10.3. Grant listed building consent subject to the following conditions:

1. Approved plans.

#### **Time limit**

2. The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.

REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

#### **Materials**

3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In order to safeguard the character of the listed building in accordance with West Dorset, Weymouth & Portland Local Plan policies ENV4 and ENV12.

<b>Application Number:</b>	WD/D/16/002852
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE, ST MICHAELS ESTATE, BRIDPORT, DT6 3TP
<b>Proposal:</b>	<p><b>Application for Full Planning Permission</b></p> <p>Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)</p>
<b>Applicant name:</b>	Mr Hayward
<b>Case Officer:</b>	Matthew Pochin-Hawkes
<b>Ward Member(s):</b>	Cllr. Sarah Williams, Cllr. Kelvin Clayton and Cllr. Dave Bolwell

**1.0** Reason application is going to committee: Proposed change to S106 legal agreement Heads of Terms which were previously the subject of a planning committee resolution and to consider changes to national policy and the development plan which have occurred since the committee resolution.

**2.0 Summary of recommendation:**

Recommendation A:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions detailed at Section 17 of this report.

## Recommendation B:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15<sup>th</sup> December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

### 3.0 Reason for the recommendation:

- The proposal would result in the redevelopment of a highly sustainable allocated brownfield site within Bridport town centre for an appropriate mix of residential and commercial uses.
- The new and refurbished employment space would support the local economy and provide opportunities for a range of small scale occupiers.
- The proposals are sympathetic to the sensitive heritage context of the site and surrounding area and would not harm the significance of any designated or non-designated heritage assets.
- The reduced quantum of affordable housing has been rigorously assessed and found to be acceptable due to viability.
- There is not considered to be any significant harm to residential amenity.
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

### 4.0 Key planning issues

This report relates to the outline application at St Michael's Trading Estate in Bridport. It is one of three separate, but related applications, for mixed use redevelopment of the Estate. This section summarises the key planning issues for the application.

Issue	Conclusion
Principle of development	The site is allocated in the Local Plan for mixed use development. Bridport Area Neighbourhood Plan (BANP) supports regeneration.
Employment	The proposal would result in a small net loss of employment floorspace. The new build and

	refurbished spaces represents a qualitative improvement and would meet the needs of small businesses resulting in a net-gain in employment overall.
Residential	The dwellings are entirely acceptable in principle.
Housing mix	The housing mix is limited (all 2-bed apartments). Given the modest number of dwellings proposed the proposed housing mix is acceptable.
Affordable housing provision	Has been rigorously viability tested. 14 affordable dwellings would be secured within the outline element of the associated application.
Heritage	The would be no harm to designated or non-designated heritage assets. The proposal would secure the long term use of the listed building.
Area of Outstanding Natural Beauty	The proposal would not adversely affect the AONB.
Design	Has been informed by the sensitive heritage context of the site. The proposal works in harmony with the existing site, retained listed building and surrounding area and would create a strong sense of place.
Residential amenity	Significant adverse impacts from overlooking are avoided and appropriate residential amenity can be secured via planning conditions. Whilst the apartments would not have private amenity space local open space is located close by.
Flood risk and drainage	Acceptable subject to conditions.
Ground conditions	Acceptable subject to conditions.
Highways, Access and Parking	Sufficient parking would be provided. No objection from the Highways Authority or National Highways.
Ecology and Biodiversity	No adverse impacts on ecology or biodiversity. Net gains would be secured.
Energy efficiency and sustainability	Appropriate energy efficiency would be secured via planning condition.

## 5.0 Description of Site

5.1 St Michael's Trading Estate is a historic industrial estate on the West of Bridport. The site of the application for full planning permission comprises the north eastern part of the BRID5 site allocation in the adopted West Dorset, Weymouth and Portland Local Plan (2015). The site comprises 40 St Michael's Lane and adjoining buildings to the rear known collectively as the Lilliput Buildings together with adjoining yard space.

5.2 The site is bounded on the east by St Michael's Lane, to the south and west by adjacent buildings within the Estate (Twine Stores and Auction House respectively) and to the north by the Bridport Police Station and residential buildings along St Michael's Lane.

5.3 The site is previously developed land and provides a range of employment uses. The buildings are arranged in an east to west orientation from St Michael's Lane towards the river, with the gap between the Lilliput Buildings ('Northern Range') and the adjacent Twine Store ('Southern Range') reflecting the former ropewalks on the Estate. 40 St Michael's Lane is 3 storeys. The Lilliput Buildings to the rear are 1-2. Service access is provided to the rear via Tannery Road. The site is predominantly level.

5.4 The surrounding area includes a mix of uses. Immediately north of the site is the Bridport Police Station, West Street Car Park and Bridport Bus Station, beyond which lies the B3162 (West Street) which leads to the centre of Bridport approximately 280m away. To the north east are residential dwellings and the Hope and Anchor Public House along St Michael's Lane, a Waitrose foodstore and Rope Walks Car Park accessed from Rope Walks. The wider Estate is to the south and west, beyond which lies the River Brit and adjacent open space, including tennis courts, children's play space and a skate park. A public footpath (W1/44) runs through this open space connecting West Street Car Park with another footpath (W1/29) which runs along the western bank of the River Brit. Surrounding buildings are predominantly two storey constructed in a mix of architectural styles.

## **6.0 Description of Development**

6.1 The proposed development seeks full planning permission for redevelopment of the Lilliput Buildings including part demolition of listed and unlisted structures and refurbishment of retained structures to provide 9 residential units (including refurbishment of one existing unit); and a net decrease of 47sq. m. of light industrial floorspace.

6.2 The proposed demolitions include the more recent additions in the north west of the building, together with internal walls/structures to facilitate the proposed development and create an unrestricted pedestrian route ('Ropewalks Link') from St Michael's Lane to the rear of the site. A new stepped 1-3 storey mixed residential/commercial building is proposed in the broad location of the demolished part of the building.

6.3 Through the new build floorspace and internal alterations, the development would create 6 commercial units and 9 x 2-bed dwellings. B1 Commercial Units 1 – 5 would be located at ground level, with access provided to the west and south. Service access would be provided from the north. Unit 6 would be provided across the ground and upper floors of 40 St Michael's Lane and part of the first floor of the eastern part of the Lilliput Buildings.

6.4 The apartments would be created within the first and second floors of the new building (Units 1.1-1.5, 2.1 and 2.2) and through change of use/refurbishment of part of the first floor of the western part of the Lilliput Buildings (Units 1.6 and 1.7). In total there would be seven apartments on the first floor, including an existing unit which is

to be refurbished. Two apartments are proposed on the second floor, completely within the new-build element of the scheme.

6.5 Car parking associated with the dwellings would be provided within the wider Estate as part of the associated application for outline planning permission. Cycle parking is proposed within the new building at ground level.

6.6 The two changes to the proposed development since the former West Dorset District Council Development Control Committee of July 2017 relate to:

- 1) the removal of an off-site highway contribution following further assessment of the highway implications of the development; and
- 2) the quantum of affordable housing across the outline and detailed applications, which the applicant proposes to reduce from 22 (24% including all housing within outline and detailed applications) to 14 (15%) dwellings owing to the revised viability of the proposal. The affordable homes would provide a tenure mix of 70:30 affordable rented: intermediate and would be located within the proposed St Michael's Buildings within the associated outline application. All nine dwellings would be 2-bed. The proposed housing mix across the outline and detailed application is as follows:

**Table 6.1: Housing Mix – Outline and Detailed Application**

No. of bedrooms	Apartments		Houses			Total
	1-bed	2-bed	2-bed	3-bed	4-bed	
No. of dwellings	8	36	24	11	13	92
Total (%)	8.7%	39.1%	26.1%	12.0%	14.1%	100.0%

6.7 In combination with the associated outline planning application, the proposals would involve the demolition of 3,681sq.m of existing commercial buildings, and the construction of 1,086sq.m of new floorspace – resulting in a net loss of 2,595sq.m overall. The proposed employment provision is summarised in the table below:

**Table 6.2: Employment Floorspace**

Floorspace (sq.m)	Detailed application (WD/D/16/002852)	Outline application (1/D/11/002012)	Total
Existing floorspace	1,541	9,005	10,546
Proposed demolitions	372	3,309	3,681
Proposed new floorspace	325	761	1,086
Net proposed	1,494	6,457	7,951
Change	-47	-2,548	-2,595

6.8 A total of 160 parking spaces would be proposed across the BRID5 allocation site. They would provide 1 space for each of the apartments within the detailed application with the remainder (68) available for commercial tenants and visitors. All parking spaces are located within the outline application site.

## 7.0 Background and Relevant Planning History

7.1 St Michael's Trading Estate has a detailed planning history. The application subject to this report has previously been considered twice by the former West

Dorset Development Control Committee where Member's resolved to grant permission subject to conditions and a Section 106 Agreement requiring a range of infrastructure requirements including affordable housing.

7.2 The relevant planning history is summarised in the table below:

**Table 7.1: Planning History**

<b>App No.</b>	<b>Type</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
<b>Determined Applications</b>				
1/D/08/000574	OUT	Develop land by the erection of 175 dwellings, 1,814 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), a taxi office and a new bus station with associated office). Refurbish all remaining buildings and create new vehicular and pedestrian accesses	Refused	2 June 2009
1/D/08/000576	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33- 38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	Refused	2 June 2009
1/D/09/001051	OUT	Develop land by the erection of 173 dwellings, 1,904 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), and a new transport interchange with improved bus, coach and taxi facilities including 24 hour public conveniences). Refurbish all remaining buildings and create new vehicular and pedestrian accesses	Refused	26 August 2009



1/D/09/001052	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33- 38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	Refused	26 August 2009
1/D/11/002013	CAC	Demolish Buildings	Withdrawn	3 March 2017
WD/D/16/002853	LBC	Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq.m of light industrial floorspace.(Revised scheme)	Granted	7 August 2017
<b>Live Applications</b>				
1/D/11/002012	OUT	Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of 'Tower Building'. Appearance and landscaping reserved for further approval. (Further revised scheme).	Pending	N/A
WD/D/16/002852	FULL	Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of	Pending	N/A

		47 sq.m of light industrial floorspace.(Revised scheme)		
P/LBC/2022/071 18	LBC	Partial demolition and redevelopment of the Lilliput Building alongside the repair and re-use of the Grade II listed former Ropework Buildings, to the rear of no. 40 St. Michael's Lane, Bridport, to form 9 flats and improved commercial floor space.	Pending	N/A

### **Outline Application (1/D/11/002012)**

#### ***Initial Planning Committee – June 2012***

7.3 The outline application was registered on 02 January 2012, at which time it proposed the erection of 105 dwellings (66 houses, 4 maisonettes and 35 flats), new commercial floor space and space for the relocation of 'the Trick Factory' – an indoor skatepark which at that time was operating on the first floor of the Stover Building.

7.4 The application was considered by the former West Dorset District Council Development Control Committee on 21 June 2012 which resolved to grant planning permission subject to: (1) submission and agreement of an acoustic report demonstrating that the relocated Trick Factory could operate without detriment to the residential amenity of existing or proposed properties; (2) a Section 106 agreement to secure a range of infrastructure requirements, including affordable housing; and (3) various conditions.

7.5 Issuing a formal permission was dependent upon concluding the proposed Section 106 agreement. However, before this could happen English Heritage (now Historic England) extended the original listing of 40 St Michael's Lane (dating from 1975) to include "attached buildings to the rear and north-west", referred to locally as the Lilliput Building. This had the immediate effect of increasing the extent of listed buildings within the application site, effectively invalidating the Committee's earlier resolution. A planning permission must have regard to the development plan and other material considerations as they apply on the day that the notice is issued, which would not have been the case in this instance. The extended listing of the Lilliput Building necessitated an amended procedural approach and brought policies into play that committee had not weighed in the planning balance as they were not relevant at the time of the planning committee.

7.6 ***Second Planning Committee*** Following the initial planning committee the outline application was amended and separate but related applications for full planning permission (WD/D/16/002852) and listed building consent (WD/D/16/002853) were submitted in December 2016 – described in the sub-section below.

7.7 The scope of the outline application was changed in a number of ways to fix access, layout and scale at the outline stage (reserving appearance and landscaping

for subsequent approval at the Reserved Matters stage) and remove 40 St Michael's Lane and the Northern Range of the listed buildings from the outline application site. The description of development was amended to reduce the number of dwellings from 105 to 83 (48 houses and 35 apartments) and references to making provision for the Trick Factory were removed. As well as fixing the number of dwellings the revised application proposed the demolition of 3,309sq.m of existing commercial floorspace and the construction of 761sq.m of new employment floorspace for uses within Class B1(c) (Light industrial) of the former Town and Country Planning (Use Classes) Order 1987 (as amended). This leads to an overall decrease of 2,548sq.m of commercial space.

7.8 The proposed layout was redesigned and revised illustrative materials were submitted to reflect the revised proposal. The revised application was accompanied by a series of revised and new documents and was subject to full re-consultation.

7.9 Members of the former West Dorset District Council Development Control Committee resolved to grant outline planning permission on 6 July 2017 subject to a Section 106 Agreement and planning conditions. The heads of terms of the Section 106 Agreement comprised:

- i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;
- ii. 22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme;
- iii. Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units.

The case officer's report for the July 2017 committee is included at Appendix 1.

### **Applications for Full Planning Permission (WD/D/16/002852) and Listed Building Consent (WD/D/16/002853)**

7.10 The revised proposals for the Lilliput Buildings (the Northern Range to the rear of 40 St Michael's Lane) were included within the separate applications for planning permission and listed building consent. The proposed development is described in the section above and the history and significance of the Lilliput Building is examined in considerable detail in two reports submitted in support of these applications: (1) Philip Brebner's "Historic Building Survey for The 'Lilliput' Buildings"; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. Both of these can be viewed in full online.

7.11 Members of the former West Dorset Development Control Committee resolved to grant planning permission on 6 July 2017 subject to: referral to the Secretary of State via the National Planning Casework Unit; a Section 106 Agreement; and planning conditions. The heads of terms of the Section 106 Agreement comprised those detailed above for the related outline planning application. Members also resolved to grant listed building consent subject to conditions. The listed building consent was issued but has since lapsed. A new application for listed building consent was submitted in 2022.

7.12 The case officer's report for the July 2017 committee is included at Appendix 1.

## 8.0 List of Constraints

- Area inside Defined Development Boundary
- Dorset 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)
- Landscape Character Areas: Urban and Undulating River Valley
- Contaminated Sites
- Flood Zones 2 and 3
- Risk of Flooding from Surface Water: 1 in 100/year and 1 in 1000/year risk along St Michael's Lane
- Right of Way – Footpaths adjacent to the site: W1/44 and W1/34
- 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)

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

*Within the boundary of the application site:*

- 40 St Michael's Lane and attached buildings to the rear and north-west (Historic England ref: 1287500). Note the Northern Range of the building (the Lilliput Buildings) falls within the application site.

*Within the setting of listed buildings:*

- 26, 28A and 28B St Michael's Lane (HE ref: 1287449)
- 36 and 38, St Michael's Lane (HE ref: 1227775)
- 42 and 44, St Michael's Lane (HE ref: 1227776)
- Hope and Anchor Public House (HE ref: 1227778)

Important Local Buildings identified in the Bridport Neighbourhood Plan within Sub-Area 7: South West Quadrant:

- 30-32 St Michael's Lane
- St Michael's Lane Unit 104
- The ranges of industrial buildings attached to the rear of No. 40 St Michael's Lane (Note No. 40 and the Northern Range / Lilliput Buildings falls within the application site)
- No. 1 Stover Place
- Units 47 and 52 St Michael's Trading Estate
- Units 37, 60, 61 and 67 St Michael's Trading Estate
- Unit 58 St Michael's Trading Estate

- The Bridport Industries Building
- Nos. 66 to 69 St Michael's Lane
- The former Assembly Rooms in Gundry Lane

## **9.0 Consultations**

This section summarises the consultation responses that have been received since the 6 July 2017 former West Dorset Development Control Committee. Consultation responses received prior to the committee are summarised in the previous Committee Report (see Appendix 1). All consultee responses can be viewed in full on the Council's website.

### **Natural England**

Confirm agreement to the conclusions of Dorset Council's Habitat Regulations Assessment.

### **Environment Agency**

The EA has provided a clarification on detailed wording of planning conditions. They note the EA is reliant upon Dorset Council to ensure issues of co-dependency, phasing and maintenance of surface water management is appropriately managed between the outline and detailed proposals. The EA also recommends alder and Dorset apple varieties are incorporated within the proposals and notes additional habitat features within the site.

### **Historic England**

Advise Historic England has no further comments to those provided in 2017.

### **National Highways**

Following review of the Applicant's Transport Assessment Addendum (TAA), National Highways confirmed no objection to the proposed development and advised that off-site highway improvements are not required. National Highways recommend that robust travel plan measures are secured to maximise the potential offered by the central location of the site and encourage take up of sustainable travel modes.

### **Dorset Council Highways**

No objection to the proposal subject to the same conditions previously recommended by Dorset Council Highways.

### **Conservation Officer**

Support subject to conditions. The proposals will result in no harm to designated heritage assets.

### **Lead Local Flood Authority**

The Flood Risk Management Team (Lead Local Flood Authority) provided amended flood risk management related conditions in response to the EA's comments and note the detailed surface water management scheme (proposed to be conditioned) should avoid the pumping of surface water.

### **Tree and Landscape Officer**

No objection.

## **Dorset Natural Environment Team**

Certificate of Approval issued.

## **Dorset Council Environmental Protection**

Confirm Dorset Council Environmental Protection has no additional comments.

## **Bridport Town Council**

Bridport Town Council note the Bridport Neighbourhood Plan has been made since the application was considered by the Local Planning Authority and state the proposal must accord with the neighbourhood plan.

In general terms, the town council state the proposals must:

- Conserve and enhance listed and non-listed heritage assets;
- Ensure that the current range of artisan/art activities can continue; and
- Support new employment opportunities.

The town council specify that a number of detailed issues must be catered for in any permission granted, either by planning conditions or through further input by the applicant. The town council highlights a number of policies in the Bridport Neighbourhood Plan that should be complied with in relation to the following headline issues:

1. Housing and affordable housing – Request provision of affordable housing prioritises 1-2 bedroom social rented units and is distributed evenly across the development. Request the applicant consults with Bridport Area Community Housing.
2. Climate emergency – Commitment to carbon reduction requested and assessment against Policies CC2 and CC3 noted.
3. Commercial space – clarification requested on the existing amount of commercial space and request the applicant considers the provision of storage facilities for community organisations.
4. Heritage – including non-designated heritage assets and the phasing of development.
5. Green spaces – notably the protection and enhancement of the river corridor.

## **Ward Councillors**

No comments received.

## **Representations received**

Since the 6 July 2017 former West Dorset Development Control Committee two objections from neighbouring residents have been received. In summary, the objections raise the following points

- The antiques quarter should remain as it is, an artistic/artisan quarter and not for profit.
- Concerns with the co-location of residential and light industrial units. Noise and fumes from industrial uses will result in residents objecting to the industrial uses.

A comment from Bournemouth Central Police Station has also been received. The comments suggest increased security measures may be sensible given the

introduction of residential to a new mix of commercial units, including lighting to reduce any fear of crime. The response suggests adopting guidance of the Police approved Secured by Design for the doors of the residential communal door, each residential unit and each commercial unit.

## 10.0 Relevant Policies

### West Dorset and Weymouth & Portland Local Plan (2015)

In line with the 2017 report to the former West Dorset Development Control Committee, the following policies are still considered to be relevant:

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- ECON3 - Protection of other employment sites
- ECON4 - Retail and Town Centre Development
- HOUS1 - Affordable housing
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and HMOs
- COM1 - Community infrastructure
- COM7 - Creating a safe and efficient transport network
- COM9 - Parking standards in new development
- COM10 - The provision of utilities service infrastructure
- BRID5 - St. Michael's Trading Estate

### Bridport Neighbourhood Plan 2020-2036 (2020)

The Bridport Neighbourhood Plan was made in May 2020. The Plan was not part of the Statutory Development Plan at the time of the 2017 former West Dorset Development Control Committee. The following policies are considered to be relevant:

- CC1 - Publicising carbon footprint
- CC2 - Energy and carbon emissions
- CC3 - Energy generation to offset predicted carbon emissions
- AM1 - Promotion of active travel modes
- AM2 - Managing vehicular traffic
- AM3 - Footpath and cyclepath network

- AM5 - Connections to sustainable transport
- AM6 - Transport hub proposal
- EE2 - Provision for new and small businesses
- H1 - General affordable housing policy
- H2 - Placement of affordable housing
- H4 - Housing mix and balanced community
- H6 - Housing development requirements
- H7 - Custom-build and self-build homes
- HT1 - Non designated heritage assets
- L1 - Green corridors, footpaths, surrounding hills and skylines
- L2 - Biodiversity
- L5 - Enhancement of the environment
- COB1 - Development in the centre of Bridport
- COB3 - Small business support
- COB4 - St Michael's support for the creative industries
- D1 - Harmonising with the site
- D3 - Internal transport links
- D4 - Mix of uses
- D5 - Efficient use of land
- D6 - Definition of streets and spaces
- D7 - Creation of secure areas
- D8 - Contributing to local character
- D9 - Environmental performance
- D10 - Mitigation of light pollution
- D11 - Building for life

## **Material considerations**

### **National Planning Policy Framework (2021)**

The latest version of the NPPF was published in 2021. At the time of the 2017 former West Dorset Development Control Committee the version was 2012. The relevant sections include:

- Section 2. 'Achieving sustainable development':
- Section 4: '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...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' outlines the government's objective in respect of land supply.
- Section 6 'Building a strong, competitive economy'
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of



development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- Section 11 'Making effective use of land'. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 'Achieving well designed places. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 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). 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)

## **Other Material considerations**

Planning Practice Guidance

South West Quadrant Bridport Regeneration Framework (2002)

Supplementary Planning Documents/Guidance Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Landscape Character Assessment February 2009 (West Dorset)

WDDC Design & Sustainable Development Planning Guidelines (2009)

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 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. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010). The Bridport Conservation Area was first designated in 1972 and was centred on the historic core of the town. It has subsequently been extended four times, the last occasion being in October 2010, when the latest Conservation Area Appraisal which included a westward extension of its boundary was adopted by West Dorset District Council. The site falls within the South West Quadrant Sub-Area which is focused around St Michael's Trading Estate.

## **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 Public Sector Equalities Duty. In particular:

- Access; there would be improved footpaths through the site linking with surrounding public rights of way and providing improve access to the Bridport Bus Station. The proposed dwellings would only be accessible via stairs. However, accessible dwellings would be provided within the associated application for outline planning permission.

### 13.0 Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
<b>Material Considerations</b>	
Market housing	9 open market dwellings
Implementation of Biodiversity Management Plan	Including biodiversity net gains
Improved employment space	Including through an Employment Buildings Refurbishment Scheme
Community Infrastructure Levy (CIL)	In accordance with West Dorset CIL Charging Schedule and CIL Regulations
<b>Non Material Considerations</b>	
Council Tax	According to value of each property
Business Rates	According to the rateable value of each unit.
New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767

### 14.0 Environmental Implications

14.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.

14.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

14.3 This has to be balanced against the benefits of providing housing and enhanced employment provision in a highly sustainable location and should be offset against factors including the provision of electric car charging, low-carbon / renewable energy and the dwellings being reasonably energy efficient as required by Building Regulations and the 2021 Approved Documents. The new Building Regulations require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively.

14.4 As a brownfield site within the Defined Development Boundary of Bridport, the proposed redevelopment is inherently sustainable in that it would provide new homes and employment opportunities in a sustainable location in close proximity to public transport. This would reduce pressure on the redevelopment of greenfield sites and support active travel and transport by more sustainable modes.

14.5 The applicant has confirmed the potential to reduce carbon emissions through the use of ground source heat pumps and potential to meet BREEAM Excellent subject to detailed design and viability. Appropriate conditions are proposed to secure this.

## **15.0 Planning Assessment**

15.1.1 The only changes to the proposed development since the former West Dorset Development Control Committee of July 2017 relate to the quantum of affordable housing, which the applicant proposes to reduce from 22 to 14 dwellings across the Estate owing to the revised viability of the proposal, and provision of off-site highway works. All 14 affordable dwellings are proposed within the outline application.

15.1.2 Notwithstanding the limited scope of changes, the below assessment revisits the material planning conditions of the proposal with reference to the previous 2017 Committee Report (Appendix 1) given the intervening adoption of the Bridport Neighbourhood Plan (2020) and newer version of the NPPF (2021).

### **Principle of development**

15.2.1 The principle of comprehensive mixed-use redevelopment of St Michael's Trading Estate is established by site allocation BRID5 of the Local Plan. The allocation designates the site for mixed-use development subject to:

1. the retention and restoration of buildings of historic interest;
2. ensuring the maintenance or enhancement of employment opportunities;
3. respecting the character of the conservation area, including the historic plot patterns;
4. the provision of a riverside walk;
5. the provision for a wildlife corridor along the River Brit, including St Michael's Island.

15.2.2 The supporting text notes the potential role of residential development in helping to secure a viable future for the historic buildings and small-scale employment opportunities.

15.2.3 The NPPF establishes a presumption in favour of sustainable development and seeks opportunities to deliver net gains across each of the three objectives of sustainable development (Paras. 8 and 11). In promoting sustainable development, the NPPF supports the efficient use of land and requires making as much use as possible of previously developed land, specifically acknowledging the multiple benefits that can be delivered through mixed-use schemes (Paras. 119-120).

15.2.4 In tandem with the related applications for outline planning permission and listed building consent, the proposal would result in comprehensive redevelopment of the site to provide a mix of residential and industrial uses as envisaged by the site allocation.

15.2.5 The following sections of this report consider the principle of the proposed uses and partial demolition of heritage assets. The other detailed aspects noted in the site allocation (Nos. 1-5 above) are assessed in subsequent sections.

### ***Employment (Proposed and loss of existing)***

15.3.1 It is a strategic objective of the Local Plan to “*increase employment opportunities*” and the ensuing strategic approach acknowledged that this be achieved, in part, through “*the suitable protection of existing employment sites (taking into account their significance) ...*”. Looking specifically at St Michael’s Trading Estate it is an expectation of Local Plan Policy BRID5 that any redevelopment will ensure “*the maintenance or enhancement of employment opportunities*” (No. 2 above).

15.3.2 There are a wide variety of businesses at St Michael’s Trading Estate. These include office, manufacturing and storage – conventional B Class – Uses, the Red Brick Café (Class E) together with some uses that have a high degree of retail sales (Class E) or fall outside of the use classes order, being Sui Generis (including Snips Hair and Beauty Salon). Whilst the Estate includes a varied mix of employment and retail space, it is clear the Estate is in desperate need of investment, repair and refurbishment to bring space up to modern standards and optimise the employment and economic benefits. The applicant advises 2,009sq.m of floorspace across the Estate is currently unlettable for various reasons, including poor condition, lack of access and inadequate welfare facilities. The poor condition is due to a number of reasons, including fire damage to the East Wing of the Tower Building caused by a fire in 2018.

15.3.3 Since the application was considered by the planning committee in 2017, amendments to the Use Class Order have been made to replace former use classes A1-A5, B1, D1 and D2. However, as the application was submitted prior to the Use Classes Amendment Order (2020) coming into effect, the application must be determined with reference to the former uses classes as they were before the Order came into effect.

15.3.4 Whether or not the proposed employment uses maintain or enhance employment opportunities (in line with Local Plan Policy BRID5) is the key consideration underpinning the acceptability of the proposed employment uses.

15.3.5 In line with the 2017 Committee Report, it is relevant to consider the principle of employment comprehensively across the industrial state having regard to the outline and detailed proposals. The total existing amount of employment floorspace across St Michael’s Trading Estate is 10,546sq.m, although 2,009sq.m (19%) is identified as unlettable. This leaves 8,537sq.m active space available for letting, albeit to varying degrees of intensity. Since the 2017 committee, the applicant advises that employment has increased slightly from 127 to 131 Full Time Equivalent (FTE) jobs. Notwithstanding this modest increase, the conclusions of the 2017 report remain valid and provide a robust assessment of employment provision.

15.3.6 The table below summarises changes of employment across St Michael’s Trading Estate:

**Table 15. 1: Employment Provision**

<b>Floorspace (sq.m)</b>	<b>Outline application (1/D/11/002012)</b>	<b>Detailed application (WD/D/16/002852)</b>	<b>Total</b>
Existing floorspace	1,541	9,005	10,546
Proposed demolitions	372	3,309	3,681
Proposed new floorspace	325	761	1,086
Net proposed	1,494	6,457	7,951
Change	-47	-2,548	-2,595

The amount of retained floorspace matches the floorspace stated within BANP Policy COB4 for small and start-up businesses.

15.3.7 The applicant continues to maintain they can increase current levels of employment to 225 FTE (a net gain of 94 FTE jobs). This would be achieved by: (a) providing new, purpose-built floorspace in the Lilliput and Stover buildings; and (b) upgrading the 6,865sq.m. of retained floorspace in the historic buildings. Given no changes to employment provision are proposed, the conclusions of the 2017 Committee Report remain valid in that: the proposals would ensure the *“maintenance or enhancement of employment opportunities”* as noted in Policy BRID5 when assessed against job numbers. The employment opportunities would be further enhanced through the construction of purpose-built floorspace which meets modern occupier requirements. In light of the changes to the Use Classes Order, and in the interests of residential amenity, a planning condition requiring the new commercial floorspace to be occupied in B1 use is proposed.

15.3.8 Whilst the proposals would result in a quantitative net loss of employment floorspace, the quality would be substantially improved and opportunities to make more efficient use of floorspace would be provided. Within the scope of the detailed application, five of the six B1 units would be 280sq.m or below. This complies with BANP Policy COB3 which encourages smaller units. The improvements to existing employment space are identified in Appendix C of the Design and Access Statement. This identifies five levels of work that would be conducted in four phases. The first phases of “essential” work would be carried out as part of the proposed development.

15.3.9 The resolution of the 2017 committee required a Section 106 Agreement requiring *“agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved”*.

15.3.10 The applicant has explored revised phasing since the 2017 committee to improve the viability of the development (see assessment section below). The proposed phasing plan links the phased occupation of the dwellings with the delivery of the essential refurbishment works. The construction of the new mixed use buildings is proposed within Phase 1 and the refurbishment of the Lilliput building is identified within the first commercial refurbishment phase (Phase 3A). The approach would ensure provision of the new B1 space and restoration of the Grade II listed building at an early stage. The proposed phasing responds to Bridport Town

Council's comments about the phasing of development contributing to the protection of listed buildings.

15.3.11 The phasing triggers are proposed to form the basis of triggers within the Section 106 to ensure development proceeds in a phased manner and the delivery of commercial floorspace is incentivised. The phasing is summarised as follows:

**Table 15.2 – Phasing of Housing Delivery**

Phase	Commencement of Construction	Completion of Construction
1A – Open market houses	January 2024	December 2026 (Final occupation July 2027)
1B – Stover Building		
1C – Lilliput Building		
1D – New Build Commercial		
2 – Affordable Housing	January 2025	April 2026
3A – Commercial Refurbishment	June 2025	May 2026
3B – Commercial Refurbishment	February 2026	January 2027
3C – Commercial Refurbishment	February 2026	July 2027

15.3.12 Subject to securing appropriate phasing and refurbishment works through the Employment Buildings Refurbishment Scheme, the development would be acceptable in employment terms and it is not necessary or reasonable to refer to specific refurbishment costs within the Section 106 Agreement. For the avoidance of doubt, the dates specified above are illustrative. The phasing within the Section 106 would be based on months from commencement and occupation timescales.

15.3.13 Bridport Town Council comment that the proposals should ensure the current range of artisan/art activities can continue and an objection states the antiques quarter at the Estate should remain as existing and should be non-profit. It is clear from the state of disrepair that the Estate is in need of investment. This requires viable proposals which fund the refurbishment works and ongoing maintenance and investment in the Estate. Requiring part of the Estate to be operated on a not-for-profit basis would undermine the viability of the development and is not required by the Development Plan. Whilst there would be a slight net loss in floorspace, the proposed refurbishment works and new B1 space would provide a range of unit sizes that would provide opportunities for creative, artisan and antiques uses to continue together with new start-up and small businesses within growth sectors.

15.3.14 The proposals accord with BANP Policies EE2, COB2 and COB4. The loss of existing floorspace and re-provision of new build and refurbished floorspace is acceptable subject to the agreement of the scheme for refurbishment works and the phasing of the development to be secured via the S106 agreement.

### ***Residential***

15.4.1 As an allocated site within the Defined Development Boundary of Bridport (a second tier settlement) the provision of housing is acceptable in principle.

15.4.2 The NPPF (Para. 47) is clear that significantly boosting the supply of housing is one of the Government's key objectives. The NPPF (Para. 119-120) promotes the

efficient use of land in meeting the need for homes and other uses and encourages the realisation of the multiple benefits of mixed use schemes. Pertinent to St Michael's Trading Estate, the NPPF states that substantial weight should be given to the use of suitable brownfield land within settlements for homes and supports the *“development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example ... building on or above service yards, car parks, lock-ups and railway infrastructure).”*

15.4.3 The Local Plan (Table 3.1) identifies St Michael's Trading Estate for the potential delivery of 105 dwellings, reflecting the former West Dorset Development Control Committee's resolution from 2012. The figure was subsequently updated to 92 dwellings in the West Dorset, Weymouth and Portland Five Year Housing Land Supply (5YHLS) statement (April 2021) to align with the resolutions for the 2017 committee.

15.4.4 No changes to the design or quantum of housing have been proposed since the application was considered by committee in 2017. In line with the 2017 Committee Report, the proposed development would continue to deliver a net increase of 91 dwellings across the Trading Estate as a whole<sup>1</sup>: 83 within the associated outline application and eight within the Lilliput Building which forms part of the associated application for detailed planning permission and listed building consent. The housing would make a significant contribution towards housing delivery and is entirely acceptable in principle subject to securing appropriate residential amenity for new residents.

15.4.5 Members should be aware that at the time of the previous committee, the local planning authority was unable to demonstrate a 5YHLS, whereas the local planning authority is currently able to identify a 5YHLS.

15.4.6 The principle of including residential within the mix of proposed uses is acceptable.

## **Housing Mix**

15.5.1 The Local Plan requires a mix in the size, type and affordability of open market dwellings, taking into account the current range of housing types and likely demand in view of changing demographics (Policy HOUS3). The type, size and mix of affordable housing is expected to address the identified and prioritised housing needs of an area and should be proportionate to the scale and mix of market housing, resulting in a balanced mix (Policy HOUS1).

15.5.2 BANP Policies H4 and H6(1b) seek to ensure that major housing developments include a mix of housing types and sizes to meet a range of needs, with the mix guided by the latest Bridport Area Housing Needs Assessment (2019). BANP Policy H7 encourages the inclusion of 4% custom-build and self-build homes as part of major developments.

---

<sup>1</sup> Flat 1.7 in the Lilliput Buildings is a refurbishment of an existing unit



15.5.3 The proposed housing mix across the Estate is noted below. Nine of the apartments (eight net additional) would be located within the detailed element of the application. The existing apartment is located at first floor level of the Northern Range to the rear of 34 St Michael's Lane.

**Table 15.3: Housing Mix – Outline and Detailed Application**

	Apartments		Houses			
No. of bedrooms	1-bed	2-bed	2-bed	3-bed	4-bed	Total
No. of dwellings	6	38	24	11	13	92
Total (%)	6.5%	41.3%	26.1%	12.0%	14.1%	100%

15.5.4 Within the detailed application, the 2-bed apartments would be arranged across first and second floors of the new building (Units 1.1-1.5, 2.1 and 2.2) and through change of use/refurbishment of part of the first floor of the western part of the Lilliput Buildings (Units 1.6 and 1.7). In total there would be seven apartments on the first floor, including an existing unit which would be refurbished.

15.5.5 The proposed housing mix within the detailed application would provide a narrow mix of dwelling types and sizes. However, given the limited number of dwellings proposed within this part of the application the proposed housing mix is acceptable. When considered alongside the housing proposed within the outline application a broad mix of dwelling types and sizes geared towards smaller 1- and 2-bedroom dwellings would be provided across the Estate.

15.5.6 The proposed development does not make provision for custom-build or self-build homes. Given the limited number of dwellings proposed, the type of dwellings (apartments) and heritage context, the absence of custom-build or self-build homes is acceptable in this instance.

15.5.7 Overall, the size, form and type of housing is appropriate and together with the associated outline application would meet a range of needs to help create a balanced and mixed community in accordance with BANP Policies H4 and H6(1c).

### **Affordable Housing Provision**

15.6.1 The Section 106 heads of terms included with the resolution of the 2017 West Dorset Development Control Committee included the provision of *“22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme”* across the outline and detailed applications.

15.6.2 Following the 2017 committee, the applicant undertook a review of the viability of the development and produced an Affordable Housing Viability Review report (dated July 2021).

15.6.3 Paragraph 58 of the NPPF states that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force...”*

15.6.4 In this case, the importance of achieving a viable development is recognised in the supporting text of the Local Plan site allocation (Para. 13.6.1) and the challenging viability of the site was acknowledged in the 2017 Committee Report, which included consideration of a viability assessment. Since the previous committee, the Applicant has further reviewed scheme viability and demonstrated that the phased delivery of affordable housing resolved at the 2017 West Dorset Development Committee is no longer viable. Officers are satisfied that the need for a viability assessment has been appropriately demonstrated due to the heritage-related and flood risk costs associated with this complex phased mixed use development. The submitted Affordable Housing Viability Review report considers the detailed phasing of the development and the scope of essential restoration works to the employment uses across the site. It reports the applicant's discussion with a registered social landlord (RSL) to meet the affordable housing obligations of the 2017 resolution. In summary, the report concludes that the delivery of 22 affordable dwellings and front loading of commercial refurbishment works (referred to as 'Option B') as resolved at the 2017 committee is unviable.

15.6.5 The report assesses an alternative option (referred to as 'Option A') to provide 14 affordable dwellings together with a commitment to carry out refurbishment works to some of the retained commercial buildings on the Estate. The phasing of Option A provides for the advanced commencement of open market dwellings and concurrent delivery of the affordable dwellings and refurbished commercial buildings across the Estate. The applicant's Affordable Housing Viability Review concludes that Option A is viable.

15.6.6 The refined phasing of dwellings is outlined below. Subject to securing the phasing via a Section 106 Agreement, it would ensure construction of the affordable housing is commenced before the first open market dwelling is occupied and would ensure all affordable homes are available for occupation before the 40<sup>th</sup> open market dwelling is occupied.

**Table 15.4 – Phasing of Housing Delivery**

<b>Milestone</b>	<b>Date</b>
<b>Phase 1: Open Market Housing</b>	
Start construction	Jan 2024
1 <sup>st</sup> dwelling occupied	Jan 2025
30 <sup>th</sup> dwelling occupied	Dec 2025
48 <sup>th</sup> dwelling occupied	July 2026
69 <sup>th</sup> dwelling occupied	April 2017
78 <sup>th</sup> (final) dwelling occupied	July 2027
<b>Phase 2: Affordable Housing</b>	
Start construction	Jan 2025
Completion of construction	April 2026
Occupation of all dwellings	Prior to occupation of 40 <sup>th</sup> open market dwelling

15.6.7 The applicant's Affordable Housing Viability Review has been independently reviewed by the District Valuer Services (DVS). The conclusion of that review is reported in DVS' Viability Review Report (dated 5 October 2022). In summary, the report concludes that the provision of 14 affordable dwellings (as proposed by the applicant) would still be unviable. Through gradual reduction of the affordable housing provision the DVS' report finds the delivery of 7 affordable dwellings would be viable.

15.6.8 Notwithstanding the conclusion by DVS, the applicant has confirmed they would provide 14 affordable dwellings (15%) across the Estate subject to the provision of affordable dwellings within the St Michael's Lane buildings (within the outline application). This represents a reduction of 7 affordable dwelling (-9%) compared to the 22 affordable dwellings (24%) proposed in 2017.

15.6.9 The reduction in affordable housing is regrettable. However, on the basis of the rigorous independent review of the applicant's viability review, and the benefits of bringing forward the regeneration of St Michael's Trading Estate, the revised affordable housing offer of 14 dwellings is justified under part iii) of Local Plan Policy HOUS1. The policy allows for a lower level of provision where *"there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought"*. In this instance, there are good reasons for bringing the development forward. The site is allocated for comprehensive mixed use development and the allocation (BRID5) seeks to secure the restoration of historic buildings and realisation of employment opportunities. The supporting text to the allocation (Para. 13.6.1) recognises the regeneration of St Michael's Trading Estate is important to secure a viable future for its historic buildings, and employment opportunities it provides, and notes the inclusion of residential development could help to ensure a viable scheme. The proposed development would unlock these opportunities.

15.6.10 Given the absence of affordable housing within the detailed application, the affordable housing mix and distribution is considered within the associated Committee Report for the outline application. The detailed application being for 9 dwellings, and 1 of those being the refurbishment of an existing dwelling, is below the threshold for the provision of affordable housing i.e it's a site of less than 10 dwellings. As such there is no requirement for this application to provide affordable housing. However the developments are being very much considered as one given that it is only the extended listing of 40 St Michael's Lane which resulted in this separate application for full planning permission for the Lilliput Buildings, as already explained in this report. Furthermore the dwellings subject of this detailed application will form part of the phasing plan relating to the timing and provision of the affordable housing across both sites.

## **Heritage**

15.7.1 St Michael's Trading Estate falls entirely within the Bridport Conservation Area, a designated heritage asset for the purposes of applying the relevant policy of the NPPF. The Estate includes a number of non-designated heritage assets and listed buildings (as noted in Section 8 of this report).

15.7.2 The Estate is contained within Sub-Area 7 of the Conservation Area, South West Quadrant, identified in the Bridport Conservation Area Appraisal.

15.7.3 Historic England sums up the significance of St Michael's Trading Estate as follows:

*“The South West Quadrant of Bridport is a nationally significant area of historic textiles activity which underpins the raison d'etre of the town and plays an important part in defining the character and appearance of the town and its conservation area. That activity, in its functional imperatives, determined the spatial arrangements of the Quadrant, and in particular the physicality of related buildings and spaces. While certain buildings, such as Priory Mills and the Bridport Industries Works, are notable and architecturally distinctive landmarks, much of the surviving historic estate spans a considerable period of time, is simple and spare in its vernacular, and capable of being easily overlooked in the value of its contribution to the significance of the site as a whole. The total is therefore greater than the sum of its parts, and it is important as a consequence that any proposals for intervention demonstrate an holistic understanding of the site and its relationship with its context, and especially of the inter-relationships between buildings and spaces rather than seek to promote it as a disaggregation of its constituent elements.”*

15.7.4 Since the application was considered by Planning Committee in 2017, the BNAP has been made. The neighbourhood plan includes Policy HT1 on non-designated heritage assets and the associated Locally Valued Non Designated Heritage Assets List (March 2019) identifies a number of buildings within the Estate as non-designated heritage assets. Bridport Town Council comment that the proposals must be assessed against Policy HT1 and note the phasing of the development should contribute to the protection of listed and non-listed assets.

15.7.5 With regard to Bridport Town Council's comments on phasing, the outline phasing strategy that has been worked up alongside the viability assessment would contribute to the protection of listed and non-listed assets by ensuring essential repairs are delivered in a timely manner.

15.7.6 The non-designated heritage assets within St Michaels Trading Estate are identified in the Bridport Conservation Area Appraisal (2010) and were thoroughly considered in Historic England's consultation response (28 March 2017) and in the 2017 Committee Report (see Paras. 8.68-8.103). Accordingly, the heritage context of the site has not materially changed since the 2017 committee and the overall conclusions on less than substantial harm generated by the outline proposals remain valid.

15.7.7 Of relevance to the detailed application, the Conservation Officer has undertaken a further review of the proposals following the resubmission of the associated application for listed building consent. The response supports the proposals subject to conditions. It concludes there would be no harm to designated heritage assets within and adjacent to the site. The significance of nearby designated built heritage assets is summarised below:

26, 28A and 28B St Michael's Lane (HE ref: 1287449)

15.7.8 The significance of these buildings lies in their spatial and visual relationship (group value) with the street-fronting domestic buildings of the former net and twine works on the west side of St Michael's Lane (the application site) and the Hope & Anchor Pub on the east side together with their visual experience from St Michael's Lane, from where their form as stone-built 18<sup>th</sup> century cottages can be understood and appreciated. The buildings reflect how this part of Bridport historically contained enclosed streets of worker's cottages. They form an important collection of remaining buildings and contribute positively to the character and appearance of the Conservation Area.

36 and 38, St Michael's Lane (HE ref: 1227775) / 42 and 44, St Michael's Lane (HE ref: 1227776)

15.7.9 Their significance lies in their spatial and historical functional relationship (group value) with surviving remnants of working buildings and remnants of open and covered rope walks to the rear (within the application site) and their visual experience from St Michael's Lane from where their simple and contemporaneous form as mid-19<sup>th</sup> century domestic buildings can be understood and appreciated. The buildings reflect how this part of Bridport historically contained enclosed streets of worker's cottages. They form an important collection of remaining buildings and contribute positively to the character and appearance of the Conservation Area.

Hope and Anchor Public House (HE ref: 1227778)

15.7.10 The significance of the Hope and Anchor Pub lies in its visual experience on St Michael's Lane which helps to define St Michael's Lane and also act as frontage turning the corner onto Rope Walks.

15.7.11 Owing to the location of new build development to the west of the above heritage assets there is no direct visual connection between them. The proposed ranges would not be co-visible in views from St Michael's Lane and there is no impact on their group value through development within their setting. The proposals would cause no harm to the significance of the above designated heritage assets.

15.7.12 With regard to the direct impacts on the Grade II listed Lilliput Buildings (Historic England ref. 1287500), the Conservation Officer notes the proposed changes to the building are largely confined to the rear areas behind the St Michael's Lane frontage. Most significant is the proposed demolition of the modern 'Lilliput Building' and the adjacent early-20<sup>th</sup> century buildings at the west end of the site. The former is identified as not being of special interest in the Historic England list description, whilst the latter appear not to be included in the listing. The new building in the north west of the site takes the form of three parallel and conjoined ranges built in brick in a warehouse style which is considered complementary to the two-storey rope walk range and appropriate to the industrial aesthetic of the building.

15.7.13 Historic England's consultation response of 2017 noted the acceptability of the proposed demolitions in heritage terms and supported the application on heritage grounds subject to the imposition of a details of fenestration condition. Subject to conditions, the proposals would cause no harm to the Lilliput Buildings.

15.7.14 In respect of non-designated heritage assets, the proposed development falls within the setting of 30-32 St Michael's Lane, the Auction House (Unit 104) and adjacent Tin Shed, the latter being proposed for demolition within the application for outline planning permission. Their significance and the impacts of the proposals are considered below:

#### 30-32 St Michael's Lane

15.7.15 Their significance lies in their spatial relationship (group value) with surviving remnants of working buildings, adjacent listed buildings and the surviving remnants of open or covered rope walks to the rear; and their visual experience from St Michael's Lane.

15.7.16 The proposals are concentrated on the rear (west) of the site distance from 30-32 St Michael's Lane. There are no direct impacts on either of these assets. In terms of their setting, it is not considered that any element of the proposals will be co-visible with the buildings from St Michael's Lane. Accordingly, the proposal would not affect the ability to understand or appreciate their group value and visual experience of St Michael's Lane and would cause no harm to the asset's significance.

#### Auction House (Unit 104) and Tin Shed

15.7.17 Unit 104 has an attached corrugated iron covered drying area that also has an open rope walk parallel to it on the south side. The unit was formerly one of the area's earliest industrial buildings and has an external crane on the north elevation adjacent to the Bus Station. The unit and covered drying area define much of the southern edge of the coach station area and along with the new police station, mark the modern entrance into St Michael's Trading Estate.

15.7.18 As noted above, a new 1-3 storey building would be located on in the north west of the site adjacent to the Unit 104. It would replace existing parts of the Lilliput Buildings which are of limited architectural merit. Owing to the industrial form of the new building it would be complementary to the Auction House and Tin Shed and would provide an appropriate entrance to the north of the Estate complementary to the adjacent Auction House. The proposals would improve the setting of the non-designated heritage assets and not cause harm to significance through development within its setting.

15.7.19 The proposal is considered to be acceptable in heritage terms and would cause no harm to designated or non-designated heritage assets. Accordingly, paragraphs 201 and 202 of the NPPF are not engaged. In respect of Para. 203, the effect of the application on the significance of non-designated heritage assets has been considered and a balancing judgement is not required due to the proposals not resulting in harm to their significance.

15.7.20 The proposals accord with the NPPF, Local Plan Policy ENV4 and BANP Policy HT1. In accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard to the desirability of preserving the setting of listed buildings and special attention to the desirability of preserving or enhancing the character of the Bridport Conservation Area have applied.

## **Area of Outstanding Natural Beauty**

15.8.1 Whilst the site falls within the AONB, it is located within the town centre of Bridport on an allocated brownfield site. Buildings would be predominantly 2-3 storeys, consistent with prevailing building heights on the site and in the surrounding area. As such, the proposal would not harm the character, special qualities or natural beauty of the AONB in accordance with Policy ENV1. The proposal would preserve and enhance the natural beauty of the AONB through development of the site with an appropriate layout and scale in accordance with BANP Policy L1.

15.8.2 For the purposes of NPPF Para. 172, and for the avoidance of doubt, the proposal is not considered to be a major development for the purposes of NPPF Paragraph 172, and exceptional circumstances for development within the AONB are not required to be demonstrated. The AONB includes the entirety of Bridport and does not distinguish between the built-up town centre and surrounding countryside.

15.8.3 The site is not considered to be a major development for the purposes of Para. 172 due to the limited scale of development, urban context of the site and the appropriate scale and massing of proposed building.

## **Design**

15.9.1 The design of the proposal has not changed since the 2017 committee.

15.9.2 Policy ENV15 states development should optimise the potential of a site and make efficient use of land, subject to the limitations inherent to the site and impact on local character. Policy ENV12 requires that development is high quality of sustainable and inclusive design and that the siting, alignment, design, scale, mass and materials used complements and respects the character of the surrounding area or actively improves legibility or sense of place. Policy ENV11 notes places should be designed to reduce opportunities for, and fear of, crime with major development achieving full Secured by Design certification.

15.9.3 The BANP includes a series of design-related policies. Within the centre of Bridport the BANP establishes that development should c) improve the character and appearance of the town centre, considering the heritage and history of the urban area (Policy COB1). Policy D1 requires that housing developments respect and work in harmony with neighbouring land uses and existing features that are locally significant. Efficient use of land, prioritisation of brownfield land and residential development above commercial ground floors are supported (Policy D5). Residential proposals should create a sense of place through building lines and appropriate scale and massing (Policy D6) and create secure areas within developments which have safe accesses and appropriate natural surveillance (Policy D7). Policy D8 establishes a series of criteria (a to g) that new development should meet to demonstrate high quality architecture.

15.9.4 Since the 2017 committee, the latest version of the NPPF (2021) has introduced a requirement for tree-lined streets. Para. 131 states that planning decisions should ensure that new streets are tree lined, unless in specific cases, there is clear, justifiable and compelling reasons why this would be inappropriate.

15.9.5 The proposals make efficient use of land through the mixed use development of a brownfield site and co-location of residential and commercial uses. As detailed within the 2017 Committee Report and evidence in the design updates since the initial 2012 committee, the proposed development is heritage-led and responds to the context of the Estate and surrounding area through an appropriate layout and scale of buildings. The layout of the proposed building broadly corresponds with the part of the listed building proposed to be demolished. The proposed new building to the west of the range steps up from the retained 2-storey listed building to 3-storeys adjacent to the police station. The western elevation of the new building would be staggered forward from the listed building towards the northern boundary of the site. The design and height would create a strong sense of arrival and gateway when entering the Estate from the North and would, through its industrial aesthetic, help to distinguish and signpost the Estate from the surrounding area. Whilst adjacent buildings are not 3-storey, there are a number of 3-storey buildings along the eastern boundary of the Estate fronting St Michael's Lane and the tower of the Red Brick Buildings (within the centre of the Estate) is 3-storey. As there would be no impairment of light or visual impact, the height accords with BANP Policy D8 part g.

15.9.6 Historic England's consultation response of 2017 notes the design responds to Historic England's earlier comments on the height and bulk of the new building and would result in a building which complements the horizontal emphasis that is characteristic of the surrounding area. Historic England support the stepped height and stepped-back façade and note it would "contribute to making the new build element sit more comfortably within the listed building complex".

15.9.7 The materials of the new building would include: slate roof with conservation style rooflights; red brick facades laid in English bond; steel-framed double glazed windows; timber panelled doors; and metal rainwater goods. Subject to samples and detailing (proposed to be conditioned) this would complement the retained listed building and Auction House. The refurbishment of the retained buildings would be sympathetic to existing character.

15.9.8 Given the heritage constraints of the site and narrow Ropewalks Link (to the south) it is accepted that the proposals cannot provide tree-lined streets (trees on both sides of all new roads), as encouraged by the NPPF (Para. 131).

15.9.9 In accordance with Policy ENV11 and comments from the police, a planning condition requiring Secured by Design certification is proposed. An external lighting condition is also proposed. Together, these conditions will seek to reduce opportunities for, and fear of, crime.

15.9.10 Overall, the design of the proposal works in harmony with the existing site, retained listed building and surrounding area and would form an attractive node on the northern boundary of the Estate helping to foster a strong sense of place and enhance local character. Subject to conditions, the design of the proposals continues to accord with Policies ENV11, ENV12 and ENV15 of the Local Plan and accords with the relevant policies of the BANP.

## **Residential Amenity**



15.10.1 Since the 2017 committee, the NPPF (2021) has been updated to include the 'agent of change' principle wherein existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In such instances, the NPPF (Para. 187) states that the applicant should be required to provide suitable mitigation before the development has been completed. The BANP requires that where commercial premises are part of an overall development scheme, the potential noise and disturbance should not affect neighbouring uses (Policy D4).

15.10.2 There are a wide variety of businesses at St Michael's Trading Estate. These include office, manufacturing and storage – conventional B Class – Uses, the Red Brick Café (Class E) together with some uses that have a high degree of retail sales (Class E) or fall outside of the use classes order, being Sui Generis (including Snips Hair and Beauty Salon). The proposed non-residential uses would be Use Class B1 – entirely appropriate within a residential area.

15.10.3 In line with the conclusion of the 2017 committee report, the proposed development is not considered to give rise to significant adverse effects on neighbouring residential amenity.

15.10.4 The proposed dwellings would be served by windows at first and second floor level. The staggered design of the new building and avoidance of windows on the north elevation of Unit 1.6 avoids close range direct overlooking between apartments. There would be a degree of overlooking between Units 1.5 (within the new building) and Unit 1.7 (the refurbished apartment on the east side of the range) which have a window-to-window distance of approximately 18m, 2m short of the 20m standard advocated in the West Dorset Design and Sustainable Development SPD (2009, Para. 7.5.2). However, given the dense urban characteristics of this part of Bridport town centre, with narrow streets and residential properties facing one another along St Michael's Lane, some degree of overlooking is to be expected within the town centre. The slight shortfall would not generate significantly adverse amenity effects.

15.10.5 The apartments on the north side of the new building would be in close proximity to the Police Station and there would be direct overlooking of the windows in the north elevation. It is recognised the dwellings are designed with lounge/kitchen/dining rooms orientated east/west with bedrooms facing north. The design would provide appropriate outlook and privacy for residents of these apartments. However, to avoid direct overlooking between the Police Station and north facing bedrooms a planning condition requiring obscured glazing to the relevant rooms is proposed.

15.10.6 All apartments are dual aspect and all but one (Unit 1.2) would meet or exceed the Nationally Described Space Standard for a 2-bed 4-person single storey dwelling (70sq.m). Unit 1.2 is 69sq.m, 1sq.m short of the standard for a 2-bed 4-person dwelling but +7sq.m larger than the standard for a 2-bed 3-person single storey dwelling (61sq.m). Overall, the proposals would provide a good level of internal amenity.

15.10.7 The proposed apartments would be located above and adjacent to commercial uses within Class E Use (formerly Class B1) and the Police Station (Sui

Generis). The new commercial floorspace within the ground floor of the Lilliput Building is proposed as Class B1. In assessing possible residential amenity impacts it is relevant to consider how future changes in occupier would be compatible with residential amenity. In this regard, the Use Classes Amendment Order (2020) consolidated a number of uses (including shops (A1), financial/professional services (A2), cafés/restaurants (A3), indoor sports/fitness (D2 part), medical health facilities (D1 part), creche/nurseries and office/business uses (B1)) into Class E. The use class is intended to provide flexibility for units to be occupied in a variety of ways, thereby supporting businesses and innovation.

15.10.8 Whilst all new commercial floorspace would initially be required to be occupied in Class B1 Use (i.e. office, research and development or light industrial processes) and would be conditioned as such, subsequent changes of use or changes within Class E within the wider Estate could introduce uses that may have an adverse impact on residential amenity. It is therefore appropriate to condition the installation of plant equipment to ensure any non-B1 class units appropriately mitigate impacts on residential amenity. It is not considered necessary to impose planning conditions on sound insulation and/or ventilation within the new residential buildings or odour (for any potential future restaurant uses) given: the surrounding existing and proposed uses are compatible with residential uses; the dwellings would be built to modern Building Regulations; and restaurant uses are commonly provided alongside residential and would in any event be subject to separate applications for associated plant equipment. A condition on plant equipment and requiring the new commercial space to be occupied as B1 space responds to the agent of change principle (NPPF Para. 187) and would simultaneously protect residential amenity and support local businesses, by reducing potential for complaints from residents.

15.10.9 In line with the 2017 committee report, Members should note private amenity space would not be provided for the apartments. Given the heritage constraints and proximity to commercial units, provision of private amenity is considered undesirable in design terms in accordance with Local Plan Policy HOUS4. The absence of private and communal gardens for residents would conflict with Part 1 of BANP Policy L5. However, residents would have good access to public open spaces, most immediately to the west of the River Brit approximately 100m from the site.

15.10.10 Notwithstanding, the minor conflict with BANP Policy L5, adequate residential amenity would be secure by conditions to ensure compliance with Local Plan Policy ENV16, BANP Policy D4 and the NPPF.

### **Flood Risk and Drainage**

15.11.1 The Environment Agency (EA) withdrew its earlier objection to the proposal on 29 June 2017 shortly before the 6 July West Dorset Development Control Committee.

15.11.2 Since the application was considered by committee in 2017, the EA has provided a clarification on the detailed wording of planning conditions. They note the EA is reliant upon Dorset Council to ensure issues of co-dependency, phasing and maintenance of surface water management is appropriately managed between the outline and detailed proposals. In response to the EA's comments, Dorset Council's Flood Risk Management Team (Lead Local Flood Authority) has provided amended

flood risk management related conditions and notes the detailed surface water management scheme (proposed to be conditioned) should avoid the pumping of surface water. Subject to these amended conditions, the proposed development is acceptable in flood risk and drainage terms in accordance with Local Plan Policy ENV5 and the NPPF.

### **Ground Conditions**

15.12.1 In accordance with the resolution of the 2017 committee, the proposed development would be subject to standard conditions related to land contamination, including pre-commencement conditions requiring a site investigation report, further investigation, risk assessment and remediation scheme. The remediation scheme would be required to be carried out before commencement of development. Subject to these conditions, the proposals accord with Local Plan Policy ENV9.

### **Highways, Access and Parking**

15.13.1 The proposed development would be accessed from the north and east and the proposed masterplan for the Estate shows a total of 160 parking spaces: 1 space per dwelling and the remainder (68) available for commercial tenants and visitors.

15.13.2 Highways, access and parking arrangements have not changed since the application was considered by committee in 2017. However, Building Regulations would now require a proportion of parking to include electrical vehicle charging facilities.

15.13.3 Given the passage of time since the 2017 committee the Applicant has prepared and submitted a Transport Assessment Addendum (TAA). This has been prepared in consultation with National Highways in order to update the baseline highway information since the application was last considered by committee. Taking into account updated trip generation and distribution information, the TAA concludes the proposals will not have a material impact on the Strategic Road Network. Both National Highways and Dorset Council Highways have reviewed the TAA and raise no objection subject to conditions. National Highways advises that off-site financial contributions towards highway improvement works are not necessary to make the development acceptable. Accordingly, the previous draft planning obligation identified within the 2017 Committee Report related to an off-site financial contribution towards improvement of the East Road roundabout on the A35 is no longer proposed.

15.13.4 National Highways recommended that robust Travel Plans measures are secured in order to maximise the potential offered by the central location of the site and encourage the take up of sustainable travel modes. Dorset Council Highways note the primary purpose of a Travel Plan is to identify opportunities for the effective promotion and delivery of sustainable transport initiatives such as walking, cycling and public transport thereby reducing the demand for travel by less sustainable modes (Planning Practice Guidance Para. 005 Ref: 42-005-20140306). Dorset Council Highways note the proposed Travel Plans would seek to reduce car-borne trips thereby lessening the impact of traffic generation on the surrounding highway network. They would also serve to promote health and wellbeing, reduce carbon emissions and climate impacts and help to create accessible, connected and

inclusive communities. Subject to conditions, the proposal remains in accordance with Local Plan Policies COM7 and COM9.

15.13.5 The BANP includes a series of highways, access and parking related policies. Policy AM1 requires that development should prioritise pedestrian movement, make safe, convenient and appropriate connections to existing footpaths, cycle paths and rights of way, public transport and facilities for car sharing and electric vehicles. Policy AM2 requires inter alia that roads and junctions improve pedestrian access and connectivity to surrounding areas. Policy AM5 states that developments should include provisions to enable access to public and community transport and provide easy connections to facilities within the neighbourhood plan area. Policy AM6 states that redevelopment of land immediately around the bus station should retain and enhance its primary use as a transport hub and enable the successful integration of the bus station and any new buildings with the surrounding area.

15.13.6 BANP Policy D3 requires that residential development should create walkable and accessible neighbourhoods, with public transport access, that the community have access to facilities, ensure that streets are designed to be well connected and legible and have a 20mph in residential areas.

15.13.7 The site falls within a highly sustainable location within the town centre of Bridport adjacent to Bridport Bus Station. The proposed development would improve access between the bus station and surrounding area by creating a new pedestrian route through the site between 40 St Michael's Lane and the Bus Station via Ropewalks Link. This would create a convenient pedestrian route through the site better integrating the Estate within the surrounding area.

15.13.8 Overall, the proposed development accords with the above BANP policies related to highways, access and parking.

## **Ecology and Biodiversity**

### Mitigation and Enhancement

15.14.1 Since the application was considered by committee in 2017, the certified Biodiversity Management Plan (BMP) for the development has expired.

15.14.2 The applicant has therefore produced a revised BMP which has been assessed in accordance with the Dorset Biodiversity Appraisal Protocol (DBAP). The BDAP is designed to meet the requirements of Natural England Protected Species Standing Advice and to address the mitigation hierarchy and provide biodiversity net gain as set out in the NPPF.

15.14.3 The revised BMP has been granted a Certificate of Approval by the council's Natural Environment Team. The BMP commits to a series of mitigation and enhancement measures, across both the detailed and outline application sites, including:

1. Demolition of buildings outside of the bird nesting season.
2. Installation of bat blocks in the west elevation of the new building.

3. Offsite mitigation and enhancement of St Michaels Island through: control of Himalayan balsam (invasive species); installation of six bat boxes and three bird boxes; and agreement of a long-term management plan for the area.

15.14.4 Since the Certificate of Approval was granted, the Environment Agency has commented to note 'riparian edge' and '(boundary) river corridor habitat' also form habitats which support habitat specific bird species. The Environment Agency notes that Alder is also a suitable tree species and that local Dorset apple varieties should be considered within Cattle Market Square. Given the BMP provides appropriate mitigation, and the river corridor and Cattle Market Square fall outside of the detailed application site, the suggestion to incorporate Alder is included as an informative.

#### Chesil Beach and the Fleet Special Area of Conservation

15.15.1 Since the application was previously considered by planning committee in 2017, Natural England has made Dorset Council aware of evidence on the unacceptable level of recreational pressure at Chesil and the Fleet. As the site lies within 5km of Chesil Beach and the Fleet Special Area of Conservation (SAC) and Special Protection Area (SPA), European designated sites it therefore has the potential for adverse effects through increased recreational pressure caused by new residents.

15.15.2 It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment to secure any necessary mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

15.15.3 An Appropriate Assessment undertaken by Dorset Council concludes that there will be no adverse effect on the integrity of the Chesil and the Fleet SPA or SAC subject to mitigation measures addressing the additional recreational pressure generated by residents of the new dwelling being provided. Funding to deliver these measures will be provided by CIL. Accordingly, the development offers suitable mitigation and is acceptable and in line with Policy ENV 2 of the Local Plan.

15.15.4 Overall, the proposals would avoid adverse ecological impacts. The proposals comply with Policy ENV2 of the Local Plan, BANP Policies L2 and D10 of the NPPF.

#### **Energy Efficiency and Sustainability**

15.16.1 Bridport Town Council notes the relevance of BANP Policies CC2 (energy and carbon emissions) and CC3 (energy generation to offset predicted carbon emissions) to the proposed development. The Town Council confirms its preference for carbon neutral development.

15.16.2 Since the application was considered by planning committee in 2017, new Building Regulations have been introduced. As a minimum, the proposals would be required to comply with 2021 Building Regulations which require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively. Should the Future Homes Standard and Future Buildings Standard come into effect in 2025, then all buildings would be constructed to enhanced standards. The new Future Homes Standard should ensure all new

homes built from 2025 will produce 75-80% less carbon emissions than homes completed under current regulations, making a significant step towards achieving carbon neutrality.

15.16.3 The planning system does seek to promote sustainable development and BANP Policy D9 seeks to encourage applicants to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime. BANP Policy CC2 seeks to exceed the target emission rate of Building Regulations Part L 2013 for dwellings and ensure non-residential development meets BREEAM excellent. Policy CC3 seeks that new development, both commercial and residential, is encouraged where possible to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources. Policies CC2 and CC3 establish aspirational targets which developments 'should aim' or are 'encouraged' to meet where achievable/possible. The policies do not set mandatory targets which require unequivocal commitment.

15.16.4 Being a brownfield town centre site and including refurbishment of existing non-residential buildings, the proposed development is inherently sustainable. Given the introduction of the 2021 Building Regulations, the proposals would comply with the residential component of BANP Policy CC2.

15.16.5 The applicant notes ground source heat pumps could provide a low carbon solution to providing at least 10% of total unregulated energy from decentralised and renewable or low carbon sources in a way that is compatible with the heritage constraints of the site. Given there is a need for further assessment to confirm the feasibility and viability, a suitably worded planning condition is proposed to allow further details to be submitted in due course. Detailed energy modelling would be undertaken once future legislation relating to the Future Homes Standards has been confirmed. A planning condition is proposed to ensure the non-residential proposals seek to target BREEAM excellent. The design of the apartments takes advantage of opportunities for natural lighting and ventilation through the avoidance of single aspect north facing units and high environmental performance has been encouraged in line with BANP Policy D9.

15.16.6 Subject to conditions and necessary compliance with Building Regulations, the proposals respond to the points raised by Bridport Town Council and comply with the relevant policies regarding energy efficiency and sustainability: Neighbourhood Plan Policies CC2, CC3 and D9 and Local Plan Policy ENV13.

### **Community Infrastructure Levy (CIL)**

15.17.1 Community Infrastructure Levy (CIL) came into effect in West Dorset area on 18 July, 2016. CIL would be liable in accordance with the West Dorset CIL Charging Schedule and CIL Regulations 2010 (as amended). The unindexed CIL rate for residential development is £100/sq.m. All other development is £0/sq.m.

## **16.0 Summary of planning issues and the planning balance**

16.1 St Michael's Trading Estate is a historic core of Bridport. It was borne out of the cordage and rope industry with open walks and ancillary buildings being present west of St Michael's Lane from the mid-19<sup>th</sup> Century. The area was extensively

developed as an area for net, twine and rope production in the late 19<sup>th</sup> Century and first half of the 20<sup>th</sup> Century in response to the expansion of Bridport's cordage industry. The industrial past of the site underpins the character of the Estate and its buildings. This is evident in the east-west orientation of the buildings and former Rope Walks, which would have originally extended from St Michael's Lane to the River Britton. It forms a key part of the South West Quadrant, within the Bridport Conservation Area, includes the Grade II listed 40 St Michael's Lane and a number of non-designated heritage assets.

16.2 Following the decline of the cordage and rope industry, the site evolved to support a range of commercial premises and workshops, becoming the St Michael's Trading Estate in 1967. Today the Estate supports a wide range of occupiers and uses including: antiques dealers; light industrial manufacturing; a café; hairdressers and record store. There are a high number of vacancies and unlettable units. It is clear the Estate is in dire need of investment and regeneration to breathe new life into the buildings and establish a flourishing ecosystem of employment uses once again.

16.3 This application for full planning permission forms the north east corner of the BRID5 mixed use allocation. It forms a key gateway into the Estate from Bridport Bus Station, to the north. The original proposals were submitted in 2016 following Historic England's listing of 40 St Michael's Lane and buildings to the rear. Members of the former West Dorset District Council Planning Committee resolved to grant planning permission for the same development in 2017. However, the Section 106 Agreement was not signed, and since the committee the applicant has further reviewed the viability of the proposals and has sought to reduce the quantum of affordable housing across the application and associated application for outline planning permission from 22 (24%) to 14 dwellings (15%) (all affordable dwellings are proposed within the outline site). This reduction in the quantum of affordable housing and omission of off-site highway works are the only changes to the application from what was considered in 2017.

16.4 This report has reconsidered the proposals against the Statutory Development Plan and other material considerations, including the Bridport Area Neighbourhood Plan (2020) and latest version of the NPPF (2021) which have been made/published since the 2017 committee.

16.5 This report notes there are instances of sub-optimal provision and/or non-compliance with policy comprising:

- Custom-Built and/or Self-Build Homes – Would not be provided as encouraged by BANP Policy H7.
- Affordable housing provision – The proposal would provide 15% affordable housing, when the detailed and outline applications sites are considered together, below the target of 35%. The lower provision is justified on viability grounds and accords with Policy HOUS1 iii);
- Affordable housing distribution – Is limited to the St Michael's Lane Building only and would not be evenly distributed across the site as encouraged by BANP Policy H2. All nine apartments within the scope of the detailed application would be provided for private market sale.
- Tree Lined Streets – Would not be provided along Ropewalks Link, between the North and South Ranges of the Grade II listed Building as encouraged by the NPPF (Para. 131).

- Amenity space – Private amenity space and communal gardens would not be provided as encouraged by BANP Policy L5.

16.6 The proposals have been iteratively designed in consultation with Historic England. The stepped building heights and stepped back facades of the new mixed-use building would complement the adjacent Auction House, Tin Shed and host Grade II listed building. The proposal would create an appropriate entrance and gateway on the north of the trading Estate and improve the setting of adjacent heritage assets. It would cause no harm to the significance of designated or non-designated heritage assets.

16.7 Overall, the proposals would meet the relevant objectives of the BRID5 allocation and assist in repositioning the Estate fit for the 21<sup>st</sup> Century. Together with the associated application for outline planning permission and application for listed building consent, the proposals would help to knit the Estate with the surrounding area of Bridport and create a vibrant mixed use quarter within the town centre including through provision of a new pedestrian route from St Michael's Lane within the detailed application.

16.8 On balance, the proposed development complies with the development plan as a whole notwithstanding the minor deficiencies noted above. Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. There are no material considerations which would warrant refusal of this application.

## 17.0 Recommendation

### Recommendation A

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement and planning conditions as set out in this report.

- A) Grant, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;



And subject to the planning conditions below.

## **Planning Conditions**

### **Approved Plans**

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

Location Plan and Proposed Site Plan – 10064 PL201

Demolitions – Ground Floor Layout – 10064 PL202

Demolitions – First Floor Layout – 10064 PL203

Proposed Ground Floor Layout – 10064 PL204

Proposed First Floor Layout – 10064 PL205

Proposed Second Floor Layout – 10064 PL206

Proposed Roof Plan – 10064 PL207

Proposed North & East Elevations – 10064 PL210

Proposed South & West Elevations – 9613 PL211

Proposed North and South Section – 9613 PL212

Proposed Elevation Study – Part West Elevation – 9613 PL213

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

### **Time limit**

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).

### **Materials**

3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details, including colours, (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority prior to the commencement of development.

REASON: In order to safeguard the character of the listed building.

## **Residential Amenity**

4. The areas of the ground floor of the building proposed for commercial use (all those areas not providing access to the upper floor flats) shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties.

5. Before installation of any plant or similar equipment to any unit, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measures shall be fully implemented in accordance the agreed scheme prior to the plant or equipment being first brought into use and shall be permanently retained thereafter.

Reason: In order to protect the amenity of nearby residential properties.

6. Before Flats 1.1 and 1.4 as identified on drawing PL205 are first occupied the two lower rows of window panes on the north-facing windows serving the bedrooms shall be fitted with obscure glass to a minimum industry standard privacy level 3. Thereafter the obscure glass shall be maintained for the lifetime of the development.

REASON: To preserve the amenity and privacy of occupiers.

## **Security and Secure by Design**

7. The development hereby permitted shall incorporate Secured by Design security measures for the doors serving the residential communal areas, each residential unit and each commercial unit to minimise the risk of crime and to meet the security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to construction above damp course level and shall be implemented in accordance with the approved details prior to occupation and maintained for the lifetime of the development.

REASON: In the interests of security and reducing the risk of crime.

8. Prior to construction above damp course level details of external lighting along  
(1) the access/service route to the flats and rear of the commercial units and  
(2) the pedestrian route between St Michael's Lane and Unit 3 as shown on drawing PL204 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be implemented in accordance with the approved details prior to occupation and maintained in accordance with the approved details for the lifetime of the development.

REASON: In the interests of security and reducing the risk of crime.

### **Flooding**

9. The development hereby permitted shall not be commenced until such time as a scheme to incorporate the finished ground floor levels, flood resistance and resilience measures into the proposed Lilliput Building re-development in accordance with the Flood Risk Assessment (FRA) and FRA Addendum (Such Salinger Peters 27th June 2017) has been submitted to, and approved in writing by, the Local Planning Authority. As detailed within the FRA and FRA Addendum, the ground floors of the proposed refurbished Lilliput building shall be restricted to non-residential use only other than for communal access, bin and cycle storage areas. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

10. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels has been submitted to and approved in writing by the Local Planning Authority. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

## **Surface Water**

11. No development shall take place on any phase of development until a detailed surface water management scheme for each phase of development has been submitted to and approved in writing by the Local Planning Authority.

The detailed surface water management scheme is to be based upon:

- a) The hydrological and hydrogeological context of the development.
- b) Provide clarification of how surface water is to be managed during construction for each phase.
- c) Liaison with the Lead Local Flood Authority, and current industry best practice, guidelines and legislation.

The surface water scheme for each phase of development shall be fully implemented in accordance with the submitted details before each phase of the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

12. For each phase of development, no development shall take place until details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

## **Land Contamination**

13. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a

monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.  
Reason: To ensure potential land contamination is addressed.

14. Prior to the first occupation or use of a relevant phase of development a verification report to confirm that the relevant phase is fit for purpose following remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).  
Reason: To ensure potential land contamination is addressed.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.  
Reason: To ensure risks from contamination are minimised.

### **Biodiversity**

16. The relevant works within the boundary of the application site (as shown on drawing PL201) including detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11 November 2022 must be implemented in accordance with any specified timetable and completed in full (including the submission of compliance measures to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved

details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To enhance biodiversity.

### **Sustainability**

17. Prior to commencement of development an Energy Strategy setting out how the new residential and non-residential uses hereby permitted shall secure at least 10% (or such other percentage as may be agreed by the Local Planning Authority) of total unregulated energy from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented and permanently retained thereafter.

Reason: In the interest of addressing climate change and securing sustainable development.

18. The new non-residential space shall be registered with Building Research Establishment (BRE) and shall, achieve BREEAM Rating Excellent.

(A) Within six months of the completion of the new non-residential space, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.

(B) Within six months from the date of first use of the new non-residential spaces commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures have been implemented.

Following any approval of a 'Post Construction Stage' assessment and certificate of the new non-residential spaces, the approved measures and technologies to achieve the BREEAM Rating shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change and securing sustainable development.

### **Car Parking**

19. The dwellings hereby permitted must not be occupied or utilised until the associated car parking spaces serving the dwellings have been provided and details of their location submitted to and approved in writing by the Local

Planning Authority. Thereafter, the car parking spaces must be maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

Reason: To ensure the proper and appropriate development of the site.

20. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include the Travel Plan measures identified at Section 5.2 of the Transport Assessment Addendum (ref. L06221/TAA02 dated 13 April 2023) together with:

- a) Targets for sustainable travel arrangements.
- b) Effective measures for the on-going monitoring of the Travel Plan.
- c) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- d) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

### **Informatives:**

1. This permission should be read in association with the agreement made under Section 106 of the Town and Country Planning Act 1990 and dated #####.

### 2. Surface water

The surface water drainage scheme required by conditions 11 and 12 must meet the following criteria:

Any outflow from the site must be limited to run-off rates identified in the FRA and discharged incrementally for all return periods up to and including the 1 in 100 year storm;

The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the 1 in 30 year flood event (as agreed in the FRA);

If there is any surcharge and flooding from the system, overland flood flow rates and "collection" areas on site (e.g. car parks, landscaping etc.) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100

year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

The adoption and maintenance of the drainage system must be addressed and clearly stated.

3. Flood defence consent (recommended by the Environment Agency)

The applicant is reminded that in addition to planning permission, all works in, under, over or within 8 metres of a Main River channel such as the River Brit, or formal flood defence assets, will require prior Flood Defence Consent (FDC) from the Environment Agency. Such consent is required in accordance with the Water Resources Act 1991 and Byelaws legislation, and relates to both permanent and temporary works. Further guidance in this respect is available from the Environment Agency's Development and Flood Risk Officer (Tel. 01258 483351).

4. Sustainable Construction (recommended by the Environment Agency)

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

5. Pollution prevention during construction (recommended by the Environment Agency)

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

6. Waste Management (recommended by the Environment Agency)

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then



site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/).

7. Site waste management plan (recommended by the Environment Agency)

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

8. Biodiversity Plan

In addition to the suitable tree species identified at Section H of the approved Biodiversity Plan (certified by the Dorset Council Natural Environment Team on 11 November 2022) Alder (*Alnus glutinosa*) is also recommended by the Environment Agency.

**Recommendation B**

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15<sup>th</sup> December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

This page is intentionally left blank

**Planning Committee**  
**06 July 2017**  
**1/D/11/002012**

---

**Application Number: 1/D/11/002012 Outline**

---

**Registration Date:** 2 January, 2012

**Application Site:** SOUTH WEST QUADRANT, ST MICHAELS TRADING ESTATE, BRIDPORT

**Proposal:** Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of "Tower Building". Appearance and landscaping reserved for further approval.

**Applicant:** Hayward & Co

**Ward Members:** Cllr D Rickard, Cllr F McKenzie, Cllr Mrs S Brown

**Case Officer:** Andrew Martin

---

**Application Number: WD/D/16/002852 Full**

---

**Registration Date:** 27 February, 2017

**Application Site:** LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE, ST MICHAELS ESTATE, BRIDPORT, DT6 3TP

**Proposal:** Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)

**Applicant:** Hayward & Co.

**Ward Members:** Cllr D Rickard, Cllr F McKenzie, Cllr Mrs S Brown

**Case Officer:** Andrew Martin

---

---

**Application Number: WD/D/16/002853 Listed Building Consent**

---

**Registration Date:** 27 February, 2017

**Application Site:** LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE,  
ST MICHAELS ESTATE, BRIDPORT, DT6 3TP

**Proposal:** Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide:  
(a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)

**Applicant:** Hayward & Co.

**Ward Members:** Cllr D Rickard, Cllr F McKenzie, Cllr Mrs S Brown

**Case Officer:** Andrew Martin

---

**1. SUMMARY RECOMMENDATION**

**1/D/11/002012 Outline**

- 1.1. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
  - b. a section 106 agreement; and
  - c. conditions:

**WD/D/16/002852 Full**

- 1.2. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
  - b. a section 106 agreement; and
  - c. conditions:

**WD/D/16/002853 Listed Building Consent**

- 1.3. Grant listed building consent subject to conditions.

**2. PROPOSAL**

- 2.1. This report deals with three separate, but related, applications for St Michael's Trading Estate in Bridport. Many of the material planning considerations are common to each application and the bulk of this report is structured to reflect that. Where issues are specific to one application then this is made clear. The report concludes with separate recommendations for each application. This section proceeds with a brief description of each application.

### **1/D/11/002012 Outline**

#### **History of this application**

- 2.2. This outline application was registered on 02 January 2012, at which time it proposed the erection of 105 dwellings (66 houses, 4 maisonettes, & 35 flats), new commercial floor space and space for the relocation for 'the Trick Factory' – an indoor skatepark which at that time was operating on the first floor of the Stover Building. The application was considered by the Development Control Committee (as was) on 21 June 2012 and the resolution at that time was to approve, subject to; (1) submission and agreement of an acoustic report demonstrating that the relocated Trick Factory could operate without detriment to the residential amenity of existing or proposed properties; (2) a section 106 agreement to secure a range of infrastructure requirements, including affordable housing; and (3) various conditions. The case officer's report at that time can be viewed [here](#).
- 2.3. Issuing a formal permission was dependent upon concluding the proposed section 106 agreement, but before this could happen English Heritage (now Historic England) extended the original listing of 40 St Michael's Lane (dating from 1975) to include "*attached buildings to the rear and north-west*", referred to locally as the Lilliput Building. This had the immediate effect of increasing the extent of listed buildings within the application site, effectively invalidating Committee's earlier resolution. A planning permission must be based upon a resolution that has regard to the development plan and other material considerations as they apply on the day that the notice is issued, which would not have been the case in this instance. The extension to the listing of the Lilliput Building brought policies into play that Committee had (for obvious reasons) not weighed in the planning balance.

#### **The amended proposal**

##### **Overview**

- 2.4. The applicants have chosen to respond to this situation by amending their proposals. And in so doing they have chosen not only to consider the implications of the extended listing, but also to address the concerns underpinning the officer recommendation of refusal in 2012. This process has also involved a programme of stakeholder engagement, summarised in the

Statement of Community Consultation and Engagement submitted in support of the revisions.

- 2.5. The revised proposals deal with the Lilliput Building separately, via fresh applications for full planning permission and listed building consent, registered under references WD/D/16/002852 and WD/D/16/002853 respectively – and described below. Part of the extended listing to 40 St Michael's Lane remains within the area of the outline planning application, but there are no proposals to alter this at this stage.
- 2.6. The area covered by the original outline application has been reduced commensurately and the proposal has been changed in a number of other respects. It now seeks to fix access, layout and scale at this stage (reserving appearance and landscaping for subsequent approval), but the description of development has been amended to reduce the number of dwellings from 105 to 83 (48 houses and 35 apartments) and removes reference to making provision for the "Trick Factory". As well as fixing the number of dwellings the application also proposes the demolition of 3,309 sq. m. of existing commercial floorspace and the construction of 761 sq. m. of new employment floorspace for uses within Class B1(c) (Light industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This will lead to an overall decrease of 2,548 sq. m. of commercial space.
- 2.7. The proposed layout has been completely redesigned and the supporting illustrative material has been reworked to reflect the new approach. The following suite of new/amended technical documents has also been submitted:
  - Planning Statement
  - S.106 Agreement: Heads of Terms
  - Development Appraisal
  - Stover Building: Viability Statement
  - Development Appraisal: Stover Building New Build
  - Employment, Economic & Regeneration Impacts Statement
  - Archaeological and Cultural Heritage Assessment
  - Design & Access Statement
  - Historical Report on the Stover, Ocean and Corrugated Iron Buildings
  - Statement of Community Consultation and Engagement
  - Transport Assessment
  - Phase 1 Environmental Report
  - Biodiversity Mitigation Plan

- Biodiversity Mitigation Plan Certificate of Approval
- Ecology (Extended Phase I Survey)
- Arboricultural Appraisal
- Flood Risk Assessment

2.8. The application has been re-publicised as if it were new, first in March 2017 and then again in May 2017 following further amendments.

***The amended proposal in more detail***

- 2.9. The proposal involves the demolition of 11 separately identifiable buildings, or extensions to buildings. These are all clearly identified on drawing no. PL 002 – *Masterplan showing demolition*. The total floorspace lost in demolitions amounts to 3,309 sq. m. The majority of the buildings to be lost are currently in active use for a range of employment activities. Two of the buildings to be demolished are also identified as “*Buildings of Local Importance*” in the Bridport Conservation Area Appraisal (2013). These are *Stover*, marked as 11 on drawing no. PL 002, and the *Covered Walk* (sometimes referred as the *Tin Shed*), the northernmost of the two structures marked as 20 on drawing no. PL 002.
- 2.10. Proposed in replacement are 83 dwellings and 761 sq. m. of new employment space – specified to be Use Class B1. 48 houses are proposed in five terraces to the west of the site, marked as Rows A to E on the proposed Masterplan – drawing no. PL101 Revision D. The precise appearance of these buildings is to be reserved for further approval, but the footprint and scale (shown as two and two-and-a-half storeys on drawing no. PL112 Revision A, would be fixed if this application is approved.
- 2.11. The houses are effectively divided from the remainder of the site by *Lilliput Lane*, which represents the main site access and weaves its way between Coach Station Square and St Michael’s Lane. The 48 houses are accessed by spurs from *Lilliput Lane*, which extend westwards to connect with a further thoroughfare which runs along the east bank of the River Brit. This is intended to serve a number of functions: it will provide essential maintenance access for the Environment Agency; it will provide limited vehicular access to a number of residential parking spaces; and it will form part of a new riverside walk.
- 2.12. Four further new buildings are proposed. The largest is a new building to replace *Stover*. This is depicted on drawing no. PL 110 as comprising three-and-a-half storeys, with 404 sq. m. of commercial floorspace on the ground floor and 21 one- and two-bedroom flats on the three floors above.
- 2.13. A further new building is proposed fronting St Michaels Lane, marking the eastern edge to Cattlemarket Square. This building is entirely residential and

comprises 14 flats in a building shown as part two-storey, part two-and-a-half storey and part three-storey.

- 2.14. Finally, there are two further commercial buildings proposed, both annotated as “Cattlemarket small business units” on drawing no. PL101 Revision D. These contain a total of 327 sq. m. of Class B1 floorspace.
- 2.15. The retained historic buildings are to be refurbished in accordance with a scheme which is summarised in Appendix C *Regeneration of Commercial Estate* of the revised Design and Access Statement.

### ***Conservation area consent***

- 2.16. The outline planning application was submitted concurrently with an application for Conservation Area Consent (registered under reference 1/D/11/002013) which sought approval for the demolition of a number of unlisted buildings. However, The need for conservation area consent was withdrawn by The Enterprise and Regulatory Reform Act 2013. The total or substantial demolition of an unlisted building in a conservation area now only requires planning permission and so, in this case, the relevant issues will be considered as part of the revised outline application. Consequently, the original application for Conservation Area Consent has been withdrawn.

### **WD/D/16/002852 Full & WD/D/16/002853 Listed Building Consent**

- 2.17. The revised proposals for the Lilliput Building (the rear of 40 St Michael’s Lane) are now contained within separate applications for planning permission and listed building consent.
- 2.18. The Lilliput Building is a part single storey and part two storey structure. The proposals involve the demolition of the north-west corner of the building; two-storeys of commercial floorspace comprising 315 sq. m on the ground floor and 57 sq. m. on the first floor. The proposals also involve taking down certain internal partitions throughout the building.
- 2.19. By way of redevelopment the submitted plans show replacement two and three storey floorspace in the north-west corner, which, combined with the retained floorspace forms the foundation of a scheme to bring the building back into use as Class B1 employment space on the ground floor (325 sq. m. of new floorspace and 640 sq. m. refurbished) with nine residential units above.
- 2.20. The employment proposals see an overall reduction of commercial floorspace of 47 sq. m. However, a significant proportion of the existing space (354 sq. m.) is currently unlettable. The submitted plans show the ground floor subdivided into six separate units, of a range of different sizes and configurations.
- 2.21. The residential element of the scheme spans two floors. There are seven flats on the first floor, including an existing unit which is to be refurbished. Four of the



new flats are contained within the new-build element of the scheme in the north-west corner; the remaining two are formed from the conversion of existing floorspace. Two flats are proposed on the second floor, completely within the new-build element of the scheme.

- 2.22. The history and significance of the Lilliput Building is examined in considerable detail in two reports submitted in support of this application: (1) Philip Brebner's "*Historic Building Survey for The 'Lilliput' Buildings*"; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. Both of these can be viewed in full online.

### **3. RELEVANT PLANNING HISTORY**

<b>App. No</b>	<b>Type</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1/D/08/000574	OUT	Develop land by the erection of 175 dwellings, 1,814 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), a taxi office and a new bus station with associated office). Refurbish all remaining buildings and create new vehicular and pedestrian accesses	R	02 June 2009
1/D/08/000576	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33-38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	R	02 June 2009
1/D/09/001051	OUT	Develop land by the erection of 173 dwellings, 1,904 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), and a new transport interchange with improved bus, coach and taxi facilities including 24 hour public conveniences). Refurbish all remaining buildings and create	R	26 August 2009

		new vehicular and pedestrian accesses		
1/D/09/001052	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33-38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	R	26 August 2009

#### **4. POLICY CONSIDERATIONS**

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

4.1. As far as this application is concerned the following policies are considered to be relevant.

INT1. PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

ENV1. LANDSCAPE, SEASCAPE AND SITES OF GEOLOGICAL INTEREST

ENV2. WILDLIFE AND HABITATS

ENV4. HERITAGE ASSETS

ENV5. FLOOD RISK

ENV9. POLLUTION AND CONTAMINATED LAND

ENV10. THE LANDSCAPE AND TOWNSCAPE SETTING

ENV11. THE PATTERN OF STREETS AND SPACES

ENV12. THE DESIGN AND POSITIONING OF BUILDINGS

ENV13. ACHIEVING HIGH LEVELS OF ENVIRONMENTAL PERFORMANCE

ENV15. EFFICIENT AND APPROPRIATE USE OF LAND

ENV16.	AMENITY
SUS1.	THE LEVEL OF ECONOMIC AND HOUSING GROWTH
SUS2.	DISTRIBUTION OF DEVELOPMENT
ECON3.	PROTECTION OF OTHER EMPLOYMENT SITES
ECON4.	RETAIL AND TOWN CENTRE DEVELOPMENT
HOUS1.	AFFORDABLE HOUSING
HOUS3.	OPEN MARKET HOUSING MIX
COM1.	MAKING SURE NEW DEVELOPMENT MAKES SUITABLE PROVISION FOR COMMUNITY INFRASTRUCTURE
COM5.	THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES
COM7.	CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK
COM9.	PARKING STANDARDS IN NEW DEVELOPMENT
COM10.	THE PROVISION OF UTILITIES SERVICE INFRASTRUCTURE
BRID5	ST. MICHAEL'S TRADING ESTATE

### **Supplementary Planning Documents**

- 4.2. West Dorset Design Guidelines (2009);

### **National Planning Policy Framework**

- 4.3. The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In terms of decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
- or where specific policies in the Framework indicate development should be restricted.

4.4. The NPPF also states that:

*Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. (Para. 186)*

*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work pro actively with applicants to secure developments that improve the economic, social and environmental conditions of the area. (Para. 187)*

4.5. Other sections of the NPPF relevant to this application are listed below. These will be referred to in the “Planning issues” section of the report.

<b>Section</b>	<b>Subject</b>
1.	Building a strong, competitive economy
2.	Ensuring the vitality of town centres
3.	Supporting a prosperous rural economy
4.	Promoting sustainable transport
6.	Delivering a wide choice of high quality homes
7.	Requiring good design
8.	Promoting healthy communities
10.	Meeting the challenge of climate change, flooding and coastal change
11.	Conserving and enhancing the natural environment
12.	Conserving and enhancing the historic environment

- 4.6. On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This includes the following statement:

*This guidance is intended to assist practitioners. Ultimately the interpretation of legislation is for the Courts but this guidance is an indication of the Secretary of State's views. The department seeks to ensure that the guidance is in plain English and easily understandable. Consequently it may sometimes be oversimplified and, as the law changes quickly, although we do our best, it may not always be up to date.*

- 4.7. Elements of the Planning Practice Guidance relevant to this application will be referred to in the "Planning issues" section of the report.

#### **Other material considerations**

- 4.8. South West Quadrant Bridport Regeneration Framework (February 2002);
- 4.9. Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010);

### **5. STATUTORY CONSULTATIONS**

#### **Bridport Town Council (comments from 06 April 2017. Amended comments to be reported)**

##### **1/D/11/002012 Outline**

*"Objection on the following grounds:*

*"The Committee noted that Historic England had concerns regarding the application on heritage grounds and that the proposals would have a harmful impact on the historic environment. Whilst they stated that the harm is less than substantial, they state that under the terms of NPPF 134, the planning authority has to decide if that harm is outweighed by wider public benefits. The Committee did not consider that this test would be met in view of the redevelopment's impact on this historic site that was so popular with the public. The loss of the distinctive buildings, such as the tin shed, and the potential impact on the use of the site by local artisans (bearing in mind the close proximity of residential and business premises), would be detrimental to the wider public interest and was contrary to Local Plan Policy BRID 5.*

*"The scale and particularly the height of the replacement Stover building would have a detrimental impact on the residential amenity of nearby properties and residents. This was contrary to Local Plan policy ENV 16. The scale would also have a detrimental impact on the conservation area and listed buildings contrary to Local Plan policy ENV4.*

*“It was also considered that the building heights could have a detrimental impact on sightlines in and out of the town centre.*

*“The Committee felt that the Stover building should be retained as employment space and that the spread of housing across the site would be detrimental to the existing businesses and the industrial nature of the trading estate contrary to Local Plan policy ECON3. The Committee re-iterated its view that, as far as possible, the residential provision should be located away from the industrial uses. The Town Council had commented in the Local Plan review that St Michaels should be designated as a key employment site.*

*“Access routes in to the site were considered to be inadequate for the scale of the proposed re-development.*

*“The car parking provision was considered to be inadequate for the scale of housing being proposed, alongside business use.*

*“The proposed provision of affordable housing at only 17 units was not in keeping with the Local Plan policy of 35% and would not meet the local housing need.”*

#### **WD/D/16/002852 Full & WD/D/16/002853 Listed Building Consent**

*“The scale and particularly the height of the new buildings would have a detrimental impact on the residential amenity of nearby properties and residents, particularly from the east facing windows on the three storey block. This was contrary to Local Plan policy ENV 12 and ENV16.*

*“The scale would have a detrimental impact on the conservation area and listed buildings contrary to Local Plan policy ENV4.*

*“It was felt that, also with reference to the whole site, as far as possible the residential provision should be located away from the industrial uses.”*

#### **Local highway authority (DCC)**

##### **1/D/11/002012 Outline**

*“The County Highway Authority has NO OBJECTION, subject to the following conditions:*

*Estate Road Construction (adopted or private)*

*Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the*

*Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.*

*Reason: To ensure the proper and appropriate development of the site.”*

**WD/D/16/002852 Full**

- 5.1. No objection.

**Highways England**

- 5.2. No objection subject to a £8K financial contribution towards improvements to East Road roundabout.

**Environment Agency**

- 5.3. Objects to inadequate floor levels and flood resilience measures for ground floors of new Lilliput and Stover buildings.

**Lead Local Flood Authority**

- 5.4. Defers to the Environment Agency.

**Natural England**

- 5.5. No objection.

**Historic England**

- 5.6. Recommends as follows:

*“Historic England has concerns regarding the application on heritage grounds. We are of the view that while this scheme potentially represents a significant improvement upon the earlier iteration, the proposals would have a harmful impact on the historic environment. The harm is less than substantial, and under the terms of NPPF 134 your authority must therefore decide if that harm is outweighed by wider public benefits”*

**6. OTHER CONSULTATIONS**

**Senior Archaeologist, Dorset County Council**

*“The application documentation includes Philip Brebner’s Historic Building Survey, which in turn refers to the desk-based archaeological assessment of the wider area of St Michael’s Trading Estate produced by AC Archaeology about a decade ago. The application’s Design and Access Statement also refers to a need for a pre-development photographic survey of the affected buildings, with the results being integrated into Philip Brebner’s survey. I*

*also note that Historic England has been involved in discussions about the site, and is among the consultees.*

*“Hence, it seems to me that the archaeological aspects are being dealt with satisfactorily here. If consent is granted, the attachment of a condition to secure the building recording would be appropriate. If Historic England has already suggested one, then all well and good, but if not, I would be happy to discuss.”*

### **Wessex Water**

*“New water supply and waste water connections will be required from Wessex water to serve this proposed development.*

*“Separate systems of drainage will be required to serve the proposed development.*

*“No surface water connections will be permitted to the foul sewer system.”*

### **Environmental Protection Team, WDDC (via WPA Environmental)**

- 6.1. Recommend imposition of standard ground contamination conditions.

## **7. REPRESENTATIONS**

- 7.1. At the time of completing this report there had been a total of 425 representations submitted since March 2017 in response to all three of the applications being considered. This total comprises seven representations of support, 12 neutral comments and 406 objections. A summary of the representations submitted in respect of application 1/D/11/002012 as originally submitted can be seen in the [2012 case officer report.](#)

### **Summary of representations since March 2107**

#### ***Objections***

- Whilst there might be a need for additional housing it should not be at the expense of employment floorspace;
- St Michael’s is one of the few locations in Bridport to provide for new employment to balance planned housing growth;
- Commercial floorspace will be reduced by 20%;
- Applicant’s calculations for increased employment density in remaining buildings are inaccurate and based upon wishful thinking;



- Proposals would irreversibly damage a thriving, business and tourist destination. They would mark the beginning of a gentrification process that would drive out a unique community of artists and businesses.
- St Michael's Trading Estate is one of the most important visitor attractions in Bridport;
- Close integration of employment and housing will lead to amenity problems;
- Integration of housing will sanitise the remainder of the estate, encouraging quiet uses at the expense of today's broad mix of tenants;
- Residential amenity for new and existing properties will be inadequate;
- How can there be enough rental income from the retained buildings (20% less) to cover ongoing maintenance costs?
- The proposal involves the loss of a valuable Asset of Community Value (the "Trick Factory");
- Inappropriate to consider an outline application in such a sensitive area;
- The proposals would lead to the loss of heritage assets;
- The proposals would neither preserve nor enhance the character of Bridport Conservation Area;
- The site is vulnerable to flooding;
- Is there adequate sewage capacity?
- There is inadequate parking. This means that further pressure will be placed on town centre car parks deterring visitors;
- Traffic problems within the site could lead to safety issues;
- The development will inevitably lead to further traffic congestion in and around the town centre;
- Vacant Building Credit calculation is incorrect;
- Any housing should be affordable housing;
- Affordable housing should not be provided as a single block;
- The Council should consider alternative redevelopment options.

7.2. All representations can be viewed on [www.dorsetforyou.com](http://www.dorsetforyou.com).

## **8. PLANNING ISSUES**

8.1. The main planning issues relevant to this application are:

- The principle of development;
- Comprehensiveness;
- Mix of uses;
  - Employment;
  - Housing;
  - Affordable housing;
  - Recreation;
    - The “Trick Factory”;
    - Riverside Walk;
    - St Michaels’ Island;
- Heritage assets;
  - Bridport Conservation Area;
  - 40 St Michaels’ Lane;
  - Stover Building;
  - The “Tin Shed”;
- Residential amenity
- Flood risk
- Access and parking;
- Biodiversity;
- Community Infrastructure Levy (CIL);

### **The development plan**

8.2. Section 38(6) of the Planning and Compulsory Planning Act 2004 provides that when making a determination under the Planning Acts “*the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” The development plan in this case is the West Dorset, Weymouth & Portland Local Plan 2015 (the “Local Plan”).

8.3. How weight is apportioned to the different policies in the development plan can be a challenge, and is ultimately a judgement for the decision maker. However, in exercising that judgement it is clear that the presumption in favour of sustainable development is preeminent, and (according to paragraph 14 of the NPPF) “*should be seen as a golden thread running through both plan-making and decision-taking*”. That presumption is now also embodied in the development plan with policy INT1 (PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT) stating:

- i) *There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.*

*Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:*

- *the extent to which the proposal positively contributes to the strategic objectives of the local plan;*
- *whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and*
- *whether the adverse impacts of granting permission could significantly outweigh the benefits.*

### **The principle of development**

8.4. St Michael's Trading Estate is covered by a site specific policy in the Local Plan.

#### **BRID5 ST. MICHAEL'S TRADING ESTATE**

- i) St. Michael's Trading Estate (as shown on the policies map) is designated for a comprehensive mixed-use development, subject to:
- the retention and restoration of buildings of historic interest;
  - ensuring the maintenance or enhancement of employment opportunities;
  - respecting the character of the conservation area, including the historic plot patterns;
  - the provision of a riverside walk;
  - the provision for a wildlife corridor along the River Brit, including St Michael's Island.

### **Comprehensiveness**

8.5. Local Plan policy BRID5 expects St. Michael's Trading Estate to be developed comprehensively and the applicants have made clear that that is their intention. And notwithstanding that they have effectively split the site into two for the purposes of progressing their latest proposals; they accept that planning obligations will be necessary to link certain elements of any permissions.

### **Mix of uses**

#### **Employment**

- 8.6. It is a strategic objective of the Local Plan to “increase employment opportunities” and the ensuing strategic approach acknowledged that this be achieved, in part, through “*the suitable protection of existing employment sites (taking into account their significance) ...*”. Looking specifically at St Michael’s Trading Estate it is an expectation of Local plan policy BRID5 that any redevelopment will ensure “*the maintenance or enhancement of employment opportunities*”.
- 8.7. The *Tenancy List* in *Appendix 3* of the applicant’s *Employment, Economic & Regeneration Impacts Statement: Revision B (May 2017)* (“Impact Statement”) provides a snapshot of the variety of different commercial uses that exists on St. Michael’s Trading Estate at any one time. There are activities here that fall within a number of different use classes (as defined within The Town and Country Planning (Use Classes) Order 1987), including: Class A1. Shops; Class A3. Restaurants and cafes Class; Class B1. Business; Class B2. General industrial; and Class B8. Storage or distribution. Additionally, there are composite uses, involving a mix of different activities, and so-called *sui generis* uses – those that do not fit comfortably within any established use class. The overall effect is a rich mosaic of activities.
- 8.8. Notwithstanding that the applicant’s current proposals are disaggregated into two separate applications for planning permission, it makes sense to consider St Michael’s Trading Estate as a whole (the area subject to Local Plan policy BRID5) when considering the issue of employment.
- 8.9. The total existing amount of employment floorspace across St Michael’s Trading Estate is put at 10,546 sq. m., although 1,065 sq. m (10%) is identified as currently unlettable for various reasons, including poor condition, lack of access and inadequate welfare facilities. This leaves 9,481 sq. m. in active use, albeit to varying degrees of intensity. The *Tenancy List* in *Appendix 3* of the applicant’s *Impact Statement* also provides a snapshot of employment levels and shows that there are currently 127 FTE jobs across the Estate. Estimates of employment levels have varied considerably in the various planning applications since 2008. For example, the report to Committee in 2012 used a figure of 212, which was based upon an assessment carried out at the time and contained within an *Employment Issues: Response Statement*. However, the applicants consider that the figure of 127 is more representative given that it is based upon a more robust survey.
- 8.10. The applicant’s *Impact Statement* uses the [Homes & Communities Agency \(HCA\) Employment Densities Guide \(3rd Edition 2015\)](#) to undertake a number of calculations. This document is generally recognised as the “*industry-wide point of reference for projected job creation*”, although site specific factors will always have a bearing. The applicants use 127 FTE jobs as the basis for undertaking comparative calculations, whereas this report also considers the higher figure of 212 reported in 2012.

- 8.11. The HCA Guide uses an Employment Density Matrix, which has been reproduced in Appendix 1 of the applicant's Impact Statement. This identifies the amount of floorspace (measured in sq. m.) typically attributed to an individual employee across a range of different use classes. The Matrix uses different metrics for different use classes: Gross External Area (GEA); Gross Internal Area (GIA); and Net Internal Area (NIA). Each of these is defined in the HCA Guide. The applicant's building surveys are all presented as GIA, and the HCA Guide suggest that gross figures are typically 15-20% higher than net internal space.
- 8.12. To avoid overcomplicating things the following analysis assumes that the prevalent use class within St Michael's Trading Estate is B1 (Business). That is a reasonable assumption given that artists' studios are B1 and even a lot of the composite / sui generis uses exhibit B1 characteristics. And the assumption is only being made in order to establish a common denominator for comparing the most likely impacts that the development will have upon employment. The "multiplier effect" referred to in the applicant's Impact Statement – the method by which one assesses the benefits to the wider economy - is also seen as being common to all of the following calculations.
- 8.13. The HCA Guide considers all B1 uses on the basis of NIA. Using the harshest of its conversion factors would establish a net lettable floorspace figure of 7,870 sq. m. for St Michael's (83% of 9,481 sq. m.). That leads to an employment density of 62 sq. m. (for 127 FTE jobs) and 37 sq. m. (for 212 FTE jobs). That range represents poor performance for Class B1(a) (Offices), average performance for Class B1(b) (R&D) and average performance for Class B1(c) (Light Industrial).
- 8.14. The proposals would involve the demolition of 3,681 sq. m. of existing commercial buildings, and the construction of 1,086 of new floorspace – a net loss of 2,595 sq. m. (25%) across the Estate as a whole. This is summarised in the table below.

	<b>Lilliput (Application ref. WD/D/16/002852)</b>	<b>Remainder of St. Michael's (Application ref. 1/D/11/002012)</b>	<b>Totals</b>
<b>Existing floorspace (sq. m.)</b>	1541	9005	<b>10546</b>
<b>Proposed demolitions (sq. m.)</b>	372	3309	<b>3681</b>
<b>Proposed new floorspace (sq. m.)</b>	325	761	<b>1086</b>

<b>Proposed resulting floorspace (sq. m.)</b>	<b>1494<sup>1</sup></b>	<b>6457</b>	<b>7951</b>
---	-------------------------	-------------	-------------

The buildings to be demolished are all clearly identified on drawing PL 002 *Masterplan showing demolition*.

- 8.15. Notwithstanding the net loss of floorspace the applicants contend that they can maintain current levels of employment by establishing, at the very least, the HCA average of 47 sq. m. per employee for Class B1(c) uses across the site. This would be achieved by: (a) providing new, purpose-built floorspace in Lilliput and Stover; and (b) upgrading the 6,865 sq. m. of retained floorspace in the historic buildings. A 47 sq. m. standard applied across all 7,951 sq. m of commercial floorspace (new and retained) after the development is complete would result in 140 FTE jobs (83% of 7,951 / 47). However, if one assumes that the new floorspace performs more favourably – which is a reasonable assumption – then a higher jobs total is more likely. For example, if the new floorspace in Lilliput and Stover achieves the 13 sq. m per employee that the HCA Guide assigns to Class B1(a) (Offices) then those two buildings alone could deliver 70 FTE jobs (83% of 1,086 / 13) – and that is assuming the most severe of the HCA’s gross to net conversion factors. If, in this scenario, the retained historic buildings maintained an average of 47 sq. m. per employee then that would deliver an additional 121 FTE jobs (83% of 6,865 / 47) – a total of 191 overall, approaching the higher figure reported in 2012.
- 8.16. An analysis of this nature inevitably involves a number of assumptions, but, nevertheless, it is considered robust enough to conclude with a reasonable degree of certainty that if one measures the “*maintenance or enhancement of employment opportunities*” – the BRID5 test – on job numbers alone then the current proposals are (subject to the discussion below) policy compliant. If one takes a broader view of that test and regards the introduction of new, purpose-built floorspace as a different form of “*opportunity*” then the policy position is even stronger.
- 8.17. All of the above relies upon being able to make more efficient use of the 6,865 sq. m. of floorspace in the retained historic buildings; getting them all to perform to a standard where, on average, each employee can operate in an area of 47 sq. m. or less. This level of performance has been frustrated in recent years by various deficiencies in the historic buildings. One can argue about the reasons behind this, but the applicants maintain that it results from the difficult and delicate balance between retaining affordable rents whilst continuing to invest in the upkeep and refurbishment of a varied and complex site. The low-rent regime that has allowed St Michael’s to operate as a seedbed for small businesses has undoubtedly been part of the issue. And making good some of the problems

---

<sup>1</sup> Section 22 of the combined application form for applications WD/D/16/002852 and WD/D/16/002853 was amended on 08 June 2017 to reflect these figures.

stemming from that under-investment will clearly be essential if the applicants are to realise their aspirations.

- 8.18. To address this point the applicant's commissioned Peter Gunning & Partners (PGP) to work with the scheme architects to undertake a site-wide "rapid assessment" to establish, in broad terms, what would be necessary to refurbish the retained buildings to a standard where all of the space would be lettable and at a density that reflects the HCA Guide. This work was lacking when the proposals came before the Committee in 2012.
- 8.19. The results of PGP's work are summarised in Appendix C *Regeneration of Commercial Estate* of the revised Design and Access Statement – submitted in support of application 1/D/11/002012. In essence, this identifies five levels of work that will be conducted in four phases, with two phases of "essential" work being undertaken concurrently with the redevelopment. The total cost of these essential works is estimated at approximately £2.3m. The applicants propose that the bulk of this will be funded by a £2m cross-subsidy from the housing component of this development. The remainder will be funded from ongoing revenue income.
- 8.20. Clearly, if Members are persuaded by the employment arguments now being advanced then the applicant's commitment to refurbishing the retained buildings would need to form part of any permission. There would need to be an agreed programme to ensure that refurbishment works are phased in parallel with the proposed housing. In different circumstances that might be difficult. If, for example, it was the applicant's intention to sell off the housing element of the scheme separately then that would almost certainly be frustrated if there were obligations that linked housing completions to refurbishment work which, in that scenario, would be somebody else's responsibility. However, the applicants have made it clear that that is not their intention in this case; they propose to retain control over the development as a whole and they accept, and even welcome, the need for refurbishment triggers linked to progress on the associated housing development.
- 8.21. The detail of such a programme needs further work. There is enough at the moment to establish some broad parameters, including a £2m budget, but the final programme will need to contain a lot more detail, including: tighter definitions of the work involved; agreement over phasing; and a procedure for "signing off" each phase. There is nothing unprecedented here; it is just that there will need to be bespoke requirements for this particular project. In this case it is recommended that agreement to those requirements be delegated to officers via compliance with a planning obligation. Members resolved similarly in 2012.

## Residential

- 8.22. Including residential development in the mix of uses proposed for St Michael's Trading Estate is intended to achieve two broad objectives: (1) help meet the Local Plan's housing land supply target; and (2) provide a means to help cross-subsidise the regeneration of the retained commercial buildings on the site as described above.

## Housing supply

- 8.23. Providing sufficient housing is central to the social dimension of the Government's definition of sustainable development, set out in paragraph 7 of the NPPF as:

*“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”*

- 8.24. Paragraph 47 of the NPPF is clear that one of the Government's key planning objectives is *“To boost significantly the supply of housing ...”*. Local planning authorities are told that they should *“... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing ...”*. And paragraph 49 confirms that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”*. It also makes clear that *“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 8.25. The most up-to-date analysis of the Local Plan's five-year housing land supply comes out of the appeal decision relating to 98 dwellings proposed on Land Off Ryme Road, Yetminster (WDDC ref. WD/D/15/002655). After a detailed examination of the deliverability of sites across entire the plan area the inspector concluded that West Dorset and Weymouth currently have a 4.63 year supply. The Local Plan's policies for the supply of housing are, therefore, demonstrably out-of-date.
- 8.26. Table 3.7 of the Local Plan identifies a housing supply of 105 dwellings for St Michael's Trading Estate, reflecting the Development Control Committee's resolution from 2012. This figure does not represent a commitment; it is merely an estimate that was based upon the best available evidence at the time that the Local plan's housing projections were being prepared. The current estimate in the latest five-year housing land supply monitoring report (for 2015/16) suggests a figure of 93 dwellings for the site.



- 8.27. In total the applicant's revised proposals establish a net increase of 91 dwellings across the Trading Estate as a whole<sup>2</sup>: eight in the Lilliput Building and 83 elsewhere on the estate. This reduction from the position in 2012 reflects the fact that the layout has been completely redesigned in order to address a number of things, including the extended listing of 40 St Michael's Lane and the misgivings expressed in the officers' recommendation at that time. Whilst this reduction is below the housing supply figure for this site in the Local Plan, it is very close to the figure in the latest monitoring report, which provides the basis for the overall supply figure across the Local Plan area of 4.63 years.
- 8.28. A recent Supreme Court judgement<sup>3</sup> has clarified what the NPPF means by "policies for the supply of housing" and has, in effect, given the phrase a narrower interpretation than earlier court judgements. The Supreme Court has ruled that the phrase should only relate to 'housing supply policies', rather than to other policies which may have some effect on their operation (e.g. a policy for the protection of the countryside). The significance of that in this case is that if Members consider that some aspect of this development disqualifies it from being regarded as sustainable development, as defined in paragraph 14 of the NPPF, then, provided that view is evidence-based it is likely to carry more weight in the planning balance than would have been the case prior to the recent Supreme Court ruling, even though we cannot currently demonstrate a five-year housing land supply.

### **Regeneration**

- 8.29. The principle of using housing as a means to support regeneration of the Estate was challenged during the examination of the Local Plan, leading the Inspector to conclude as follows:
- 185 *In written representations and views expressed during the hearings it was clear that St Michael's Trading Estate is an area which makes an important contribution to the vitality of Bridport town centre. An eclectic mix of businesses occupies traditional but small-scale industrial buildings which add considerably to the town's retail appeal. Some of these buildings are of historic interest but the Councils, supported by the owner, maintain that regeneration of the Trading Estate is necessary to secure its future. This would involve retaining employment opportunities and restoring buildings of historic interest by allowing residential development as part of a viable scheme.*
- 186 *It is apparent the buildings are in need of repair and improvement but opponents fear proposals could devalue the unique form and appeal of the site and undermine its character. Such risks cannot be discounted but*

---

<sup>2</sup> Flat 1.7 in the Lilliput Buildings is a refurbishment of an existing unit.

<sup>3</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 37

*ignoring the condition of the buildings is more likely to jeopardise the future of the site in its current form. Incorporating some residential use appears to be a realistic and modest option which is capable of funding improvements while retaining the inherent character of the Estate. I see no reason to reject the proposal subject to the changes to the policy (BRID 5) and the supporting text to reinforce measures necessary to safeguard the riverside corridor and maintain its wildlife value (MM74 and MM75).*

- 8.30. The policy was subsequently amended to reflect the Inspector's recommendations (to read as it now does) and the preamble (paragraph 13.6.1) now states that "*The inclusion of residential development could help bring forward a viable scheme.*" The extent to which the current proposals achieve that objective, and retain the inherent character of the Estate, is discussed in other sections of this report.

### **Affordable housing**

#### ***Number of affordable dwellings***

- 8.31. Local Plan policy HOUS1 (Affordable Housing) states that:

- i) Where open market housing is proposed affordable housing will be sought, unless the proposal is for replacement or subdivision of an existing home. The level of affordable housing required reflects the viability of development land in the local area, and will be ... 35% in Weymouth and West Dorset.

- 8.32. It makes sense to look at this issue comprehensively; to consider obligations for affordable housing as they bear upon the applicant's proposals for the BRID5 allocation as a whole. Ordinarily that would establish a requirement for 32.2 affordable units – 35% of the overall net increase of 91 dwellings . However, Vacant Building Credit (VBC) is also a material consideration in this case.

- 8.33. National Planning Practice Guidance states<sup>4</sup>:

*"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."*

---

<sup>4</sup> Paragraph: 021 Reference ID: 23b-021-20160519

8.34. VBC is applied as a credit, equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. National Planning Practice Guidance provides an example:

*“... where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.”*

8.35. The VBC in the applicant’s original *Scheme Viability & the Delivery of Affordable Housing* was miscalculated, but has been corrected in updated version – *Revision B* dated June 2017. This identifies a total of 1,065 sq. m. of current vacantly floorspace which is either to be demolished or brought back into use.

8.36. The relevant VBC calculation is therefore as follows:

- Existing vacant building to be demolished or converted – 1,065 sq. m.
- Proposed development of 92 dwellings – 7,736 sq. m.
- Increase in floor space – 6,671 sq. m. (7,736 sq. m. - 1,065 sq. m.);
- 35% of 92 dwellings – 32.2
- 6,671 sq. m. as a percentage of the overall development of 7,736 sq. m. – 86%
- 32.2 x 86% - 27.69 dwellings (rounded to 28).

8.37. The applicants have asked for this figure to be reduced on the basis of a viability argument which they consider to be consistent with criterion iii) of Local Plan policy HOUS1, which states:

*“Applicants seeking to justify a lower level of affordable housing provision will be expected to provide an assessment of viability. A lower level of provision will only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought.”*

8.38. Full details of the applicant’s arguments in this regard are contained within the *Scheme Viability & the Delivery of Affordable Housing - Revision B*. And this concludes that the scheme can support 15 affordable dwellings.

8.39. This work has been independently checked by District Valuer Services (DVS) and the conclusions of that work are contained with its *Development Viability Assessment, St Michael’s Trading Estate, Bridport, Dorset* which can be viewed online. The conclusions of that report are that the scheme can support the

provision of 22 affordable units and that is the recommendation to Members. However, at the time of concluding this report that figure has not been agreed by the applicant.

### **Tenure**

- 8.40. Local Plan policy HOUS1 also establishes criteria for considering tenure mix and the type, size and mix of affordable housing:
- iv) Within any affordable housing provision, the councils will seek the inclusion of a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing, unless identified local needs indicate that alternative provision would be appropriate.
  - v) The type, size and mix of affordable housing will be expected to address the identified and prioritised housing needs of the area and should be proportionate to the scale and mix of market housing, resulting in a balanced community of housing and / or flats that are 'tenure blind'.
  - vi) Where there is an identified local need for specially designed affordable housing to cater for disabled people with particular needs, or affordable housing that can be easily adapted to meet a variety of such needs, developments should prioritise provision of this accommodation.
- 8.41. Other than a commitment to a tenure split that will meet the expectations of Local Plan policy HOUS1 there is currently no agreement on unit sizes or the disposition of affordable housing units across the site. That is not unusual with an outline application. It is ordinarily dealt with by agreement of an Affordable Housing Scheme prior to development commencing and that is the recommendation in this case.

### **Recreation**

#### **The "Trick Factory"**

#### ***Asset of Community Value***

- 8.42. On 29 March 2016 Unit 33 St Michael's Trading Estate (on the first floor of Stover) was listed as an Asset of Community Value (ACV) under Part 5 Chapter 3 of the Localism Act 2011. At that time the unit was occupied by "*The Trick Factory*", which the District Council's decision letter described as "*an indoor skateboarding / BMX / roller skating park [which] is considered to be a sports /recreational facility that furthers the social wellbeing / social interests of the local community*".<sup>5</sup>

---

<sup>5</sup> Service Manager, Planning (Community and Policy Development), 29 March 2016

- 8.43. The Trick Factory subsequently vacated Unit 33 and the bespoke equipment (ramps etc.) has all been removed. At the time of writing this report Unit 33 is essentially an empty shell, although it still remains listed as an ACV.
- 8.44. The relevance of this to the planning process is summarised in the Government's publication entitled Community Right to Bid: Non-statutory advice note for local authorities.<sup>6</sup> Paragraph 2.20 states:

*"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."*

- 8.45. Some of the representations raise questions about the applicant's responsibilities in respect of the ACV should they come to sell the site. These responsibilities are prescribed in the Localism Act 2012 and are entirely separate from the planning process.
- 8.46. One consequence of approving this application would be demolition of Stover - and the loss of the ACV in Unit 33 in the process. And by extension of the principle established in the paragraph quoted above that would be a material consideration.
- 8.47. The fact that The Trick Factory has ceased to operate is also material. Unit 33 was listed as an ACV on the basis that, at the time, it housed a "sports /recreational facility that furthers the social wellbeing / social interests of the local community" – but that facility no longer exists. However, the unit itself still exists and its value as an ACV in the planning process should reflect the practicality of reusing the space for another facility that meets the original objectives of listing. And, in that context, The Trick Factory had a very particular set of requirements and Unit 33 appears to have suited it well, and the value of the space for a facility of equivalent, or even alternative, community value appears extremely limited. Consequently, your officers consider that the weight to be applied to retaining Unit 33 as an ACV in the planning balance should be similarly limited.

### **Policy COM5**

- 8.48. Local Plan policy COM5 (THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES) approaches the same issue from a broader perspective; it establishes a presumption against the loss of "recreational facilities" unless one of four conditions is satisfied. Unit 33 would be a

---

<sup>6</sup> Community Right to Bid: Non-statutory advice note for local authorities, Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012, October 2012, Department for Communities and Local Government

recreational facility for the purposes of applying this policy and “loss” in this context relates to the lawful use of the building rather than The Trick Factory specifically.

- 8.49. The first two conditions in policy COM5 are irrelevant to this application, but the last two do have a bearing and are considered below. In each case the condition represents a set of circumstances that would need to be satisfied if the general presumption of the policy is to be overridden. Only one condition would need to be satisfied to establish policy compliance.

**“Alternative and/or suitable replacement outdoor or indoor provision of equal or better recreational quality or value is provided in a location which is suitable to meet any deficiency in provision, and/or better placed and accessible to the surrounding community it serves, and there is a clear community benefit”**

- 8.50. There is nothing within this application that directly replaces the space that would be lost through the demolition of Unit 33, but there are alternative proposals that could be judged to provide “*equal or better recreational quality or value*”. These include the riverside walk and the inclusion of St Michael’s Island into a wildlife corridor (both explicit requirements of policy BRID5 and discussed in more detail elsewhere in this report) and the proposals for environmental enhancements in association with the potential dual use of Cattlemarket Square – parking and as a space for public events. For example, it has been suggested that this area could be used to extend the available space for the existing “Food market” and “Vintage Market”, as well as other activities that cannot currently be accommodated on the estate. The proposals would also bring potential heritage benefits; Cattlemarket Square is identified as an “*Important Space*” in the *Bridport Conservation Area Appraisal*, but it is not particularly well-celebrated as such as things stand. The two sketches on drawing no. PL 204 indicate how this area might be enhanced, although the final details will be resolved through subsequent submissions of reserved matters. A condition is recommended at this stage to establish a trigger for these works to be completed.

- 8.51. Taking the above into account it is considered that this condition of policy COM5 is satisfied and, therefore, the policy as a whole.

**“It can be demonstrated that the open space, buildings or land are surplus to requirements and there is no need for alternative open space of public value or recreational uses which could reasonably take place at the site.”**

- 8.52. There is no evidence that the space being lost in Unit 33 is surplus to requirements. Indeed, it is explicit in the site allocation policy (BRID5) that additional recreational provision (as discussed above) will be necessary. Consequently, this condition of policy COM5 is not satisfied.

## **Riverside walk**

- 8.53. It is a requirement of Local Plan policy BRID5 that the comprehensive mixed-use development of St. Michael's Trading Estate should include the provision of a riverside walk.
- 8.54. In the current application this requirement comprises a number of different elements. Most significant is a new 8m-wide open strip free abutting the River Brit extending from the northern boundary of the application site, adjoining Coach Station Square, to the "Red Brick Buildings". As well as forming part of the riverside walk this area will also serve as; (1) a vehicular route providing access to a number of residential parking spaces; and (2) as an essential access route for the Environment Agency (EA) in pursuit of its maintenance obligations for the Flood Alleviation Scheme. To meet the EA's requirements the 4m closest to the river will be hard-surfaced to a standard capable of taking maintenance vehicles up to 20 tonnes in weight. The 4m furthest from the river will need to be kept free of buildings, to provide a safety zone for maintenance equipment to operate, but the EA has confirmed that there is no issue with this area being landscaped, including trees and seating. The fine detail of landscaping and surface treatment(s) will be resolved through subsequent submission(s) of reserved matters, but enough is known at this stage to be confident that this area has the potential to be a significant public amenity.
- 8.55. Beyond the Red Brick Buildings the opportunity for a riverside walk follows a more circuitous route. Progressing eastwards "Red Brick Lane" continues to follow the River Brit for approximately 50m, but thereafter the way is temporarily blocked by buildings, most significantly the "Tower Building(s)". Proposals for redevelopment submitted in 2008/09 included a cantilevered footway over the river in order to create a short, direct connection with Foundry Lane and the southern boundary of the site. No such connection is proposed in this application, so the most direct route will now involve a diversion onto St. Michael's Lane.
- 8.56. Although a more direct route might be preferable, the meandering option now proposed is not without merit. In particular, it will provide pedestrians with opportunities to appreciate more of the area's historic significance – notably the "Tower Building(s)" and the associated buildings in Foundry Lane. It will also take people directly past the remodelled Cattlemarket Square.

## **St Michael's Island**

- 8.57. It is a requirement of Local Plan policy BRID5 that the comprehensive mixed-use development of St. Michael's Trading Estate should include provision for a wildlife corridor along the River Brit, including St Michael's Island. This is being offered as part of the current proposals and a planning condition will be necessary to ensure that a management plan is agreed.

## **Green Infrastructure and Recreation**

- 8.58. This development will also be CIL-liable and 5% of WDDC's receipts from this development will be allocated to "Green Infrastructure and Recreation". This is discussed further under the CIL heading in this report.

## **Heritage assets**

- 8.59. It is a strategic objective of the Local Plan to:

*"Protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area – this will be the over-riding objective in those areas of the plan which are particularly sensitive to change".*

- 8.60. In meeting this objective the Local Plan states:

*"High priority will be given to protecting and enhancing the area's heritage assets – including its Listed Buildings and Conservation Areas, and other features with local historic or cultural associations, particularly where they contribute to the area's local distinctiveness".*

- 8.61. This objective features as a common thread through a number of policies, but is expressed most clearly in policy ENV 4.

### **ENV 4. HERITAGE ASSETS**

- i. The impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance.
- ii. Applications affecting the significance of a heritage asset or its setting will be required to provide sufficient information to demonstrate how the proposals would positively contribute to the asset's conservation.
- iii. A thorough understanding of the significance of the asset and other appropriate evidence including conservation area character appraisals and management plans should be used to inform development proposals including potential conservation and enhancement measures.
- iv. Any harm to the significance of a designated or non-designated heritage asset must be justified. Applications will be weighed against the public benefits of the proposal; if it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset, and; if the works proposed are the optimum required to secure the sustainable use of the asset.



- v. The desirability of putting heritage assets to an appropriate and viable use that is consistent with their conservation will be taken into account.
  - vi. Where harm can be justified, appropriate provision will be required to capture and record features, followed by analysis and where appropriate making findings publically available.
- 8.62. There is also a more general requirement expressed in criterion (i) of Local plan policy ENV 10:

### **ENV 10. THE LANDSCAPE AND TOWNSCAPE SETTING**

- i. All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings.

#### **Statutory provisions**

- 8.63. It is also necessary to bear in mind certain statutory provisions. In particular, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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”.*

- 8.64. There is also a statutory obligation imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that in the determination of planning applications in a conservation area *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

#### **NPPF and NPPG**

- 8.65. A core land-use planning principle of the NPPF (paragraph 17) is that planning should:

*“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”*

- 8.66. Paragraph 129 advises that:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They*

*should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.”*

8.67. And paragraph 131 states that:

*In determining planning applications, local planning authorities should take account of:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

### **Heritage assets - discussion**

8.68. These proposals will directly impact a number of designated and undesignated heritage assets. Each of these will be considered in turn. And in doing so judgements will be drawn from a range of different plans and reports. Given the high profile nature of these proposals Historic England has provided all of the necessary heritage advice throughout the process.

### **NPPF Paragraph 130**

8.69. As part of a general introduction to a discussion of the heritage assets within St Michael's Trading Estate one also needs to consider the relevance of paragraph 130 of the NPPF, which states:

*Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.*

8.70. It has been suggested by those objecting to this redevelopment that paragraph 130 describes precisely the position on the Estate and that, consequently, one of the fundamental arguments underpinning the applicant's case – that the proposals are necessary in order to cross-subsidise essential refurbishment works to the retained historic buildings – is flawed.

8.71. The main counter to that argument is that the principle of using redevelopment for “*funding improvements*” to the Estate was accepted as a legitimate *argument* by the Local Plan Inspector when he considered the outstanding objections to policy BRID5 at his Examination in during November and December 2014 and the principle is now enshrined in the policy. Paragraph 130 existed at that time and had the Inspector considered that the Estate had been deliberately

neglected as a means to gaining some planning advantage then he could have recommended that policy BRID5 be struck out. But he did not.

- 8.72. As mentioned elsewhere in this report, the current condition of St Michael's Trading Estate is undoubtedly due in no small part to years of under-investment, and so does represent neglect to that extent. But it would be disingenuous to suggest that this represents a calculated plan hatched over several decades with the ultimate intention of abusing the planning process. The reasons underpinning that under-investment are bound to be complex, but the low-rent regime that has allowed St Michael's to operate as a seedbed for small businesses – many of whom have gone on to bigger and better things - has unquestionably been part of the story.

### **Bridport Conservation Area**

- 8.73. St Michael's Trading Estate is completely contained within the Bridport Conservation Area, a designated heritage asset for the purposes of applying the relevant policy in the NPPF. The Estate is contained within Sub-Area 7 of the Conservation Area, *South West Quadrant*, identified in the Bridport Conservation Area Appraisal.
- 8.74. Historic England has summed up the significance of St Michael's Trading Estate as follows:

*“The South West Quadrant of Bridport is a nationally significant area of historic textiles activity which underpins the raison d'etre of the town and plays an important part in defining the character and appearance of the town and its conservation area. That activity, in its functional imperatives, determined the spatial arrangements of the Quadrant, and in particular the physicality of related buildings and spaces. While certain buildings, such as Priory Mills and the Bridport Industries Works, are notable and architecturally distinctive landmarks, much of the surviving historic estate spans a considerable period of time, is simple and spare in its vernacular, and capable of being easily overlooked in the value of its contribution to the significance of the site as a whole. The total is therefore greater than the sum of its parts, and it is important as a consequence that any proposals for intervention demonstrate an holistic understanding of the site and its relationship with its context, and especially of the inter-relationships between buildings and spaces rather than seek to promote it as a disaggregation of its constituent elements.”*

- 8.75. However, there is another dimension to the significance to St Michael's Trading Estate that comes across in many of the representations, and that is the special character that has developed from the synergy between the unique mix of uses and the eclectic architecture of the buildings. In some ways the sense of time having stood still combined with a focus on the production, restoration and sale of art and “vintage” material is seen as the basis of a unique charm which

underpins the essential appeal of the place. Many fear that the current proposals represent gentrification which will inevitably erode that charm and, consequently, damage the special contribution that St Michael's makes to the character of the conservation area.

- 8.76. That is completely understood, but is in many ways beyond the control of the local planning authority. The planning system can influence things to the extent that it can determine the quantity, type and disposition of commercial uses across the Estate, but it cannot be concerned with the fate of individual tenants, or groups of tenants; that is ultimately the responsibility of whoever owns and/or manages the site. The trading character that has emerged to date has undoubtedly been fostered by the existing site owners and it will be the future site owners that will, to a large extent, continue to determine the character of the Estate if, and when, these proposals are approved and implemented.

### ***New housing***

- 8.77. The impacts upon the significance of the conservation area resulting from the proposals for: (1) the Lilliput Building; (2) the Stover Building; and (3) the "Tin Shed" are discussed under separate headings. The remainder of this section considers the impact of the new housing to the west of the site and along St Michael's Lane.
- 8.78. Officers had serious misgivings about the form of the residential element of the scheme as it was presented in 2012. They considered that the two large perimeter blocks on the western half on the western half of the site cut across this strong east-west axis and, as such, would neither preserve nor enhance the character of the conservation area.
- 8.79. The amended scheme takes an entirely different approach, and seeks to reinforce the established east-west grain with a series of parallel streets and terraces. This comes across very strongly on plan, although the exigencies of providing decent standards of amenity for the housing, both in terms of internal space standards and garden sizes, has meant that the east-west routes are not entirely seamless, although, at Historic England's request, Row C on the north side of Stover Lane has been repositioned slightly to provide an uninterrupted line of sight from St Michael's Lane through to the river via Stover Place and Stover Lane. However, Historic England remains critical of "Lilliput Lane" which it regards as the "imposition of a north-south road cutting through the grain of the site", leading to harm to the historic environment, albeit less than substantial in the terms established by the NPPF. And, Historic England believes, greater emphasis of the other east-west links is still needed. But it acknowledges that this can be achieved through the hard landscaping scheme that will form the subject of future reserved matters applications.
- 8.80. Lilliput Lane does bisect the site quite dramatically, but it is practical response to the need to provide all users of the site, commercial and residential, with

adequate vehicular access. In many ways it is a functional replacement for the existing north-south route which currently runs along the western boundary of the site. That route will remain in the current proposals, but will be subject to environmental enhancements to deliver, amongst other things, the riverside walk required by policy BRID5. So, although the scheme would, arguably, be better without Lilliput Lane, its inclusion does bring other benefits. Nevertheless, Historic England is clear that it represents harm – albeit less than substantial – and that is something that will need to be weighed in the final planning balance. The test established by paragraph 134 of the NPPF states;

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

- 8.81. The appearance of the individual houses is another matter that will be resolved through future reserved matters applications, although the scale as shown on the various illustrative drawings would be fixed at this stage. And those drawings indicate a range of two- and two-and-a-half storey buildings, with a predominance of two-storey units according to the housing schedule on Masterplan drawing PL 101 Revision D. That is a scale that broadly reflects the established character of the area, St Michael's Lane for example. Historic England's only point in this regard relates to the proposed south-facing housing on 'Stover Lane' where it feels that further elevational revisions will be necessary as part of the detailed design. It considers that domestic accoutrements such as projecting porches and front gardens should be omitted to enhance the linearity of this block when viewed from 'Stover Place'.
- 8.82. Further new residential accommodation is proposed fronting St Michael's Lane; a block of 14 flats on the eastern edge of Cattlemarket Square. The current proposals are set out on drawing no. PL 111, which shows a single building comprising different elements at two, two-and-a-half and three storeys. If these proposals are approved the footprint and scale of this building would be fixed, but the appearance – the detailed design – would be the subject of subsequent applications for approval of reserved matters.
- 8.83. If one looks at the footprint for this building in the broadest context as shown on drawing PL 101 Revision D then it clearly picks up on the grain of St Michael's Lane. Drawing PL 111 usefully shows the scale of what is proposed in the context of the existing buildings immediately to the north and the long section on drawing PL 203 presents scale in the context of a much longer stretch of St Michael's Lane. The building would close down a view of the Bridport Industries building seen from Rope Walks Car Park, which is regrettable, but on the other hand it would help frame the proposed environmental improvements to Cattlemarket Square, which is indicated on Sketch 1 on drawing no. PL 204. Overall, it is considered, that this element of the scheme at least preserves the character of the conservation area. Historic England offers no view other than a

desire that when the detailed design comes up for consideration some of the more contemporary detailing proposed for the new housing on the western part of the site is applied to the elevational treatment.

#### **40 St Michael's Lane**

- 8.84. It was the decision of English Heritage (now Historic England) to extend the original listing of 40 St Michael's Lane (dating from 1975) to include "*attached buildings to the rear and north-west*", referred to locally as the Lilliput Building, that prevented the resolution from the Development Control Committee in 2012 progressing to a planning permission.
- 8.85. Since that time a considerable amount of work has been undertaken to gain a better understanding of the significance of the Lilliput Building. This included two pieces of work that have been submitted in support of these proposals: (1) Philip Brebner's "*Historic Building Survey for The 'Lilliput' Buildings*"; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. The applicants and their advisers have also engaged directly with representatives of Historic England, which is acknowledged in Historic England's response to these proposals.
- 8.86. The scheme which has emerged involves demolition of the western end of the building and the removal of certain internal walls and features. This is justified by the further analysis of the building that has been undertaken and is accepted by Historic England, which has stated that "*This area is of low quality later fabric and its removal is not considered to cause major harm to the overall significance of the buildings or the conservation area.*"
- 8.87. From an agreed position in respect of demolition the proposals then proceed to integrate an element of new-build with the refurbishment of the retained fabric. The new-build element reflects and reinforces the historic grain of the buildings (currently masked by the areas to be demolished) by creating three linked pitched roofed elements on an east-west axis. The northernmost of these, abutting the police station, is three storeys; the remaining two are two-storeys. They are expressed as three pitched gables in the most striking view from the west. Three storeys take the building higher than what currently exists, and the impact that has in its context is clearly demonstrated on drawing no. PL 211.
- 8.88. Historic England draws the following conclusions in respect of the proposals:

*"The scale, form and design of the proposed new build element, which will replace that demolished, is integral to the success of any scheme for this site. We are therefore pleased that the proposals take on board our concerns regarding the height and perceived bulk of this new building. The result is an outline that will complement the horizontal emphasis that is characteristic of the surrounding area with a traditional vertical style creating an interesting gateway to the site, although we regret the proposed pseudo-*

*historicist windows at upper levels. A contemporary approach would be more appropriate and delineate the new from the old. However, this issue can be resolved through details of fenestration condition.”*

### **Stover Building**

8.89. There are two separate, but related, issues relating to the Stover Building: (1) the significance of its loss as both an undesignated heritage asset in its own right (as a Building of Local Importance) and in terms of its impact upon the significance of Bridport Conservation Area; and (2) the impact that its proposed replacement will have upon the significance of the conservation area.

8.90. English Heritage (as was) was asked to consider listing a number of buildings on the Estate after the committee resolution in 2012, the Stover Building amongst them. As Historic England’s response to these proposals confirms, it was:

*“... not deemed to meet the high test to become a listed building, but its contribution to the conservation was noted.”*

8.91. The current proposals include further analysis of the Stover Building in an *Historical Report on the Stover, Ocean and Corrugated Iron Buildings* prepared by Richard Sims. That document can be read online in full.

8.92. Historic England’s current position on the demolition of the Stover building recognises that there is:

*“... historic value to the building, particularly as representative of a key part of the net-making industry for which Bridport is noted. Some of this illustrative value is derived from the surviving mezzanine floor, which of course lacks any statutory protection due to the unlisted nature of the building. The aesthetic value of the building is limited. It has a linear form which follows the historic grain of the site, but the contribution it makes to the appearance of the conservation area is limited due to the replacement roof and deteriorated condition.*

*“The loss of the Stover Building would cause harm to the significance of the conservation area, as the illustrative historic value of the building would be lost.”*

Later in its response it assesses the harm associated with the loss of the Stover Building as less than substantial. And that will again need to be weighed in the final planning balance having regard to paragraph 134 of the NPPF, insofar as the conservation area is concerned, and paragraph 135 in respect of the Stover Building’s status as a non-designated heritage asset in its own right. Paragraph 135 states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.*

*In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

- 8.93. In this case that balanced judgement will, in part, involve a comparable assessment of the merits of what is being proposed as a replacement. The footprint of the new building is shown in context on drawing no. PL 101 Revision D, and the scale and illustrative appearance are shown in detail on drawing no. PL 110.
- 8.94. The footprint essentially mirrors that of the building to be demolished, although it does project slightly further westwards and at a maximum ridge height of 12.9m it is 3.4m taller than the building it replaces. The footprint is fundamentally rectangular and the overall form appears as two linked pitched-roof elements. It is shown as four storeys, with the top floor contained within the roof. The illustrative appearance suggests an industrial pastiche.
- 8.95. The scale of the building in a broader context can be seen in the two site sections, drawing no. PL 202 (1&2), and on the aerial view on drawing no. PL 201. These show it to be the most dominant of the new buildings proposed, with a ridge height comparable to the top of the tower on the Bridport Industries building.
- 8.96. The justification for the chosen design appears in section 5 of the Design and Access Statement:
- “The proposals take the form of a large warehouse or mill building, there being a number of examples of buildings of similar scale and mass in Bridport’s South West Quadrant (Priory, Gundry and West Mills for example). Proposals include reverting to the twin ridge form of the earlier Stover roofs and introducing long ‘industrial’ style dormers to enable use of the roofspace. The building echoes other industrial features such as vertical arrangements of loading bays and large openings on the ground floor to facilitate workshop uses. The mass of the new Stover building is moderated by being closely surrounded by other retained commercial buildings; Ropewalks and Twine store to the North, Northlight and former offices (Snips) buildings to the South and East. The building naturally sets back to the west creating space around the principal elevation. From St Michael’s Lane and other approaches the new Stover will provide a ‘summit’ in the composition surrounded by the retained and new buildings of St Michael’s.”*
- 8.97. Some concern has been expressed in the representations about the potential dominance of the building, but it is considered that the architect’s reasoning has considerable merit. The character of this part of town is as described, with examples of notably larger structures (warehouses and mills) rising above a predominance of buildings of a more domestic scale, albeit that three storeys is not uncommon. In that context another large building punctuating the townscape



would preserve the character of the conservation area. Historic England broadly echoes that view, commenting as follows:

*“... the proposed new building on the site would also be of a similar scale with a linear form, preserving the historic grain of the conservation area. It would take the form of a mock-warehouse, expressing the area’s industrial character and appearance.*

*“As with the Lilliput Building, we caution against pseudo-historicist details however. While it is important that a replacement building is contextual and respects the character and appearance of the conservation area, it should also be recognisable as a new addition. We recommend that some of the more contemporary detailing proposed for the new housing on the western part of the site is applied to the elevational treatment of the replacement structure on the site of the Stover building. The same applies to the proposed new buildings fronting St Michael’s Lane. Again, this could be addressed through the subsequent reserved matters applications.”*

- 8.98. If Members are minded to allow the demolition of the Stover Building then Historic England is asking for the imposition of a condition that would prevent demolition until the detailed design of the proposed replacement is known. That would be normal in these circumstances anyway; development (including demolition) could not take place until outstanding reserved matters, including appearance, had been approved. However, Members could go further in this case and impose a condition that prevented demolition until a contract for redevelopment had been let. This would provide a safeguard against premature demolition. The Senior Archaeologist at Dorset County Council has recommended a condition requiring that the building be recorded during the process of demolition.

### ***The “Tin Shed”***

- 8.99. The “Tin Shed” refers to the corrugated iron building that runs along a significant section of the northern boundary of St Michael’s Trading Estate, abutting Coach Station Car Park. It is identified as a Building of Local Importance in the Bridport Conservation Area Appraisal. It was another of the buildings, along with the Auction House to the east, that English Heritage (as was) was asked to list following the Development Control Committee’s resolution in 2012. But that request was rejected, for reasons which included *“the corrugated structure to the rear does not survive intact and its function cannot be determined with any certainty”*.
- 8.100. Richard Sims’ Historical Report on the Stover, Ocean and Corrugated Iron Buildings is similar inconclusive:

*“It has been suggested that this building was used as a line walk in the past. However, at 50m in length, it is just half the length of the other line walks in*

*the vicinity. The eastern end, with its lights at eave and roof level, might indicate that this end of the building contained machinery of some kind. It is also possible that the processes carried out in this building relate to the rectangular arch structure seen in the two photographs mentioned above. If this were to have been used as a line walk then it is to be expected that tracked line-making machinery would have been in place.”*

8.101. He also states that:

*“If the building is considered of sufficient importance to be retained then it might be worth looking to see if it could be relocated elsewhere on the site.”*

8.102. Historic England’s current position is as follows:

*“The loss of the long, corrugated sheds to the rear of the existing auction house remains a source of regret. Although modest architecturally and of early C20th origin, and whilst they may not have been a line walk (as has previously been suggested) they contribute strongly to the linearity and industrial character of the site. Drawings of Block A, the proposed new housing fronting ‘Auction House Lane’ are absent and it is not possible to see if the corrugated sheds could have been incorporated into Block A to be used for car parking, refuse stores, etc.”*

8.103. The applicant’s proposals continue to involve the demolition of the corrugated sheds. The position of the terrace of houses marked as Row A is heavily constrained by other factors and whilst, in theory, it could be adjusted so that the corrugated shed becomes a continuous lean-to along the northern elevation of this terrace, it would lead to pretty miserable living conditions. Each house would lose its limited amount of external amenity space and the light to the ground floor would be severely reduced. And this is considered too great a compromise given the current consensus of opinion that the significance of this structure has, in the past, been overrated. However, the applicant’s acknowledge that the structure is still perceived to have local value and they have agreed to it being relocated as the part of the proposals for new employment floorspace around Cattlemarket Square. This is being recommended as a condition.

### **Residential amenity**

8.104. It is a strategic objective of the Local Plan to:

*“Support sustainable, safe and healthy communities with accessibility to a range of services and facilities”.*

8.105. Meeting this objective in terms of residential amenity is expressed in Local Plan policy ENV 16.

### **ENV 16. AMENITY**

- i. Proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided:
  - They do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy;
  - They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker;
  - They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and
  - They do not generate unacceptable pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity and living conditions, health and the natural environment can be mitigated to the appropriate standard.
- ii. Development which is sensitive to noise or unpleasant odour emissions will not be permitted in close proximity to existing sources where it would adversely affect future occupants.
- iii. Proposals for external lighting schemes (including illuminated advertisement schemes) should be clearly justified and designed to minimize potential pollution from glare or spillage of light. The intensity of lighting should be the minimum necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

8.106. It is also a core planning principle of the NPPF that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.

8.107. The two broad areas of concern in this application: (a) the impact that the proposal would have upon existing properties surrounding the site; and (b) the living conditions that would be created for the accommodation proposed within this scheme itself. Each of these will be considered separately.

### **Residential amenity – Existing properties**

8.108. There are a number of existing residential properties along St. Michael’s Lane that will be affected by these proposals. The issues, in the context of policy ENV16, are whether the amenity of these properties will be significantly adversely affected through loss of privacy and/or through inadequate daylight or excessive overshadowing. The block of flats proposed to abut St Michael’s Lane is positioned such that it is immediately obvious that none of these issues will be

relevant, but the relationships established by the proposals for the Lilliput and Stover buildings deserve more detailed consideration.

### ***The Lilliput Building***

- 8.109. The significant change to the Lilliput Building occurs at the western end, where an existing two-storey element of the building is to be demolished and replaced with a part two- and part three-storey structure. The east elevation of this new element will be staggered, but at its closest to properties in St Michael's Lane (nos. 30 and 32) it will be 18m to the boundary and approximately 30m to their extended rear elevations. The ridge height of the two storey element will be approximately 8.5m above existing ground levels, whilst for the three storey element this figure will be approximately 10.75m. There will be windows serving habitable rooms at both first and second floors. Given the distances involved there is no prospect of any significant adverse effects on the amenity of either 30 or 32 St Michael's Lane. There will be direct overlooking of the service yard to Bridport Police Station, but this does not raise any planning issues.
- 8.110. Flat 1.7 on the first floor represents the reuse and enlargement of an existing residential unit - 34 St Michael's Lane. This unit already relies upon windows that have historically looked directly into the gardens of 30 or 32 St Michael's Lane. The additional accommodation proposed will not make this situation any worse.

### ***The Stover Building***

- 8.111. The new Stover Building will present a three-and-a-half storey, dual-pitched gable, with a maximum ridge height of 12.9m, at a distance of approximately 27m from the rear face of the opposing properties in St Michael's Lane. A sense of this relationship can be obtained from The "Cattlemarket Square Elevation" on drawing PL 202, Sheet 1. The new building will be a significant feature in the outlook from the closest properties (more so than the building it replaces) and it will affect sunlight in certain circumstances, although at the distance involved there is unlikely to be an appreciable impact upon daylight. Although the final design will only be resolved through subsequent submission(s) of reserved matters, the illustrative designs on drawing no. PL 110 indicate that there is no need to include windows in the eastern gable and so here should be no loss of privacy to existing neighbours. Overall, the building is not considered to establish the sort of relationship that would result in the significant adverse effects that would be necessary to fall foul of policy ENV16.

### **Residential amenity – Proposed properties**

- 8.112. There are two issues here: (1) the potential harm to acceptable levels of residential amenity that will result from the close integration with other uses on the site; and (2) the inherent level of amenity being provided within the new-build element of the scheme.

- 8.113. The proposals in this case are different from many of the other mixed-use schemes that the Council has promoted elsewhere within the district in that they are seeking to integrate housing with established business premises – some of which fall outside of the B1 use class that one would ordinarily expect in mixed-use schemes involving residential properties. However, to some extent the site will be “zoned” with all of the housing (as opposed to flats) being positioned west of Lilliput Lane where it will benefit from a degree of physical separation and experience living conditions not dissimilar to those experienced by established properties along St Michael’s Lane.
- 8.114. However, the 44 flats in the three buildings east of Lilliput Lane – Lilliput, Stover and St Michael’s Lane Buildings – will have a quite different living experience. The new commercial floorspace within and abutting those buildings is being proposed as Class B1 and can be conditioned as such. But, unless such a restriction was imposed retrospectively on every retained building on the estate – which would be possible using a planning obligation – then the amenity of those flats could be compromised by their close proximity to some potentially unneighbourly uses.
- 8.115. The risk of this is actually quite low for two reasons. First, the bulk of the established uses in the buildings to be retained, even the sui generis uses, are either akin to B1, or, if they fall within a use class at all, are probably A1 or B8 – which are not generally regarded as bad neighbours. The standard of amenity might be lower than with Class B1, but would still be within a spectrum that one might reasonably expect to find in any town of Bridport’s size and character. And any future change of use of these units to a less neighbourly activity would almost certainly be material and require planning permission. Second, if a particularly bad situation did arise then the local authority does have powers under the Environmental Protection Act to abate a nuisance.
- 8.116. The applicants have also made the point that it is their intention to retain ownership of the commercial buildings on the Estate and that they can minimise the risk of problems through good management. On the face of it that sounds reassuring, and may indeed prove to be of benefit if these proposals are approved. But it offers no certainty and should carry little weight in the final planning balance.
- 8.117. If Members remain concerned on this point then they do have the option of enforcing a range of neighbourly uses on the entirety of the Estate via a planning obligation and the applicants have indicated that they would accept that, albeit reluctantly. And it would not be popular generally; it would be seen as an unwarranted sanitisation that would further threaten the special character of the area.
- 8.118. Officers had more serious concerns for the amenity of future residents with the proposals tabled in 2012. It was considered that the perimeter block approach being pursued for the housing on the western side of the site at that time

established poor levels of amenity for a number of reasons as described in the report at the time.

- 8.119. The completely revised approach adopted in these latest revisions is much improved. Not only does the proposed series of terraces respond more appropriately to the established grain of the area, but it also establishes better levels of amenity. The proposals remain high density and whilst each house is provided with a garden, these are generally pretty shallow – 5 or 6 metres deep for Rows B to E and only three metres deep for Row A. But this is not atypical of this part of Bridport. Back-to-back distances for Rows B to E reduce commensurately - something that can be best appreciated on the “Housing Elevation” on drawing no. PL 202 Sheet 1 and the aerial view on drawing PL 201 - but any negative effects of this can easily be mitigated through clever internal design. As the design of these houses evolves then careful attention to detail could make them very desirable places to live.
- 8.120. In terms of amenity space the flats east of Lilliput Lane present particular challenges. The wording of Local Plan policy HOUS4 (DEVELOPMENT OF FLATS, HOSTELS AND HOUSES IN MULTIPLE OCCUPATION) includes an expectation that flats should (not will) “*provide sufficient private amenity space within the site for the likely future occupants, normally comprising at least 10% of the site area for conversions providing 4 or more flats, and 20% of the site area for all new build schemes, unless such provision is undesirable in design terms.*” That expectation clearly isn’t being achieved in Lilliput or Stover, where there is no dedicated amenity space proposed at all, but the illustrative drawings indicate that it could be achieved with “St Michael’s Lane Buildings”.
- 8.121. This is not a situation in which adherence to policy HOUS4’s standards is considered desirable; the urban design imperatives in this case are regarded as more important. And the occupiers of the flats concerned will have easy access to public open space – most immediately to the west of the River Brit.

### **Flood risk**

- 8.122. St. Michaels Trading Estate is vulnerable to river flooding, although it does benefit from the Environment Agency’s Bridport Flood Alleviation Scheme (FAS), which in this location comprises a number of components abutting the River Brit, including flood walls, flood banks and buildings which tie back into the walls and banks – the westernmost wall of the Red Brick Buildings for example. Were the site undefended it would be entirely within Flood Zone 3 – at highest risk of flooding, but, taking the defences into account, the site is within Flood Zone 2 - at risk in a 1000 year event. The Environment Agency’s need to maintain the FAS is also a material consideration in the determination of this application.
- 8.123. The NPPF makes it clear that “Inappropriate development in areas at risk of flooding should be avoided by *directing development away from areas at highest risk, but where development is necessary, making it safe without increasing*

*flood risk elsewhere.*” The NPPF also establishes that Local Plans should be supported by Strategic Flood Risk Assessment and should develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans are required to apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

- 8.124. The evidence base supporting the West Dorset, Weymouth & Portland Local Plan includes a two-stage Strategic Flood Risk Assessment (SFRA), prepared by Halcrow Group Limited: The Level 1 SFRA is dated August 2008 and the Level 2 SFRA dated August 2010. On the strength of the information contained within these reports the principle of developing St. Michael’s Trading Estate was judged safe on flood risk grounds and the site was allocated for development by Local Plan policy BRID5.
- 8.125. When dealing with individual planning applications the NPPF ordinarily expects development to be subject to two tests: (1) a Sequential Test, which always aims to steer development to areas with a lower probability of flooding; and (2) if relevant, an Exceptions Test, which seeks to demonstrate wider sustainability benefits to the community that outweigh any flood risk. However, the NPPF is explicit (in paragraph 104) that “*For individual developments on sites allocated in development plans through the Sequential Test [as in this case], applicants need not apply the Sequential Test*” nor, by extension, the Exceptions Test. This is also made clear in paragraph ii) of Local Plan policy ENV5 (FLOOD RISK).
- 8.126. This does not obviate the need to consider flood risk further; the NPPF makes clear (at paragraph 103) that “*When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment*”. In this case that requirement is met by the Flood Risk Assessment (FRA) prepared by Such Salinger Peters – Revision A (May 2017). The Environment Agency has considered this FRA and maintains two objections to the proposals.

### **Ground floor levels – Stover and Lilliput**

- 8.127. It is a requirement of the FRA to demonstrate that during extreme flooding events there are adequate routes through the site to allow for the passage of flood water, thereby reducing the risk to other properties within and surrounding the site. In this case the FRA proposes that this will be achieved through the general principle of maintaining roads and passageways at existing ground levels and then raising the footprint of new buildings by at least 300mm above the 100 year flood level. The Environment Agency (EA) is recommending that this principle is enforced through a planning condition. However, the EA also notes that this would be unachievable for Stover and Lilliput where ground floors are being

proposed at a lower level. For Stover the ground floor is proposed at a maximum of 7.40, only 80mm above 100 year flood level, and for Lilliput the ground floor ranges between 7.20 and 7.28 which is actually between 70mm and 150mm below the 100 year flood level.

- 8.128. The ground floors of both Stover and Lilliput are proposed as commercial and ordinarily the EA would be less concerned about achieving a 300mm freeboard in those circumstances; its preoccupation tends to be with more vulnerable uses, particularly residential. However, in this case it is adopting what it describes as a “precautionary and sustainable” approach by trying to future proof the buildings. It acknowledges that a change of use to residential would require planning permission in its own right, but is trying to avoid a situation where that became impracticable or difficult through a lack of forethought in building design.
- 8.129. Achieving a 300mm freeboard on both buildings would be relatively easy, but it is not considered desirable in design terms in either case. It would produce an ugly step in Lilliput at the junction between the new build and the refurbished part of the building and it would make Stover appear incongruous in its setting where the other retained buildings have ground floors set much closer to existing levels.
- 8.130. The applicants also make the point that the generous ground floor ceiling heights in both buildings (typical for commercial floorspace) offer the potential to raise internal floor areas above the 100 year flood level if a change of use to residential was ever proposed. The EA accept this principle, but at the time of writing this report is still awaiting calculations to prove that it is a viable solution in respect of both of these buildings. Members will be provided with an update at Committee.

### **Flood resistance and resilience**

- 8.131. The EA’s concern here is that, as things stand, the applicant’s FRA is not committing to residential standards of flood resistance and resilience to the ground floors of Stover and Lilliput and that, as with the point about floor levels, this is not future proofing the buildings. This could be resolved by imposing the EA’s recommended condition, but the EA wants the FRA updated before withdrawing its objection. Discussions are ongoing on this point and Members will be provided with an update at Committee.
- 8.132. If the EA’s objection cannot be withdrawn and Committee is ultimately minded to approve the two planning applications currently under consideration then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the applications would need be referred to the Secretary of State via the National Planning Casework Unit.



## **Surface water**

8.133. The Lead Local Flood Authority (LLFA) has offered discretionary advice on both planning applications currently under consideration: it considers that both applications fall outside of its remit. However, the EA has considered the issue and confirmed itself content subject to the imposition of a condition.

## **Access and parking;**

8.134. It is a strategic objective of the Local Plan to:

*“Provide greater opportunities to reduce car use; improve safety; ensure convenient and appropriate public transport services; and seek greater network efficiency for pedestrians, cyclists and equestrians.”*

8.135. The decision to allocate St Michael’s Trading Estate for mixed-use development is, in part, a reflection of the fact that it is in a very accessible location, within easy walking distance of the town centre and convenient access to public transport.

## **Access**

8.136. The first two criteria in Local Plan policy COM7 (CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK) reemphasise the locational exigencies of the Plan’s strategic objectives. Subsequent criteria consider more

8.137. Highways England has considered the impact of the development upon the strategic highway network and maintains the position that it adopted in 2012; it requires a financial contribution of £8,000 (index-linked) towards improvement of the East Road roundabout on the A35. This will need to be secured through a planning obligation.

8.138. The local highway authority has no objection to the development subject to the imposition of a condition.

## **Parking**

8.139. Local Plan policy COM9 (PARKING STANDARDS IN NEW DEVELOPMENT) expects parking provision associated with new residential development to be assessed under the methodology set out in the Bournemouth, Poole & Dorset Residential Car Parking Study, taking into account the following factors:

- Levels of local accessibility;
- Historic and forecast car ownership levels;
- The size, type, tenure and location of the dwellings;

- The appropriate mix of parking types (e.g. unallocated, on-street, visitor etc).
- 8.140. Policy COM9 expects parking standards for non-residential development to be agreed through joint discussions between the local Highway Authority and the Local Planning Authority in accordance with published local parking guidelines, which in this case is the County Council's "*Non-Residential Parking Guidance*".
- 8.141. Masterplan drawing PL 101 Revision D shows a total of 160 parking spaces across the BRID5 allocation, which is unintended to provide 1 space per residential unit (92) with the remainder (68) available for commercial tenants and visitors. The local highway authority is content with this level of provision in this location. It should be noted that another consequence of this development proceeding will be to displace a significant amount of "fly-parking". The whole of the estate is regarded by some as a free car park.

**Biodiversity:**

8.142. It is a strategic objective of the Local Plan to:

*"Protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area – this will be the over-riding objective in those areas of the plan which are particularly sensitive to change".*

8.143. And in meeting this strategic objective the Local Plan states:

*"Development should protect and enhance the natural environment - its landscape, seascapes and geological conservation interests, its wildlife and habitats and important local green spaces - by directing development away from sensitive areas that cannot accommodate change. Where development is needed and harm cannot be avoided, appropriate mitigation to off-set any adverse impact to the landscape, wildlife and green infrastructure network will be required".*

8.144. This objective is expressed through a number of policies, but most succinctly through policy ENV 2:

**ENV 2. WILDLIFE AND HABITATS**

- i. Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.
- ii. Development that is likely to have an adverse effect upon the integrity of the Poole Harbour and Dorset Heaths International

designations will only be permitted where there is provision to avoid or secure effective mitigation of the potential adverse effects in accordance with the strategy in Table 2.2.

- iii. Development that is likely to have an adverse effect upon nationally designated wildlife sites will not be permitted unless the benefits, in terms of other objectives, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.
- iv. In other locations, including locally identified wildlife sites and water-bodies, where significant harm to nature conservation interests cannot be avoided, it should be mitigated. Where it cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity otherwise development will not be permitted. Features of nature conservation interest should be safeguarded by development.
- v. Proposals that would result in the loss or deterioration of irreplaceable habitats, such as ancient woodlands and veteran trees, will be refused unless the need for and public benefits of the development clearly outweigh the loss.
- vi. Proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. Development of major sites should take opportunities to help connect and improve the wider ecological networks.
- vii. Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution. Development on sites supporting other protected species will only be permitted where adequate provision can be made for the retention of the species or its safe relocation.

8.145. The outline application is supported by a Biodiversity Mitigation Plan (BMP) dated 31st January 2017 which was granted a Certificate of Approval by the Natural Environment Team of Dorset County Council on 3rd February 2017. The broad conclusions of the BMP are:

*“No signs or potential habitat for bats was found in any of the buildings effected. There was evidence of Herring gulls breeding on top of some of the buildings and pigeons in the two-storey building. No other signs of breeding birds could be detected. There were signs of water voles in the river but no change in the management of the riverside habitat is proposed.*

*“Most of the proposal area was hardstanding, except an 8m zone alongside the river which is being retained for Environment Agency access. The river*

*corridor offers opportunities for a variety of river wildlife including feeding birds, bats and invertebrates in an otherwise concrete habitat.”*

8.146. The BMP goes on to suggest limited mitigation and compensation in this context, which should also address the Environment Agency’s in respect of water voles.

8.147. Natural England is keen to develop the opportunities associated with the potential for St Michael’s Island as a Local Nature Reserve (LNR). Policy BRID5 does not go that far; its expectation is that there will be:

*“ ... the provision for a wildlife corridor along the River Brit, including St Michael’s Island.”*

8.148. The applicants accept this requirement and it is recommended that a detailed scheme for the future of St Michael’s Island is secured through a planning condition. This should include details of long-term maintenance, which would not rule out the possibility of it becoming a LNR.

**Community Infrastructure Levy (CIL):**

8.149. These proposals are CIL liable. It is impossible to make an accurate assessment of that liability at this stage, particularly given that a significant element of the scheme is being considered in outline. But an estimate at the moment suggests an overall figure of approximately £400K. 15% of this will go to Bridport Town Council, with 85% retained by WDDC and apportioned as follows:

<b>CIL Theme Apportionment</b>	
	<b>WDDC CIL Apportionment</b>
<b>Culture &amp; Leisure Facilities</b>	17.5%
<b>Dorset Heathlands</b>	5%
<b>Education &amp; Training Facilities</b>	30%
<b>Emergency Services</b>	5%
<b>Flood Mitigation and Coast Protection</b>	5%
<b>Green Infrastructure &amp; Recreation</b>	5%
<b>Healthcare</b>	2.5%
<b>Poole Harbour Nutrient Management</b>	5%
<b>Public Realm</b>	2.5%
<b>Transport</b>	15%
<b>Utilities</b>	2.5%
<b>Waste Management</b>	5%

## **9. SUMMARY OF ISSUES AND THE PLANNING BALANCE**

- 9.1. St Michael's Trading Estate is allocated for a comprehensive mixed-use development by Local Plan policy BRID5. The Local Plan considered many of the objections levelled at the current proposals during the examination into the Local Plan and whilst acknowledging concerns about the potential to "*devalue the unique form and appeal of the site and undermine its character*" but that "*ignoring the condition of the buildings is more likely to jeopardise the future of the site in its current form. Incorporating some residential use appears to be a realistic and modest option which is capable of funding improvements while retaining the inherent character of the Estate.*"
- 9.2. The current proposals include a net increase of 91 dwellings across the Estate. This would be a valuable contribution towards the Local Plan's five-year housing lands supply, albeit less than 105 dwellings currently identified. The housing is also proposed to fund a £2m cross-subsidy for essential repairs to the retained commercial buildings on the site, many of them exhibiting historic interest.
- 9.3. There would be a net loss of approximately 25% of the existing commercial floorspace, but the cross-subsidy is intended to carry out essential repairs to the retained buildings that would bring vacant and under-used floorspace up to standard that would retain existing employment levels. The new floorspace within Lilliput and Stover would also provide opportunities for businesses not well-suited to the inherent limitations of the retained buildings. The proposals are considered to meet the requirement for "*maintenance or enhancement of employment opportunities*" established by Local Plan policy BRID5.
- 9.4. Taking into account Vacant Building Credit and viability arguments accepted as valid by an independent valuer the affordable housing requirement for these proposals as a whole would be 22 dwellings. At that level the proposals would be consistent with Local Plan policy HOUS1, subject to agreement of an Affordable Housing Scheme to resolve the detailed mix and disposition of units across the Estate.
- 9.5. The "Trick Factory" is an Asset of Community Value (ACV) and the purpose for which it was listed is a material planning consideration. However, the unit is now vacant and given the alternative recreational facilities being provided within the proposals (including a new riverside walk and future management of St Michael's Island as a wildlife corridor) the loss of the Trick Factory is judged compliant with Local Plan policy COM5.
- 9.6. These proposals will directly impact a number of designated and undesignated heritage assets. The main designated assets are 40 St Michaels Lane (including Lilliput) - a grade II listed building, and the Bridport Conservation Area. The undesignated heritage assets of concern are the Stover Building – proposed to be demolished in these proposals – and the "Tin Shed" - proposed to be relocated.

- 9.7. Historic England has been closely involved in the evolution of these latest proposals and acknowledges that the scheme potentially represents a significant improvement upon the earlier 2012 iteration. However it does retain concerns and considers that the proposed demolitions (Stover and the “Tin Shed”) and the imposition of a north-south road cutting through the grain of the site.(Lilliput Lane) would cause harm to the significance of the conservation area, albeit less than substantial harm. In those circumstances the Committee would need to have regard to: (1) the statutory requirement imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”; and (2) paragraph 134 of the NPPF which requires decision makers to weigh any harm against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there are a number of public benefits that weigh heavily against the harm, particularly the provision of much-needed housing (including affordable housing) and some significant investment in the fabric of those buildings to be retained.
- 9.8. There are two aspects to concerns about residential amenity, the potential impact upon existing properties and the living conditions that would be created for new properties.
- 9.9. The relationships established by the new buildings, and particularly the new Lilliput and Stover buildings has been carefully considered and no existing property will suffer the significant adverse effect required to fall foul of Local Plan policy ENV16.
- 9.10. The amenity of new properties, particularly the 44 flats proposed in the eastern half of the site, will be reduced as a consequence of close proximity to commercial premises, some of which will not be constrained by the limitations of a lawful B1 use. Nevertheless, the majority of the established uses within the retained buildings are not considered to be such bad neighbours as to lead to the significant adverse effects which is the test established by Local Plan policy ENV16.
- 9.11. The Environment Agency is now broadly content with the proposals although, as things stand, it has retained an objection to the proposals for the new Lilliput and Stover buildings on the basis that the ground floor levels and flood resilience measures do not take into account the potential for a future change to a more vulnerable residential use. This is not considered to be a sustainable basis for refusing planning permission.
- 9.12. 160 parking spaces are being proposed across the Estate to support these proposals; one of each residential unit and the residual to serve commercial tenants and visitors. Taking into account the Estate’s good level of accessibility the local highway authority is content with this level of provision, subject to a

planning condition. Highways England is content with the proposals subject to a £8K financial contribution towards improvements to East Road roundabout.

- 9.13. Natural England raises no objections to the proposals subject to implementation of the submitted Biodiversity Mitigation Plan and securing a scheme for the implementation and future management of a scheme for a wildlife corridor on St Michael's Island.
- 9.14. Overall, this remains a controversial proposal. There is an overriding concern that a mixed use redevelopment involving housing will inevitably destroy the essential character of something which is regarded as very special to Bridport, its conservation area and its economy. But, as the Local Plan inspector recognised when allocating the site, the greater risk is in doing nothing. There have been various iterations of redevelopment proposals for the Estate over the years, but this is considered to be the most successful to date. It strikes the right balance between accommodating sufficient housing to boost the five-year supply and retaining many of the essential qualities of the site. It also offers the prospect of a significant investment in the retained buildings and the provision of some valuable new amenities.

## **10. RECOMMENDATION**

### **1/D/11/002012 Outline**

- 10.1. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- d. referral to the Secretary of State via the National Planning Casework Unit ;
  - e. a section 106 agreement addressing the following heads of terms;
    - i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;
    - ii. 22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme;
    - iii. Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved;
  - f. And the following conditions:
    - 1. Approved plans

## **Outline conditions**

2. Approval of the details of the appearance of the building(s) and the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To ensure the satisfactory development of the site.

3. Application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

## **The Stover Building**

5. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a contract has been let for the subsequent and immediate implementation of the redevelopment of that part of the site approved by this permission, or such alternative redevelopment for that part of the site as may be approved within the life of this permission. .

REASON: To avoid the premature demolition of the Stover Building in the interests of preserving the character of the Bridport Conservation Area.

6. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a scheme for recording the building's heritage significance during the process of demolition has been submitted to, and approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure a complete record of the heritage significance of the building.

## **The "Tin shed"**

7. No demolition of the "Tin Shed" (the northernmost building marked as no. 20 on drawing no. PL 002) shall take place until a scheme for the relocation of the structure, as far as is practicable, shall have been submitted to, and



approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure that the structure is retained as part of the redevelopment proposals.

### **Residential amenity**

8. The ground floor of the new Stover building shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV16.

### **Biodiversity**

9. Unless agreed otherwise in writing by the local planning authority, the development shall be carried out in accordance with the recommendations of the Biodiversity Mitigation Plan submitted by Bronwen Bruce, MCIIEM dated 31st January 2017 and granted a Certificate of Approval by the Natural Environment Team of Dorset County Council on 3rd February 2017.

REASON: To enhance biodiversity in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV 2.

### **St Michael's Island**

10. Unless agreed otherwise in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and long-term management of St Michael's Island (marked as no. 8 on drawing no. PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (a) timetabled proposals for enhancements to biodiversity; (b) details of arrangements for public access; and (c) details of the body/organisation charged with long-term maintenance. Thereafter, enhancement and long-term management shall proceed in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

### **Riverside Walk**

11. Unless agreed otherwise in writing by the local planning authority, the development hereby permitted shall not be commenced until a scheme for a riverside walk, incorporating the Environment Agency's 8m wide maintenance strip east of the River Brit, has been submitted to, and approved

in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; (2) phased construction arrangements, if appropriate; (3) proposals for limiting vehicle access; and (4) proposals for long-term maintenance and public access. Thereafter, the development shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

### **Cattlemarket Square**

12. Unless agreed otherwise in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and future use of Cattlemarket Square (as identified on approved drawing PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; and (2) proposals for long-term maintenance and public use/access. Thereafter, the proposals for Cattlemarket Square shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To ensure that the potential of Cattlemarket Square to serve a number of uses is fully realised.

### **Flooding**

13. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the proposed development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

14. The development hereby permitted shall not be commenced until such time as a scheme to ensure the finished ground floor levels of all new buildings (with the exception of the new Stover building) are set at least 300mm above the adjacent / corresponding present day 1 in 100 year flood level has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

15. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways. All other site levels must not be higher than those prior to the development. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme must be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

16. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA, under all phases of the development. All proposed works within 8m of the defences and associated infrastructure, through all phases of the development, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

17. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the local planning authority. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of other development works on the site, with contingency arrangements put in place where necessary. Localised drainage infrastructure and highways works may be incorporated simultaneously. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

### **Surface water**

18. No development shall take place on land to which reserved matters relate until the detailed drainage design for each phase of development, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. Sufficient attenuation storage and flow control shall be provided for each phase of development. This should be clearly demonstrated in a detailed Surface Water Management Strategy document (and Masterplan) showing attenuation volumes and final discharge rates and for each discreet phase, and for cumulative phases, to be submitted under each relative reserved matters application if the development comes forward in phases. Phasing and maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

### **Land contamination**

19. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority: (a) a 'desk study' report documenting the site history; (b) a site investigation report documenting the ground conditions of the site, and incorporating a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment; (c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed; (d) a detailed phasing scheme for the development and remedial works. The remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

20. Before the commencement of development, a further investigation and risk assessment shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

21. Before the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

22. Before the commencement of development, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation

scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

#### **Estate road construction**

24. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

#### **WD/D/16/002852 Full**

- 10.2. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
  - b. a section 106 agreement addressing the following heads of terms;
    - i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;

- ii. 22 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed affordable housing scheme;
  - iii. Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved;
- c. And the following conditions:
- 1. Approved plans.

#### **Time limit**

- 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).

#### **Materials**

- 3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In order to safeguard the character of the listed building in accordance with West Dorset, Weymouth & Portland Local Plan policies ENV4 and ENV12.

#### **Residential amenity**

- 4. The areas of the ground floor of the building proposed for commercial use (all those areas not providing access to the upper floor flats) shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV16.

#### **Flooding**

- 5. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the

proposed development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants.

6. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways. All other site levels must not be higher than those prior to the development. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme must be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

7. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA, under all phases of the development. All proposed works within 8m of the defences and associated infrastructure, through all phases of the development, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

8. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the local planning authority. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of other development works on the site, with contingency arrangements put in place



where necessary. Localised drainage infrastructure and highways works may be incorporated simultaneously. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

### **Surface water**

9. No development shall take place on land to which reserved matters relate until the detailed drainage design for each phase of development, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. Sufficient attenuation storage and flow control shall be provided for each phase of development. This should be clearly demonstrated in a detailed Surface Water Management Strategy document (and Masterplan) showing attenuation volumes and final discharge rates and for each discreet phase, and for cumulative phases, to be submitted under each relative reserved matters application if the development comes forward in phases. Phasing and maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

### **Land contamination**

10. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority: (a) a 'desk study' report documenting the site history; (b) a site investigation report documenting the ground conditions of the site, and incorporating a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment; (c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed; (d) a detailed phasing scheme for the development and remedial works. The remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

11. Before the commencement of development, a further investigation and risk assessment shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

12. Before the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

13. Before the commencement of development, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

### **WD/D/16/002853 Listed Building Consent**

- 10.3. Grant listed building consent subject to the following conditions:

1. Approved plans.

#### **Time limit**

2. The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.

REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

#### **Materials**

3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In order to safeguard the character of the listed building in accordance with West Dorset, Weymouth & Portland Local Plan policies ENV4 and ENV12.

<b>Application Number:</b>	P/RES/2021/04848
<b>Webpage:</b>	<p>The planning application documents for P/RES/2021/04848 are available here: <a href="https://dorsetforyou.com">Planning application: P/RES/2021/04848 - dorsetforyou.com</a> (<a href="https://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a>)</p> <p>The Design Code can be viewed via the following links:</p> <p><a href="#">BackgroundCommitteePaperBridportDesignCodePart1.pdf</a> (<a href="https://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a>)</p> <p><a href="#">BackgroundCommitteePaperBridportDesignCodePart2.pdf</a> (<a href="https://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a>)</p>
<b>Site address:</b>	Land at Foundry Lea Vearse Farm Bridport
<b>Proposal:</b>	Construction of 760 dwellings, public open space (including play space and landscape planting), allotments, an orchard, sports pitch provision, with associated changing rooms and car parking, pedestrian, cycle and vehicular links, drainage works and associated infrastructure (Reserved matters application to determine appearance, landscaping, layout and scale following the grant of Outline planning permission number WD/D/17/000986)
<b>Applicant name:</b>	Barratt David Wilson Homes
<b>Case Officer:</b>	James Lytton-Trevers
<b>Ward Member(s):</b>	Cllr. Bolwell; Cllr. Clayton; Cllr. Williams

## 1.0 Reason for committee determination

This application is on this Planning Committee agenda as the application has been the subject of a committee resolution on 4 August 2022, but the decision has not yet been issued and amendments are now being sought to that resolution for the size and position of three attenuation basins only.

- Pond 2 – is to be reduced in size. The capacity lost as a result of its reduction in size will be compensated for through the provision of additional cellular storage, which is a design approach already adopted in this area of the application site.
- Pond 6 - is to be relocated to the north.
- Pond 7B –is to be reshaped into a more linear attenuation pond.

## 2.0 Summary of recommendation:

That delegated authority be granted to the Head of Planning and the Service Manager for Development Management and Enforcement for the approval of reserved matters, subject

to the discharge of any outstanding conditions on the outline planning permission (WD/D/17/000986) which are required to be discharged prior to the approval of the reserved matters (conditions 2 for the phasing, 7 for the LEMP, 38 for the road crossings over the river and 39 for floor levels of the dwellings) and subject to conditions as set out in this report, with the relevant plan number and revision number to be entered in conditions no. 2, 3 and 4.

This is the same recommendation made to the planning committee on 4 August 2022 when the planning committee resolved to delegate authority to the Head of Planning in accordance with the officer’s recommendation.

**Amendment to previously recommended condition**

It is proposed that the plans listed in condition 1 as set out in the recommendation be amended to include the amended attenuation basins.

A copy of the officer’s committee report from 4 August 2022 is appended for information.

**3.0 Reason for the recommendation:**

- The layout of the drainage would meet the requirements necessary for the scheme to function and integrate with Bridport and would satisfactorily address surface water drainage requirements.
- The proposal would comply with the West Dorset, Weymouth & Portland Local Plan, the Bridport Area Neighbourhood Plan and the National Planning Policy Framework (NPPF).
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issue**

Issue	Conclusion
Layout of foul and surface water drainage	The layout of the drainage strategy details submitted for the site are acceptable and would comply with LP policy ENV5 and BANP policy D5 and the requirements of the NPPF.

**5.0 Description of Site**

5.1 The application site comprises a number of open fields to the west of Bridport town centre and the Bridport Area Conservation Area. It is within the Dorset Area of Outstanding Natural Beauty and allocated within the Local Plan for mixed development. The farmland forms part of Vearse Farm, which includes a grade II listed farmhouse and boundary walls. There are a number of buildings within the farmstead. The application site measures

approximately 43.3 hectares. The land is mainly agricultural divided into fields by hedgerows and some trees.

5.2 The site is south of West Road which currently provides the only access into the site down a straight farm track which leads southwards towards the farm buildings. A number of public rights of way cross the site.

5.3 The site adjoins the A35 to the west and the B3162 West Road to the north.

5.4 The land is within flood risk zone 1 excepting for the land near to the River Simene which flows through the northern part of the site.

5.5 The land rises from north to south where the topography is varied. The highest point of the site is c.36AOD (to the south) and the lowest point is c.7AOD in the north-eastern edge of the site. The gradients in the eastern, south-eastern and western areas of the site are gentle and in the central and southern areas of the site steeper.

5.6 There are no designated nature reserves within the site.

## 6.0 Description of Development

6.1 This reserved matters application only covers the residential element of the scheme together with associated open spaces. The northern parcel of development that includes a local centre, employment uses, and a care home do not form part of this application.

6.2 Following concerns raised by the Officer and consultees, the proposals have been revised and a second round of consultation undertaken. The revisions were chiefly to the layout, house types, materials and landscaping. As a result of the re-consultation nearly all objections have been withdrawn.

6.3 The proposals, as revised, would comprise of the following:

### Housing

760 dwellings built in 31 different house types would contain 94% housing and 6% flats:

1 Bed	28	4%
2 Bed	194	26%
3 Bed	318	42%
4 Bed	212	28%

5 Bed

8

1%

### Affordable housing

Built in 15 different house types would contain:

40% affordable housing (302 dwellings). This includes an increase of 36 dwellings above the 35% which is required by the S106 agreement in order to be policy compliant.

70% rented units (186 dwellings) and 30% shared ownership (80 dwellings). 5% of the rented units as Category 2: Accessible and Adaptable Dwellings.

The additional 36 affordable units would be provided by a Homes England grant fund.

### Self-build

Three areas (0.4ha) of self build units where mains services and access would be provided.

### Landscaping

Specific Character Areas comprising:

A Country Park along the River Simene corridor;

Woodland walks along the site's western and southern boundaries;

Green links and squares;

A circular leisure route; and

A primary green movement link, which is referred to as the Cycle Street.

### Play areas

These would include:

Two Locally Equipped Areas of Play (LEAPs) located on the eastern arm of the Loop Road and within the 'green square' and in the south east of the site;

A Multi-Use Games Area (MUGA) north east of the playing pitch;

A Neighbourhood Equipped Area of Play (NEAP) south of the MUGA; and,

A Woodland Play Trail in the west of the site.

### Allotments and orchard

0.5ha allotments west of the loop road;

0.25ha orchard near to the river.



## Playing field

Football pitches, changing rooms and car park Access

Internal roads to land adjacent to Pine View, the school site (6.75m carriageway, plus 2m footways and 3m cycleway) and mixed use land (7.3m carriageway).

East-to-west cycle/pedestrian routes (5m segregated);

Two North-to-south cycle/pedestrian routes (3m);

Circular pedestrian route;

Three public electric vehicle charging points;

Bus stop;

Land for a community bicycle pool;

Bicycle shelter;

Bicycle maintenance hub and drinking fountain;

1577 allocated parking spaces mostly within plots or garages/car ports;

237 visitor spaces;

On Plot Parking	537
On Street Parking	550
Garage Parking (in curtilage)	221
Car Port (within curtilage)	18
Rear Parking Court	251
Visitor Shared	102
Visitor on Street	135

Electric vehicle charging points for all dwellings consistent with Part S of the Building Regulations.

Cycle parking for each home, either in rear gardens or garages.

Bin/recycling stores.

## Foul and surface water

A number of drainage basins for surface water attenuation;

Mains sewer connection to Magdalen Lane and a sewage pumping station.

The basins would be protected from the predicted 1 in 100 year event, plus an allowance for climate change, a 40% allowance for climate change rather than the 30% allowance at the principal decision stage, a 10% allowance for urban creep which was not included at the principal decision stage and an allowance of 3.5 litres per second discharge from the school site.

### Energy efficiency

The energy efficiency of the dwellings has now been updated since the original submission and the revised scheme to now comply with the 2021 Building Regulations. The three phases of dwellings being constructed originally proposed, which took into account 2013 Building Regulations, would now be divided between 2021 and 2025 Building Regulations:

Dwellings to comply with 2021 Building Regs would have 850 m2 roof mounted PV panels, passive design measures and gas fired combi-boilers. Electric vehicle charging within plot parking.

Dwellings to comply with anticipated 2025 Building Regs would have 1180 m2 roof mounted PV panels and air source heat pumps. This can be confirmed once future legislation for the Future Homes Standards are known.

### Skills Academy

A building containing classrooms and workshop.

The above is all as considered by the planning committee in August 2022, the only amendment to the scheme since then has been in respect of the attenuation basins.

## **7.0 Relevant Planning History**

WD/D/17/000986 Decision: GRANTED Decision Date: 02/05/2019

Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links.

The Outline permission was granted with all matters reserved except for means of access. The vehicular access to the site was to be fixed via two new junctions with West Road (B3162). The easternmost of these would be positioned opposite no. 3 West Mead and the westernmost would be positioned opposite the access to Symondsburry Estate Business Park. The reserved matters would be only for layout, scale, appearance and landscaping. The permission was subject to conditions and a Section 106 Agreement.

In summary the outline permission secured the following through conditions and a s106 Agreement:

Affordable housing provision

Provision of primary school

Junction improvement to Miles Cross (A35)

Traffic calming facilities on the B3162

Traffic calming associated with the new footway/cycle access to Magdalen Lane

Minor improvement at the mini-roundabout junction of the B3162 West Allington/North Allington junction

Upgrade and improvement of the existing Public Footpath linking Magdalen Lane to the Town Centre via the Dreadnought Trading Estate to a public Bridle path for the use of pedestrians and cyclists.

The creation of pedestrian/cycle links to Pine View and Coronation Road

Employment – minimum 4 ha of land allocated for employment uses.

Local infrastructure provision - including 22 ha made up of outdoor sports pitches, play facilities, allotments, and public open space; local centre; care home; drainage works; and strategic landscape planting.

Strategic landscape planting and hedgerow replacement

Upgrade of facilities at Bridport Medical Centre

The conditions, in brief, covered the following matters:

1. Five approved plans for the location, priority junction layout from the B3162, Parameters, Green Infrastructure and Scale & Density;
2. Approval of a Phasing plan;
3. The matters to be reserved being layout, scale, appearance and landscaping;
- 4 – 5. The reserved matters be made within 10 years of the outline and commencement within 2 years of approval of each reserved matter;
6. Approval of a Design code;
7. Approval of a Landscape Environment Management Plan;
8. Approval of a Highways layout based upon the principles in the approved “KEY PRINCIPLES: ACCESS AND MOVEMENT contained within the Vearse Farm Masterplan;
- 9-11. A scheme of tree protection, landscaping and planting;
12. Not exceeding 760 dwellings;
13. No less than 4 hectares of employment land for the provision of Use Classes B1, B2 and B8 industrial uses; a mixed use local centre of Use Classes A1, A2, A3, A4, A5, B1, C3 and D1; a serviced site of 2 ha to provide a new, one-form entry, primary school with associated grounds, playing fields and parking, with the site sized to accommodate a 2-form entry school (Use Class D1); and, a 60-bed residential care home (Use Class C2).
14. A care home;
- 15-16. Employment buildings and approved uses (B1, B2 and B8) to ensure that the B2 and B8 uses are buffered by other buildings;
17. Broadband provision;
18. Eastern Access provision;

19. Western Access provision before 300 dwellings occupied;
20. Construction Traffic Management Plan;
21. Highways Detail for layout, turning and parking areas;
22. Travel Plan;
23. Cycle Parking Facilities;
- 24-26. Miles Cross junction improvement; Walking, Cycling and Horse Riding Assessment and Review (WCHAR) for the Miles Cross junction;
- 27-29. Land contamination;
30. Archaeology;
31. Magdalen Lane link;
32. Pine View link after 400 occupied;
33. Multi-Use Games Area (MUGA) after 400 dwellings occupied;
34. Neighbourhood Equipped Area for Play (NEAP) after 400 dwellings occupied;
35. Locally Equipped Area for Play (LEAP) after 200 dwellings occupied;
36. Second Locally Equipped Area for Play (LEAP) after 500 dwellings occupied;
37. Woodland Play Trail after 500 dwellings occupied;
38. Access roads crossing Flood Zones 3 & 2 (the floodplain) and the compensatory floodplain storage scheme in accordance with the Flood Risk Assessment (Brookbanks, Ref: 10006/FRA/01, Rev. 2, dated 28 March 2017) before reserved matters.
39. Finished floor levels;
40. No general storage of any materials including soil, no raising of ground levels, no Sustainable Drainage System features, or erection of buildings / structures within the floodplain (Flood Zones 3 and 2);
41. Surface water management scheme;
42. Strategic surface water management scheme;
43. Surface water sustainable drainage scheme;
44. Foul drainage disposal scheme;
45. Foul Water drainage strategy;
46. Each dwelling or building before it is occupied served by a properly consolidated and surfaced footway and carriageway;
47. Means of vehicular access to the residual part of the allocated site to the east (Land adjacent to Coronation Road/Pine View) and the site boundary;

The section 106 Agreement, in summary, makes obligations for:

- 35% of the dwellings to be affordable with 70% of those being affordable rented and 30% shared ownership.
- Self-build land
- Provision of allotments
- Provision of employment land, including affordable employment land.
- Marketing of local centre.

- Provision and delivery of a sports pitch scheme.
- Provision of 2 locally equipped areas of play, a neighbourhood equipped area of play and a multi-use games area.
- Provision of open space
- Submission and implementation of landscape environment management plan.
- Hedgerow payments
- Bridport leisure centre payment
- Healthcare provision payment
- Continuation link
- School site and its transfer to the Council.
- Education contribution payment.
- Miles Cross junction works.
- B3162 contribution.
- New footway/cycle access traffic calming works
- Mini roundabout minor improvement works
- Existing public footpath improvement contribution.
- Biodiversity compensation payment.
- Surface water drainage scheme.

The development was “EIA development” for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the latest EIA Regulations that came into force on 16th May 2017. The application was accompanied by an Environmental Statement (ES).

A Master Plan accompanied the application, but it was neither an approved plan nor referred to in the decision notice or Section 106 Agreement.

P/FUL/2021/01895 Decision: GRANTED Decision Date: 14/12/2021

Construction of a pedestrian/cycle link between Pine View and the Vearse Farm development (granted outline planning permission in May 2019 under planning reference WD/D/17/000986)

P/NMA/2021/05028 Decision: GRANTED Decision Date: 14/3/2022

Amendment to Outline Planning Permission reference WD/D/17/000986 to increase the footway on the western side of the western access to 3m.

Applications for the discharge of the following conditions of the outline permission WD/D/17/000986 are currently under consideration (these conditions are required to be discharged before approval of the reserved matters):

Condition 2 for approval of a phasing of the development;

Condition 6 for approval of a Design Code;

Condition 7 for approval of a Landscape Environment Management Plan (LESMP);

Condition 38 for approval of flood mitigation measures; and,

Condition 39 for approval of floor levels.

The application has been subject to a Planning Performance Agreement which has included pre-application advice.

## 8.0 List of Constraints

Within defined development boundary.

Grade: II Listed Building: MAGDALEN FARM HOUSE List Entry: 1228712.0 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

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

Landscape Character; Undulating River Valley; Brit Valley

Landscape Character; urban area; Bridport

Area of Outstanding Natural Beauty (AONB); Dorset (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)

Tree Preservation Order - (26 Magdalen Lane, Bridport)

Tree Preservation Order - (Westmead House, Symondsburry)

Footpath W18/3

Footpath W18/7

Footpath W18/2

Footpath W18/6

Footpath W18/4

Footpath W3/9

Footpath W18/5

Footpath W18/95

Footpath W18/8

Areas Susceptible to Groundwater Flooding

Agricultural grade: Grade 3a

Agricultural grade: Grade 3b

SSSI impact risk zone

Tertiary River

Secondary River

Primary River Simene

Flood Zone 3

Flood Zone 2

Contaminated Land

Agreement under Section 106 Agreement of the Town and Country Planning Act 1990 (WD/D/17/000986)

## **9.0 Consultations**

Full consultation took place on the application prior to its consideration by the Planning Committee in August 2022. All comments and representations can be viewed on the Council's website and were considered in the committee report from August 2022 as appended.

This report is recommending changes to a condition within the previous committee resolution for three attenuation basins only. There has been full re-consultation and publicity on the application. The responses are those listed below.

### **Consultees**

**9.1 National Highways** – No further comment

**9.2 Sport England** – No further comment

**9.3 Historic England** - No comment

**9.4 Wessex Water** – No reply

**9.5 Dorset Gardens Trust** – No reply

**9.6 Dorset Clinical Commissioning Group** – No reply

**9.7 Dorset Police - Crime Prevention Design Engineers** – No reply

**9.8 Dorset Council – Landscape – Comment**

The depth of attenuation basin 7b of 2.5 m would appear to exceed the recommended max depth and would appear to need fencing.

**9.9 Education Officer – No reply**

**9.10 Natural Environment Team – No reply**

**9.11 Flood Risk Manager – No objection**

**9.12 Rights of Way Officer – No reply**

**9.13 Highways – No reply**

**9.14 Waste – No reply**

**9.15 Conservation Officer – No reply**

**9.16 Trees - No reply**

**9.17 Urban Design – No reply**

**9.18 Housing Enabling Team - No comment**

**9.19 Dorset AONB Team – No reply**

**9.20 Public Health – No reply**

**9.21 Economic Development and Tourism – No reply**

**9.22 Land Drainage – No reply**

**9.23 Env. Services – Protection – No reply**

**9.24 Building Control West Team - No reply**



**9.25 Libraries – No reply**

**9.26 Street Lighting Team (West) – No reply**

**9.27 Outdoor Recreation – No reply**

**9.28 Planning Policy – No reply**

**9.29 Bridport Ward Members– No reply**

**9.30 Symondsburry Parish Council – No reply**

**9.31 Bridport Town Council – Support**

**9.32 Char Valley Parish Council – No reply**

**9.33 Allington Parish Council – No reply**

### **Representations received**

4 Comments from individuals. These are not new comments or where these relate to attenuation basins, have been addressed in the original report and below. Numbers in brackets denote number who have commented.

Affordable housing must remain in perpetuity/to include rented/more. (1)

Impact on biodiversity. (1)

Attenuation basins must meet Environment Agency and Flood Risk Manager requirements (1)

No planning issues raised (1)

## **10.0 Development Plan - Relevant Policies**

### **West Dorset and Weymouth & Portland Local Plan (2015) (LP) Policies**

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 following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV 16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- HOUS1 - Affordable housing
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and houses in multiple occupation
- COM1 - Making sure new development makes suitable provision of community infrastructure
- COM4 - New or improved local recreational facilities
- COM6 - The provision of education and training facilities
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The provision of utilities service infrastructure
- BRID 1 - Land at Vearse Farm

## **Neighbourhood Plan**

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

- CC1 Publicising Carbon Footprint
- CC2 Energy and Carbon Emissions
- AM1 Promotion of Active Travel Modes
- AM3 Footpath and Cycle path Network
- AM5 Connections to Sustainable Transport
- H1 General Affordable Housing Policy
- H2 Placement of Affordable Housing
- H4 Housing Mix and Balanced Community
- H6 Housing Development Requirements
- H7 Custom-Build and Self-build Homes
- CF3 Allotments
- HT2 Public Realm
- L1 Green Corridors, Footpaths, Surrounding Hills and Skylines
- L2 Biodiversity

L5 Enhancement of the Environment  
D1 Harmonising with the Site  
D2 Programme of Consultation  
D3 Internal Transport Links  
D5 Efficient Use of Land  
D6 Definition of Streets and Spaces  
D7 Creation of Secure Areas  
D8 Contributing to the Local Character  
D9 Environmental Performance  
D10 Mitigation of Light Pollution  
D11 Building for Life

### **Material Considerations - National Planning Policy Framework (NPPF)**

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Section 11 'Making effective use of land'. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 'Achieving well designed places.

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the

lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 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). 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).

### **Other material considerations**

Supplementary Planning Documents/Guidance-

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 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. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## Conservation Area Appraisals:

Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010). The Bridport Conservation Area was first designated in 1972 and was centred on the historic core of the town. It has subsequently been extended four times, the last occasion being in October 2010, when the latest Conservation Area Appraisal which included a westward extension of its boundary was adopted by the District Council.

### 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 three 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. In particular;

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated (off road footpath links, widening of roads, crossing points).
- Access; there will be footpath and cycleway links to Bridport town centre. Gradients of 1 in 12 or less can be achieved within the site.
- Health Care; a contribution to additional health care provision is being sought through the s106 (secured at outline planning permission stage).
- Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	

Affordable housing	302 dwellings
Quantum of greenspace	23ha
Play areas	2 Sports pitches including MUGA, 2 LEAPs, 1 NEAP
Skills Academy	1 building
Self-build land	0.4ha
Provision of allotments	0.5ha
Orchards	0.25ha
Implementation of Landscape Environment Management Plan.	A large number of biodiversity and landscape enhancements
Hedgerow payments	£50,282.20
Bridport leisure centre payment	£429,000.00
Healthcare provision payment	£225,000.00
School site and its transfer to Dorset Council	2.0ha
Education contribution payment	£5,444.00 per qualifying dwelling
B3162 contribution	£100,000.00
Biodiversity compensation payment	£96,990.82
Highway works	Miles Cross, mini roundabout, traffic calming and footway/cycle access
Existing public footpath improvement contribution	£212,000.00
Non-Material Considerations	
Council Tax	According to value of each property
CIL	Zero rated
New Homes Bonus	A proportion of provisional 2022-2023 allocation of £3,759,871.00

#### 14.0 Climate Implications

The proposal would lead to additional CO2 emissions from construction of the dwellings and from the activities of future residents.

The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

This has to be balanced against the benefits of providing housing in a sustainable location and should be offset against factors including the provision of electric car charging, some photovoltaic panels and the dwellings being reasonably energy efficient. The previous grant of outline planning permission for 760 dwellings on the site does in some respects assume that climate implications, at least in principle, have already been accepted.

#### 15.0 Planning Assessment

15.1 Condition 38 of the outline planning permission requires the final details of the proposed access roads crossing Flood Zones 2 and 3 and a compensatory floodplain storage scheme to be submitted and approved by the Local Planning Authority. The Condition requires the discharge of condition application to be accompanied by a number of details, which include the results of updated hydraulic modelling. At the request of the Environment Agency, the Applicants have provided updated hydraulic modelling, which has taken account of the final bridge crossing point, culverts and floodplain compensation designs.

15.2 The updated hydraulic modelling demonstrates that the vast majority of the proposed development is located outside areas of flood risk associated with the River Simene and an unnamed watercourse that cross the reserved matters application site. It also found that three attenuation basins shown on the previous Layout (ref: 1859\_1100 Rev C) were located in the revised flood extent. Consequently, there is a need to alter the design of these three attenuation basins (basins 2, 6 and 7B). The applicants have also introduced additional landscape planting in the north western area of the application site.

**Basin 2** – which is located to the east and south east of Plot 754, is to be reduced in size. Rather than extending to a footpath to the north of the allotments, the attenuation basin will instead terminate to the north of the turning head to the east of Plots 756 and 757. The capacity lost as a result of its reduction in size will be compensated for through the provision of additional cellular storage, which is a design approach already adopted in this area of the application site.

**Basin 6** – which was proposed to be located to the south east of Plot 1, is to be relocated to the north. The revised design promotes a non-buried and unfenced attenuation pond to the east of Plot 1.

**Basin 7B** – which is located to the north east of Plots 120 to 128 is to be reshaped into a more linear attenuation pond.

15.3 These changes ensure that all sustainable drainage systems (SuDS) will be located outside of the flood extent and result in an appropriate storage capacity being provided. The changes were required by the Environment Agency.

15.4 The changes have had the effect of squeezing the shape of two of the basins (basin 6 and 7b) into the available space. It is undesirable to increase the amount of underground tanked storage on site in order to provide more scope for a different shape for basins 6 & 7B. The reason being that the additional maintenance of the underground storage, albeit small, would still be an increase and undesirable. The shape of basin 7b is mainly batter slope. However, the batter slopes are all a maximum of 1 in 3 to facilitate safe access and egress in conjunction with a planting regime. The depth of the basin is 2.3m, with a design depth of water of 2.0m. In terms of a 1 in 100 year event plus climate change allowance there is a maximum temporary depth in the basin of 2m.

15.5 Drawings of all the basins have been provided in order to establish that the basins could meet CIRIA guidelines. Additional sections would be required to be submitted to and approved under conditions 41-43 of the outline planning permission.

15.6 The attenuation basins would be acceptable on health and safety grounds. The storage capacity required for non-worsening of flood characteristics off-site is still provided in the basins (albeit provided in a different shape to the previous scheme).

## **16.0 Conclusion**

16.1 The layout of the drainage would meet the requirements necessary for the scheme to function and integrate with Bridport.

16.2 The proposal would comply with the West Dorset, Weymouth & Portland Local Plan, the Bridport Area Neighbourhood Plan and the National Planning Policy Framework (NPPF).

16.3 Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. There are no material considerations which would warrant refusal of this application.

16.4 There are no material considerations which would warrant refusal of this application.

## **17.0 Recommendation**

17.1 That delegated authority be granted to the Head of Planning and the Service Manager for Development Management and Enforcement for the approval of reserved matters, subject to the discharge of any outstanding conditions on the outline planning permission (WD/D/17/000986) which are required to be discharged prior to the approval of the reserved matters (conditions 2 for the phasing, 7 for the LEMP, 38 for the road crossings over the river and 39 for floor levels of the dwellings) and subject to conditions as set out in this report.

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

### Arboriculture

Veteran Tree Assessment and Management Plan      Dated March 2023

Arboricultural Assessment and Method Statement      Dated March 2023

### Architecture

Acoustic Mitigation Plan 1859 1119 Rev B

Design Compliance Statement Addendum      DCSA\_01

Location Plan      1859 1000 Rev D



Phasing Plan 1859 80 Rev D

Roof Materials, Front Door Colours and Chimney Placement Plan 1859 1140 Rev B

Planning Layout 1859 1100 Rev E

Planning Layout (1 of 3) 1859 1101 Rev E

Planning Layout (2 of 3) 1859 1102 Rev E

Planning Layout (3 of 3) 1859 1103 Rev E

Masterplan 1859 1105 Rev E

Materials Plan 1859 1111 Rev E

Storey Heights Plan 1859 1112 Rev D

Parking Plan 1859 1113 Rev D

Land Ownership Plan 1859 1114 Rev D

Affordable Housing Plan 1859 1115 Rev D

External Works Plan 1859 1116 Rev D

Waste Collection Plan 1859 1117 Rev D

Enclosures Plan 1859 1118 Rev D

Site Sections 1859 1150 Rev B

Site Sections 1859 1151 Rev B

Central Vearse Streetscenes 1859 1170 Rev B

Core Neighbourhood and Countryside Edge Streetscenes 1859 1171 Rev B

Park Edge and West Mead Streetscenes 1859 1172 Rev B

House Type Elevational Key 1859 3000 Rev A

House Type Elevational Key Central Vearse 1859 3001 Rev A

House Type Elevational Key Core Neighbourhood 1859 3002 Rev A

House Type Elevational Key Park Edge 1859 3003 Rev A

House Type Elevational Key Countryside Edge 1859 3004 Rev A

House Type Elevational Key West Mead 1859 3005 Rev A

Chillfrome – Floor Plans 1859 2400

Chillfrome – Elevations 1859 2401

Chillfrome – Elevations 1859 2402

Chillfrome – Elevations 1859 2403

Chillfrome – Elevations 1859 2404

Chillfrome – Elevations	1859 2405 Rev A
Chillfrome – Elevations	1859 2406 Rev A
Chillfrome – Elevations	1859 2407 Rev A
Chillfrome – Elevations	1859 2408 Rev A
Muckleford – Floor Plans	1859 2410
Muckleford – Elevations	1859 2411
Muckleford – Elevations	1859 2412
Muckleford – Elevations	1859 2413
Muckleford – Elevations	1859 2414
Muckleford – Elevations	1859 2415
Kadesh – Floor Plans	1859 2420
Kadesh – Elevations	1859 2421
Gabriel –Floor Plans	1859 2430
Gabriel – Elevations	1859 2431
Gabriel – Elevations	1859 2432
Gabriel – Elevations	1859 2433
Gabriel – Elevations	1859 2434
Oakes – Floor Plans	1859 2440
Oakes – Elevations	1859 2441
Oakes – Floor Plans – Bespoke	1859 2442
Oakes – Elevations	1859 2443
Aldwin – Floor Plans	1859 2450
Aldwin – Elevations	1859 2451
Portesham – Floor Plans	1859 2460
Portesham – Elevations	1859 2461
Portesham – Elevations	1859 2462
Charminster – Floor Plans	1859 2470
Charminster – Elevations	1859 2471
Westhay – Floor Plans	1859 2290
Westhay – Elevations	1859 2291
Westhay – Elevations	1859 2292

Westhay – Elevations	1859 2293
Westhay – Elevations	1859 2294
Westhay – Elevations	1859 2295
Westhay – Elevations	1859 2296
Marshwood – Floor Plans	1859 2270
Marshwood – Elevations	1859 2271
Marshwood – Elevations	1859 2272
Marshwood – Elevations	1859 2273
Bradpole – Floor Plans	1859 2280
Bradpole – Elevations	1859 2281
Bradpole – Elevations	1859 2282
Yonderover Floor Plans	1859 2260
Yonderover Elevations	1859 2261
Yonderover Elevations	1859 2262
Yonderover Elevations	1859 2263
Yonderover Elevations	1859 2264
Yonderover Elevations	1859 2265
Northay – Floor Plans	1859 2250
Northday – Elevations	1859 2251
Northay Elevations	1859 2252
Northay Elevations	1859 2253
Northay Elevations	1859 2254
Northay Elevations	1859 2255
Askerswell – Floor Plans	1859 2240
Askerswell – Elevations	1859 2241
Askerswell – Elevations	1859 2242
Askerswell – Elevations	1859 2243
Askerswell – Elevations	1859 2244
Askerswell – Elevations	1859 2245
Askerswell – Elevations	1859 2246
Askerswell – Elevations	1859 2247

Askerswell – Elevations	1859 2248
Chilcombe – Floor Plans	1859 2230
Chilcombe – Elevations	1859 2231
Chilcombe – Elevations	1859 2232
Chilcombe – Elevations	1859 2233
Chilcombe – Elevations	1859 2234
Spyway – Floor Plans	1859 2220
Spyway – Elevations	1859 2221
Spyway – Elevations	1859 2222
Spyway – Elevations	1859 2223
Spyway – Elevations	1859 2224
Spyway – Elevations	1859 2225
Spyway – Elevations	1859 2226
Spyway – Elevations	1859 2227
Spyway – Elevations	1859 2228
Charmouth – Floor Plans	1859 2210
Charmouth – Elevations	1859 2211
Charmouth – Elevations	1859 2212
Walditch – Floor Plans	1859 2200
Walditch – Elevations	1859 2201
Walditch – Elevations	1859 2202
Walditch – Elevations	1859 2203
Walditch – Elevations	1859 2204
Littlebready – Floor Plans	1859 2310
Littlebready – Elevations	1859 2311
Littlebready – Elevations	1859 2312
Littlebready – Elevations	1859 2313
Littlebready – Elevations	1859 2314
Littlebready – Elevations	1859 2315
Abbotsbury – Floor Plans	1859 2320
Abbotsbury – Elevations	1859 2321

Abbotsbury – Elevations	1859 2322
Abbotsbury – Elevations	1859 2323
Abbotsbury – Elevations	1859 2324
Bexington – Floor Plans	1859 2330
Bexington – Elevations	1859 2331
Bexington – Elevations	1859 2332
Bexington – Elevations	1859 2333
Bexington – Elevations	1859 2334
Birdsmoor – Floor Plans	1859 2340
Birdsmoor – Elevations	1859 2341
Birdsmoor – Elevations	1859 2342
Birdsmoor – Elevations	1859 2343
Birdsmoor – Elevations	1859 2344
Birdsmoor – Elevations	1859 2345
Birdsmoor – Elevations	1859 2346
Birdsmoor – Elevations	1859 2347
Frampton – Floor Plans	1859 2350
Frampton – Elevations	1859 2351
Frampton – Elevations	1859 2352
Frampton – Elevations	1859 2353
Frampton – Elevations	1859 2354
Frampton – Elevations	1859 2355
Frampton – Elevations	1859 2356
Frampton – Elevations	1859 2357
Frampton – Elevations	1859 2358
Wynford – Floor Plans	1859 2360
Wynford – Elevations	1859 2361
Wynford – Elevations	1859 2362
Wynford – Elevations	1859 2363
Hampton – Floor Plans	1859 2370
Hampton – Elevations	1859 2371

Hampton – Elevations	1859 2372
Hampton – Elevations	1859 2373
Hampton – Elevations	1859 2374
Martinstown – Floor Plans	1859 2380
Martinstown – Elevations	1859 2381
Martinstown – Elevations	1859 2382
Martinstown – Elevations	1859 2383
Martinstown – Elevations	1859 2384
Martinstown – Elevations	1859 2385
Coneygar – Floor Plans	1859 2390
Coneygar – Elevations	1859 2391
Coneygar – Elevations	1859 2392
Cattistock – Floor Plans	1859 2500
Cattistock – Elevations	1859 2501
Cattistock – Elevations	1859 2502
Hooke – Floor Plans	1859 2510
Hooke – Elevations	1859 2511
Hooke – Elevations	1859 2512
Hooke – Elevations	1859 2513
Hooke – Elevations	1859 2514
Mapperton – Floor Plans	1859 2520
Mapperton – Elevations	1859 2521
Mapperton – Elevations	1859 2522
Mapperton – Elevations	1859 2523
Mapperton – Elevations	1859 2524
Mapperton – Elevations	1859 2525
Melplash – Bespoke – Floor Plans	1859 2530
Melplash – Bespoke – Elevations	1859 2531
Melplash – Bespoke – Elevations	1859 2532
Melplash – Bespoke – Elevations	1859 2533
Melplash – Bespoke – Elevations	1859 2534

Melplash – Bespoke – Elevations	1859 2535
Melplash – Bespoke – Elevations	1859 2536
Melplash – Bespoke – Elevations	1859 2537
Beaminster – Floor Plans	1859 2540
Beaminster – Elevations	1859 2541
Beaminster – Elevations	1859 2542
Beaminster – Elevations	1859 2543
Netherbury – Floor Plans	1859 2550
Netherbury – Elevations	1859 2551
Netherbury – Elevations	1859 2552
Bowood – Floor Plans	1859 2560
Bowood – Elevations	1859 2561
Bowood – Elevations	1859 2562
Bowood – Elevations	1859 2563
Bowood – Elevations	1859 2564
Bowood – Elevations	1859 2565
Bowood – Elevations	1859 2566
Broadoak – Floor Plans	1859 2570
Broadoak – Elevations	1859 2571
Blackney – Plans and Elevations	1859 2700
Whitecross – Plans and Elevations	1859 2701
Ryall – Floor Plans	1859 2630
Ryall – Elevations - Brick	1859 2631
Seatown – Floor Plans	1859 2610
Seatown – Elevations	1859 2611
Seatown – Elevations	1859 2612
Seatown – Elevations – Render, Brick Plinth	1859 2613
Seatown – Elevations – Render, Brick Plinth	1859 2614
Chideock – Floor Plans	1859 2600
Chideock – Elevations	1859 2601
Chideock – Elevations	1859 2602

Chideock – Elevations	1859 2603
Pilsdon – Floor Plans	1859 2620
Pilsdon – Elevations	1859 2621
Hoyton – Floor Plans	1859 2300
Hoyton – Elevations	1859 2301
Hoyton – Elevations	1859 2302
Single Garage – Floor Plans and Elevations	1859 4000
Double Garage – Floor Plans and Elevations	1859 4010 Rev B
Single Garage – Floor Plans and Elevations	1859 4020 Rev B
Double Garage – Floor Plans and Elevations	1859 4030 Rev B
Twin Garage – Floor Plans and Elevations	1859 4040 Rev B
Bin and Cycle Store – Plans and Elevations	1859 4050 Rev B
Sub Station – Plans and Elevations	1859 4060
Changing Rooms – Plans and Elevations	1859 4070 Rev A
Bat Roost – Plans and Elevations	1859 4080
Cycle Shelter – Plans and Elevations	1859 4090
1.8m Brick Screen Wall – Plans and Elevations	1931 2000
1.8m Closeboard Fence – Plans and Elevations	1859 2001
1.8m Instant Hedge Boundary Plans and Elevations	1859 2002
1.2m Bow Top Railing – Plans and Elevations	1859 2003
1.2m Ranch Timber Rails – Plans and Elevations	1859 2004
0.5m Trip Rail – Plans and Elevations	1859 2005
1.0m Low Brick Wall and Estate Vertical Railings Ball Top (Painted Black) – Plans and Elevations	1859 2006
1.0m Vertical Railing – Plans and Elevations	1859 2007
1.2m Cock n Hen Stone Wall – Plans and Elevations	1859 2008
1.0m Brick Wall – Plans and Elevations	1859 2009

## Ecology

Ecological Survey Summary Report 2021 RM 1a

Biodiversity Metric 3.0 Dated 30/05/22

## Engineering

Proposed Western Foot/Cycle Link Page 286 of 301 Rev P1



Proposed Western Footbridge 1628 D1600 Rev P1

Visibility layout P7150 Rev P4

External Works Layout Sheet 1 of 22 P6000 Rev P6

External Works Layout Sheet 2 of 22 P6001 Rev P5

External Works Layout Sheet 3 of 22 P6002 Rev P4

External Works Layout Sheet 4 of 22 P6003 Rev P7

External Works Layout Sheet 5 of 22 P6004 Rev P7

External Works Layout Sheet 6 of 22 P6005 Rev P6

External Works Layout Sheet 7 of 22 P6006 Rev P7

External Works Layout Sheet 8 of 22 P6007 Rev P5

External Works Layout Sheet 9 of 22 P6008 Rev P6

External Works Layout Sheet 10 of 22 P6009 Rev P5

External Works Layout Sheet 11 of 22 P6010 Rev P5

External Works Layout Sheet 12 of 22 P6011 Rev P5

External Works Layout Sheet 13 of 22 P6012 Rev P5

External Works Layout Sheet 14 of 22 P6013 Rev P4

External Works Layout Sheet 15 of 22 P6014 Rev P5

External Works Layout Sheet 16 of 22 P6015 Rev P5

External Works Layout Sheet 17 of 22 P6016 Rev P5

External Works Layout Sheet 18 of 22 P6017 Rev P5

External Works Layout Sheet 19 of 22 P6018 Rev P5

External Works Layout Sheet 20 of 22 P6019 Rev P5

External Works Layout Sheet 21 of 22 P6020 Rev P5

External Works Layout Sheet 22 of 22 P6021 Rev P5

Highway Construction Details Sheet 1 of 2 P7500 Rev P3

Highway Construction Details Sheet 2 of 2 P7501 Rev P3

Highway Construction Details Highway Ramp Detail P7510 Rev P3

Highway Longsections Sheet 1 P7300 Rev P3

Highway Longsections Sheet 2 P7301 Rev P3

Highway Longsections Sheet 3 P7302 Rev P3

Highway Longsections Sheet 4 P7303 Rev P3

Highway Longsections Sheet 5 P7304 Rev P3  
Highway Longsections Sheet 6 P7305 Rev P3  
Highway Longsections Sheet 7 P7306 Rev P3  
Highway Longsections Sheet 8 P7307 Rev P3  
Highway Longsections Sheet 9 P7308 Rev P3  
Highway Longsections Sheet 10 P7309 Rev P3  
Highway Longsections Sheet 11 P7310 Rev P3  
Highway Longsections Sheet 12 P7311 Rev P3  
Highway Longsections Sheet 13 P7312 Rev P3  
Highway Longsections Sheet 14 P7313 Rev P3  
Highway Longsections Sheet 15 P7314 Rev P3  
Highway Longsections Sheet 16 P7315 Rev P3  
Highway Longsections Sheet 17 P7316 Rev P3  
Highway Longsections Sheet 18 P7317 Rev P3  
Highway Longsections Sheet 19 P7318 Rev P3  
Highways Longsections Sheet 20 P7319 Rev P3  
Highways Engineering Layout Sheet 1 of 26 P7000 Rev P5  
Highways Engineering Layout Sheet 2 of 26 P7001 Rev P4  
Highways Engineering Layout Sheet 3 of 26 P7002 Rev P5  
Highways Engineering Layout Sheet 4 of 26 P7003 Rev P5  
Highways Engineering Layout Sheet 5 of 26 P7004 Rev P5  
Highways Engineering Layout Sheet 6 of 26 P7005 Rev P5  
Highways Engineering Layout Sheet 7 of 26 P7006 Rev P5  
Highways Engineering Layout Sheet 8 of 26 P7007 Rev P5  
Highways Engineering Layout Sheet 9 of 26 P7008 Rev P5  
Highways Engineering Layout Sheet 10 of 26 P7009 Rev P4  
Highways Engineering Layout Sheet 11 of 26 P7010 Rev P5  
Highways Engineering Layout Sheet 12 of 26 P7011 Rev P4  
Highways Engineering Layout Sheet 13 of 26 P7012 Rev P4  
Highways Engineering Layout Sheet 14 of 26 P7013 Rev P4  
Highways Engineering Layout Sheet 15 of 26 P7014 Rev P4

Highways Engineering Layout Sheet 16 of 26 P7015 Rev P4

Highways Engineering Layout Sheet 17 of 26 P7016 Rev P4

Highways Engineering Layout Sheet 18 of 26 P7017 Rev P4

Highways Engineering Layout Sheet 19 of 26 P7018 Rev P4

Highways Engineering Layout Sheet 20 of 26 P7019 Rev P4

Highways Engineering Layout Sheet 21 of 26 P7020 Rev P4

Highways Engineering Layout Sheet 22 of 26 P7021 Rev P5

Highways Engineering Layout Sheet 23 of 26 P7022 Rev P5

Highways Engineering Layout Sheet 24 of 26 P7023 Rev P5

Highways Engineering Layout Sheet 25 of 26 P7024 Rev P4

Highways Engineering Layout Sheet 26 of 26 P7025 Rev P2

Site Access Section 278 Surfacing and Specification Layout P7760 Rev P4

Site Access Section 278 Standard Details P7800 Rev P2

Priority Junction Layout Site Access S278 Layout P7751 Rev P5

Highways Surfacing Specification Sheet 1 of 25 P7200 Rev P5

Highways Surfacing Specification Sheet 2 of 25 P7201 Rev P3

Highways Surfacing Specification Sheet 3 of 25 P7202 Rev P5

Highways Surfacing Specification Sheet 4 of 25 P7203 Rev P5

Highways Surfacing Specification Sheet 5 of 25 P7204 Rev P5

Highways Surfacing Specification Sheet 6 of 25 P7205 Rev P5

Highways Surfacing Specification Sheet 7 of 25 P7206 Rev P5

Highways Surfacing Specification Sheet 8 of 25 P7207 Rev P4

Highways Surfacing Specification Sheet 9 of 25 P7208 Rev P4

Highways Surfacing Specification Sheet 10 of 25 P7209 Rev P4

Highways Surfacing Specification Sheet 11 of 25 P7210 Rev P4

Highways Surfacing Specification Sheet 12 of 25 P7211 Rev P4

Highways Surfacing Specification Sheet 13 of 25 P7212 Rev P4

Highways Surfacing Specification Sheet 14 of 25 P7213 Rev P4

Highways Surfacing Specification Sheet 15 of 25 P7214 Rev P4

Highways Surfacing Specification Sheet 16 of 25 P7215 Rev P4

Highways Surfacing Specification Sheet 17 of 25 P7216 Rev P3

Highways Surfacing Specification Sheet 18 of 25 P7217 Rev P3  
Highways Surfacing Specification Sheet 19 of 25 P7218 Rev P4  
Highways Surfacing Specification Sheet 20 of 25 P7219 Rev P4  
Highways Surfacing Specification Sheet 21 of 25 P7220 Rev P3  
Highways Surfacing Specification Sheet 22 of 25 P7221 Rev P4  
Highways Surfacing Specification Sheet 23 of 25 P7222 Rev P4  
Highways Surfacing Specification Sheet 24 of 25 P7223 Rev P4  
Highways Surfacing Specification Sheet 25 of 25 P7224 Rev P4  
Highways Surfacing Specification Key Plan P7225 Rev P5  
Highways Surfacing Specification Layout (Overall) P7226 Rev P4  
Vehicle Swept Path Analysis 1 of 24 P7600 Rev P5  
Vehicle Swept Path Analysis 2 of 24 P7601 Rev P3  
Vehicle Swept Path Analysis 3 of 24 P7602 Rev P5  
Vehicle Swept Path Analysis 4 of 24 P7603 Rev P5  
Vehicle Swept Path Analysis 5 of 24 P7604 Rev P4  
Vehicle Swept Path Analysis 6 of 24 P7605 Rev P5  
Vehicle Swept Path Analysis 7 of 24 P7606 Rev P5  
Vehicle Swept Path Analysis 8 of 24 P7607 Rev P5  
Vehicle Swept Path Analysis 9 of 24 P7608 Rev P5  
Vehicle Swept Path Analysis 10 of 24 P7609 Rev P4  
Vehicle Swept Path Analysis 11 of 24 P7610 Rev P4  
Vehicle Swept Path Analysis 12 of 24 P7611 Rev P4  
Vehicle Swept Path Analysis 13 of 24 P7612 Rev P4  
Vehicle Swept Path Analysis 14 of 24 P7613 Rev P4  
Vehicle Swept Path Analysis 15 of 24 P7614 Rev P4  
Vehicle Swept Path Analysis 16 of 24 P7615 Rev P3  
Vehicle Swept Path Analysis 17 of 24 P7616 Rev P3  
Vehicle Swept Path Analysis 18 of 24 P7617 Rev P4  
Vehicle Swept Path Analysis 19 of 24 P7618 Rev P4  
Vehicle Swept Path Analysis 20 of 24 P7619 Rev P4  
Vehicle Swept Path Analysis 21 of 24 P7620 Rev P4

Vehicle Swept Path Analysis 22 of 24 P7621 Rev P4  
Vehicle Swept Path Analysis 23 of 24 P7622 Rev P4  
Vehicle Swept Path Analysis 24 of 24 P7623 Rev P4  
Vehicle Swept Path Analysis Overall Plan P7624 Rev P2  
Cycleway Access from Magdalen Lane P7702 Rev P2  
Tree Planter Details P5605 Rev P2  
Tree Pit Verge Detail P5606 Rev P1  
Flood Risk and Drainage  
Drainage Construction Details Sheet 1 of 2 P5600 Rev P2  
Drainage Construction Details Sheet 2 of 2 P5601 Rev P3  
Drainage Layout Overall Plan P5032 Rev P4  
Drainage Layout Sheet 1 of 33 P5000 Rev P5  
Drainage Layout Sheet 2 of 33 P5001 Rev P3  
Drainage Layout Sheet 3 of 33 P5002 Rev P5  
Drainage Layout Sheet 4 of 33 P5003 Rev P5  
Drainage Layout Sheet 5 of 33 P5004 Rev P4  
Drainage Layout Sheet 6 of 33 P5005 Rev P5  
Drainage Layout Sheet 7 of 33 P5006 Rev P5  
Drainage Layout Sheet 8 of 33 P5007 Rev P5  
Drainage Layout Sheet 9 of 33 P5008 Rev P5  
Drainage Layout Sheet 10 of 33 P5009 Rev P3  
Drainage Layout Sheet 11 of 33 P5010 Rev P4  
Drainage Layout Sheet 12 of 33 P5011 Rev P5  
Drainage Layout Sheet 13 of 33 P5012 Rev P4  
Drainage Layout Sheet 14 of 33 P5013 Rev P4  
Drainage Layout Sheet 15 of 33 P5014 Rev P4  
Drainage Layout Sheet 16 of 33 P5015 Rev P3  
Drainage Layout Sheet 17 of 33 P5016 Rev P3  
Drainage Layout Sheet 18 of 33 P5017 Rev P4  
Drainage Layout Sheet 19 of 33 P5018 Rev P5  
Drainage Layout Sheet 20 of 33 P5019 Rev P3

Drainage Layout Sheet 21 of 33	P5020 Rev P4
Drainage Layout Sheet 22 of 33	P5021 Rev P4
Drainage Layout Sheet 23 of 33	P5022 Rev P4
Drainage Layout Sheet 24 of 33	P5023 Rev P4
Drainage Layout Sheet 25 of 33	P5024 Rev P4
Drainage Layout Sheet 26 of 33	P5025 Rev P5
Drainage Layout Sheet 27 of 33	P5026 Rev P5
Drainage Layout Sheet 28 of 33	P5027 Rev P4
Drainage Layout Sheet 29 of 33	P5028 Rev P4
Drainage Layout Sheet 30 of 33	P5029 Rev P5
Drainage Layout Sheet 31 of 33	P5030 Rev P4
Drainage Layout Sheet 32 of 33	P5031 Rev P4
Drainage Layout Sheet 33 of 33	P5033 Rev P2
Impermeable Plan Area Sheet 1 of 8 Pond 1	P1200 Rev P5
Impermeable Plan Area Sheet 2 of 8 Pond 2	P1201 Rev P5
Impermeable Plan Area Sheet 3 of 8 Pond 3	P1202 Rev P5
Impermeable Plan Area Sheet 4 of 8 Pond 4	P1203 Rev P5
Impermeable Plan Area Sheet 5 of 8 Pond 5	P1204 Rev P5
Impermeable Plan Area Sheet 6 of 8 Pond 6	P1205 Rev P5
Impermeable Plan Area Sheet 7 of 8 Pond 7 and 7A	P1206 Rev P5
Impermeable Plan Area Sheet 8 of 8 Overall Plan	P1207 Rev P5
Pond 1 Sections Network 1 Sheet 1 of 6	P5650 Rev P3
Pond 2 Sections Network 3 Sheet 2 of 6	P5651 Rev P4
Pond 4 Sections Network 2 Sheet 3 of 6	P5652 Rev P3
Pond 5 Sections Network 4 Sheet 4 of 6	P5653 Rev P3
Pond 7A Sections Network 5 Sheet 5 of 6	P5654 Rev P3
Pond 7B Sections Network 5 Sheet 6 of 6	P5655 Rev P5
Bridge Sections and Flood	
Compensation Calculations	
Western Structure	P7350 Rev P3
Bridge Sections and Flood	

Compensation Calculations

Eastern Structure P7351 Rev P4

Bridge Sections and Flood

Compensation Calculations

Eastern Cycle Link Structure P7352 Rev P3

Flood Risk Assessment Addendum 1628w001 Rev P4

Flood Risk Assessment Technical Note 1628w0012/JRAC

Sports Pitch Layout P5750 Rev P2

Landscape

Landscape Environmental Specification and Management Plan Rev E

Landscape and Ecological Strategy Plan 10042-L-01 Rev G

Ecological Enhancements Plan Wildlife Boxes and Other Features 10042-FPCR-XX-ZZ-DR-L-0045 Rev P02

Landscape Signage Strategy 10042-L-02 Rev A

LEAP 1 IDV-PD 1042-01

LEAP 2 IDV-PD 1042-02

NEAP and MUGA IDV-PD 1042.03 Rev A

Tree Pit Section 10042-FPCR-CC-ZZ-DR-L-0049 Rev P01

Landscape Proposal Sports Pitch Plan 10042-FPCR-XX-ZZ-DR-L-0048 Rev P02

Woodland Trail Plan 10042-FPCR-XX-ZZ-DR-L 0046 Rev P02

Allotment Scheme Plan 10042-FPCR-XX-ZZ-DR-L-0047 Rev P02

Sheet Layout Plan 10042-FPCR-XX-ZZ-DR-L-0001 Rev P06

Detailed Planting Plan Sheet 1 of 43 10042-FPCR-XX-ZZ-DR-L0002 Rev P05

Detailed Planting Plan Sheet 2 of 43 10042-FPCR-XX-ZZ-DR-L0003 Rev P05

Detailed Planting Plan Sheet 3 of 43 10042-FPCR-XX-ZZ-DR-L0004 Rev P06

Detailed Planting Plan Sheet 4 of 43 10042-FPCR-XX-ZZ-DR-L0005 Rev P06

Detailed Planting Plan Sheet 5 of 43 10042-FPCR-XX-ZZ-DR-L0006 Rev P05

Detailed Planting Plan Sheet 6 of 43 10042-FPCR-XX-ZZ-DR-L0007 Rev P06

Detailed Planting Plan Sheet 7 of 43 10042-FPCR-XX-ZZ-DR-L0008 Rev P05

Detailed Planting Plan Sheet 8 of 43 10042-FPCR-XX-ZZ-DR-L0009 Rev P05

Detailed Planting Plan Sheet 9 of 43 10042-FPCR-XX-ZZ-DR-L0010 Rev P05

Detailed Planting Plan Sheet 10 of 43 10042-FPCR-XX-ZZ-DR-L0011 Rev P06

Detailed Planting Plan Sheet 11 of 4310042-FPCR-XX-ZZ-DR-L0012 Rev P06  
Detailed Planting Plan Sheet 12 of 4310042-FPCR-XX-ZZ-DR-L0013 Rev P05  
Detailed Planting Plan Sheet 13 of 4310042-FPCR-XX-ZZ-DR-L0014 Rev P05  
Detailed Planting Plan Sheet 14 of 4310042-FPCR-XX-ZZ-DR-L0015 Rev P05  
Detailed Planting Plan Sheet 15 of 4310042-FPCR-XX-ZZ-DR-L0016 Rev P05  
Detailed Planting Plan Sheet 16 of 4310042-FPCR-XX-ZZ-DR-L0017 Rev P05  
Detailed Planting Plan Sheet 17 of 4310042-FPCR-XX-ZZ-DR-L0018 Rev P05  
Detailed Planting Plan Sheet 18 of 4310042-FPCR-XX-ZZ-DR-L0019 Rev P05  
Detailed Planting Plan Sheet 19 of 4310042-FPCR-XX-ZZ-DR-L0020 Rev P05  
Detailed Planting Plan Sheet 20 of 4310042-FPCR-XX-ZZ-DR-L0021 Rev P06  
Detailed Planting Plan Sheet 21 of 4310042-FPCR-XX-ZZ-DR-L0022 Rev P06  
Detailed Planting Plan Sheet 22 of 4310042-FPCR-XX-ZZ-DR-L0023 Rev P05  
Detailed Planting Plan Sheet 23 of 4310042-FPCR-XX-ZZ-DR-L0024 Rev P05  
Detailed Planting Plan Sheet 24 of 4310042-FPCR-XX-ZZ-DR-L0025 Rev P05  
Detailed Planting Plan Sheet 25 of 4310042-FPCR-XX-ZZ-DR-L0026 Rev P05  
Detailed Planting Plan Sheet 26 of 4310042-FPCR-XX-ZZ-DR-L0027 Rev P05  
Detailed Planting Plan Sheet 27 of 4310042-FPCR-XX-ZZ-DR-L0028 Rev P05  
Detailed Planting Plan Sheet 28 of 4310042-FPCR-XX-ZZ-DR-L0029 Rev P05  
Detailed Planting Plan Sheet 29 of 4310042-FPCR-XX-ZZ-DR-L0030 Rev P05  
Detailed Planting Plan Sheet 30 of 4310042-FPCR-XX-ZZ-DR-L0031 Rev P05  
Detailed Planting Plan Sheet 31 of 4310042-FPCR-XX-ZZ-DR-L0032 Rev P05  
Detailed Planting Plan Sheet 32 of 4310042-FPCR-XX-ZZ-DR-L0033 Rev P05  
Detailed Planting Plan Sheet 33 of 4310042-FPCR-XX-ZZ-DR-L0034 Rev P05  
Detailed Planting Plan Sheet 34 of 4310042-FPCR-XX-ZZ-DR-L0035 Rev P05  
Detailed Planting Plan Sheet 35 of 4310042-FPCR-XX-ZZ-DR-L0036 Rev P05  
Detailed Planting Plan Sheet 36 of 4310042-FPCR-XX-ZZ-DR-L0037 Rev P05  
Detailed Planting Plan Sheet 37 of 4310042-FPCR-XX-ZZ-DR-L0038 Rev P05  
Detailed Planting Plan Sheet 38 of 4310042-FPCR-XX-ZZ-DR-L0039 Rev P05  
Detailed Planting Plan Sheet 39 of 4310042-FPCR-XX-ZZ-DR-L0040 Rev P05  
Detailed Planting Plan Sheet 40 of 4310042-FPCR-XX-ZZ-DR-L0041 Rev P05  
Detailed Planting Plan Sheet 41 of 4310042-FPCR-XX-ZZ-DR-L0042 Rev P05



Detailed Planting Plan Sheet 42 of 4310042-FPCR-XX-ZZ-DR-L0043 Rev P05

Detailed Planting Plan Sheet 43 of 4310042-FPCR-XX-ZZ-DR-L0044 Rev P05

Sustainability

Energy Statement SOL\_21\_S008\_LRM Issue 4

Sustainable Design and Construction Statement SOL21S008\_LRM Issue 4

Section 38 Agreement Layout Sheet 1 of 26 P7100 Rev P4

Section 38 Agreement Layout Sheet 2 of 26 P7101 Rev P3

Section 38 Agreement Layout Sheet 3 of 26 P7102 Rev P4

Section 38 Agreement Layout Sheet 4 of 26 P7103 Rev P4

Section 38 Agreement Layout Sheet 5 of 26 P7104 Rev P4

Section 38 Agreement Layout Sheet 6 of 26 P7105 Rev P4

Section 38 Agreement Layout Sheet 7 of 26 P7106 Rev P4

Section 38 Agreement Layout Sheet 8 of 26 P7107 Rev P4

Section 38 Agreement Layout Sheet 9 of 26 P7108 Rev P4

Section 38 Agreement Layout Sheet 10 of 26 P7109 Rev P3

Section 38 Agreement Layout Sheet 11 of 26 P7110 Rev P4

Section 38 Agreement Layout Sheet 12 of 26 P7111 Rev P4

Section 38 Agreement Layout Sheet 13 of 26 P7112 Rev P3

Section 38 Agreement Layout Sheet 14 of 26 P7113 Rev P3

Section 38 Agreement Layout Sheet 15 of 26 P7114 Rev P3

Section 38 Agreement Layout Sheet 16 of 26 P7115 Rev P3

Section 38 Agreement Layout Sheet 17 of 26 P7116 Rev P4

Section 38 Agreement Layout Sheet 18 of 26 P7117 Rev P3

Section 38 Agreement Layout Sheet 19 of 26 P7118 Rev P3

Section 38 Agreement Layout Sheet 20 of 26 P7119 Rev P3

Section 38 Agreement Layout Sheet 21 of 26 P7120 Rev P3

Section 38 Agreement Layout Sheet 22 of 26 P7121 Rev P4

Section 38 Agreement Layout Sheet 23 of 26 P7122 Rev P4

Section 38 Agreement Layout Sheet 24 of 26 P7123 Rev P3

Section 38 Agreement Layout Sheet 25 of 26 P7124 Rev P3

Section 38 Agreement Layout Sheet 26 of 26 P7125 Rev P3

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

2. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev D shall take place until samples of materials to be used in the construction and finish of walls and roofs for that phase have been made available on site for the inspection by the Local Planning Authority and they have been approved in writing by the Local Planning Authority. The samples shall include sample panels measuring 1 metre by 2 metres of each principal facing material, which shall include details of coursing, mortar mix and pointing. The sample panels shall be retained on-site until they have been approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality.

3. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev D shall take place until detailed drawings (at a scale of not less than 1:20) showing the design, materials and construction specifications of external doors and windows for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: In order to ensure that the details are of sufficient standard.

4. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev D shall take place until a scheme showing details of all external vents, flues and utility meter boxes for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

5. The development hereby approved shall proceed only in strict accordance with the details set out in the Arboricultural Method Statement dated: March 2023, with associated Tree Protection Plans ref: 10042-T-03 C - 10042-T-13 C and details contained within the Veteran Tree Assessment dated: March 2023.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

6. In implementing the landscape planting hereby permitted, the following species must not be planted within 10m of the A35:

Blackthorn (*Prunus spinosa*) Page 290

Goat willow (*Salix caprea*)  
Crack willow (*Salix fragilis*)  
Dogwood (*Cornus sanguinea*)  
Italian alder (*Alnus cordata*)  
Bird cherry (*Prunus avium*)  
Quaking Aspen (*Populus tremulans*)  
Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the A35 trunk road carriageway or any significant National Highways asset:

Silver Birch (*Betula pendula*)  
Austrian Pine (*Pinus nigra*)  
Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*)  
English Oak (*Quercus robur*)

Reason: To ensure the safe and efficient operation of the strategic road network.

7.No development above damp proof course level shall take place within a sub-phase of development, until a plan showing the sub-phasing arrangements for the development hereby approved in relation to the visibility splay areas shown on Drawing Number 1628 P7150 P4 has been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation or the utilisation of each agreed sub-phase, the approved visibility splays as per Drawing Number 1628 P7150 P4 shall be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

8.Prior to the construction of the vehicular access to the rear of plots 700-707 inclusive as shown on Drawing Number 1859 1100 Rev E, a scheme showing how the vehicular access to the rear of plot 707 will be signposted and marked to ensure the access is used for the purpose of Entry Only, shall be submitted and approved in writing to the Local Planning Authority. The approved scheme shall be implemented prior to the occupation or utilisation of plots 700 to 707 and, thereafter, must be permanently maintained for the purpose specified.

Reason: To ensure safe entry and exit to and from the site onto the highway.

## **Informative Notes:**

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 1 May 2019.

2. Informative: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

3. Informative: The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Development team. They can be reached by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

4. Informative: There is a requirement for condition 22 of the outline planning permission to provide a plan showing the sub-phasing arrangements for the development hereby approved in relation to the access, geometric highway layout, turning and parking areas shown on Drawing Number 1859 1100 Rev E.

5. Informative: The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website [www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering](http://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering).

6. Informative: Plans of the Skills Academy shall be submitted to and agreed by the Local Planning Authority in the discharge of condition 20 of the outline permission for the agreement of a Construction Traffic Management Plan.

7. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 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 applications/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.
- The applicant was provided with pre-application advice.

This page is intentionally left blank

<b>Application Number:</b>	P/RES/2021/04848
<b>Webpage:</b>	<p>The planning application documents for P/RES/2021/04848 are available here: <a href="http://dorsetforyou.com">Planning application: P/RES/2021/04848 - dorsetforyou.com</a> (<a href="http://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a>)</p> <p>The Design Code can be viewed via the following links:  <a href="#">BackgroundCommitteePaperBridportDesignCodePart1.pdf</a> (<a href="http://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a>)  <a href="#">BackgroundCommitteePaperBridportDesignCodePart2.pdf</a> (<a href="http://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a>)</p>
<b>Site address:</b>	Land at Foundry Lea Vearse Farm Bridport
<b>Proposal:</b>	Construction of 760 dwellings, public open space (including play space and landscape planting), allotments, an orchard, sports pitch provision, with associated changing rooms and car parking, pedestrian, cycle and vehicular links, drainage works and associated infrastructure (Reserved matters application to determine appearance, landscaping, layout and scale following the grant of Outline planning permission number WD/D/17/000986)
<b>Applicant name:</b>	Barratt David Wilson Homes
<b>Case Officer:</b>	James Lytton-Trevers
<b>Ward Member(s):</b>	Cllr. Bolwell; Cllr. Clayton; Cllr. Williams

## 1.0 Reason for committee determination

Given the scale, history and significant local interest, the Head of Planning has exercised his powers under the constitution for this application to be considered by committee.

## 2.0 Summary of recommendation:

That delegated authority be granted to the Head of Planning and the Service Manager for Development Management and Enforcement for the approval of reserved matters, subject to the discharge of any outstanding conditions on the outline planning permission (WD/D/17/000986) which are required to be discharged prior to the approval of the reserved matters (conditions 2 for the phasing, 6 for a Design Code, 7 for the LEMP, 38 for the road crossings over the river and 39 for floor levels of the dwellings) and subject to conditions as set out in this report, with the relevant plan number and revision number to be entered in conditions no. 2, 3 and 4.

### 3.0 Reason for the recommendation:

- The proposed development is considered to be of an appropriate appearance, layout and scale, with appropriate landscaping incorporated. As such, the proposed development is considered to be in accordance with local and national policy objectives.
- The appearance of the housing, with five distinctive character areas, would respond to the appearance of housing in Bridport.
- The layout of the housing, community infrastructure, movement network, drainage and affordable housing would meet the requirements necessary for the scheme to function and integrate with Bridport.
- The landscaping would conserve and enhance the AONB, biodiversity and existing trees and hedges and provide appropriate new planting.
- The scale would be appropriate to the characteristics of the site including the lie of the land and location within it.
- The proposal would comply with the West Dorset, Weymouth & Portland Local Plan, the Bridport Area Neighbourhood Plan and the National Planning Policy Framework (NPPF).
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

### 4.0 Key planning issues

Issue	Conclusion
Principle	The principle was established in the granting of outline planning permission where means of access, parameter, Green Infrastructure and Scale and Density plans formed the approved documents.
Appearance	The appearance of the proposals would be acceptable and would comply with LP policies ENV10 and ENV12 and BANP policy D8 and the requirements of the NPPF.
Landscaping	The Landscape Environmental Specification & Management Plan is considered to be acceptable and would deliver appropriate landscaping, biodiversity enhancement and conserve and enhance the AONB. It complies with LP Policies ENV1, ENV2 and ENV10, BANP policies L1 and L2 and the requirements of the NPPF.
Layout of housing and Community Infrastructure	The details of the layout of the buildings in each character area and the community



	infrastructure would be acceptable and comply with LP policies ENV4, ENV10, ENV11, ENV12, ENV16, BANP policies D6 and D8 and the requirements of the NPPF.
Layout of roads, footpaths and cycle paths	The proposed layout would enhance connectivity, providing safe and convenient access for pedestrians, cyclists and motorists. It would promote more sustainable means of travel through walking and cycling. The proposed layout would comply with LP Policies ENV11, COM7 & COM9 and BANP Policies D3, AM1, AM3 & H6 and the requirements of the NPPF.
Layout of foul and surface water drainage	The layout of the drainage strategy details submitted for the site are acceptable and would comply with LP policy ENV5 and BANP policy D5 and the requirements of the NPPF.
Layout of affordable housing and self-build	The layout of the affordable housing and self-build units for the site are acceptable and would comply with LP policy HOUS1 and BANP policies H2 and H7 and the requirements of the NPPF.
Scale	The proposal would be of an appropriate scale making efficient use of land and would comply with LP policies ENV12 and ENV 15 and BANP Policy D5 and the requirements of the NPPF.
Other matters	The houses would meet current and future energy standards, would be available to local people where there would be a variety of house sizes available. Construction would benefit employment and be subject to details to be agreed by condition.

## 5.0 Description of Site

5.1 The application site comprises a number of open fields to the west of Bridport town centre and the Bridport Area Conservation Area. It is within the Dorset Area of Outstanding Natural Beauty and allocated within the Local Plan for mixed development. The farmland forms part of Vearse Farm, which includes a grade II listed farmhouse and boundary walls. There are a number of buildings within the farmstead. The application site measures approximately 43.3 hectares. The land is mainly agricultural divided into fields by hedgerows and some trees.

5.2 The site is south of West Road which currently provides the only access into the site down a straight farm track which leads southwards towards the farm buildings. A number of public rights of way cross the site.

5.3 The site adjoins the A35 to the west and the B3162 West Road to the north.

5.4 The land is within flood risk zone 1 excepting for the land near to the River Simene which flows through the northern part of the site.

5.5 The land rises from north to south where the topography is varied. The highest point of the site is c.36AOD (to the south) and the lowest point is c.7AOD in the north-eastern edge of the site. The gradients in the eastern, south-eastern and western areas of the site are gentle and in the central and southern areas of the site steeper.

5.6 There are no designated nature reserves within the site.

## 6.0 Description of Development

6.1 This reserved matters application only covers the residential element of the scheme together with associated open spaces. The northern parcel of development that includes a local centre, employment uses, and a care home do not form part of this application.

6.2 Following concerns raised by the Officer and consultees, the proposals have been revised and a second round of consultation undertaken. The revisions were chiefly to the layout, house types, materials and landscaping. As a result of the re-consultation nearly all objections have been withdrawn.

6.3 The proposals, as revised, would comprise of the following:

### Housing

760 dwellings built in 31 different house types would contain 94% housing and 6% flats:

1 Bed	28	4%
2 Bed	194	26%
3 Bed	318	42%
4 Bed	212	28%
5 Bed	8	1%

Built in 15 different house types would contain:

40% affordable housing (302 dwellings). This includes an increase of 36 dwellings above the 35% which is required by the S106 agreement in order to be policy compliant.

70% rented units (186 dwellings) and 30% shared ownership (80 dwellings). 5% of the rented units as Category 2: Accessible and Adaptable Dwellings.

The additional 36 affordable units would be provided by a Homes England grant fund.

### Self-build

Three areas (0.4ha) of self build units where mains services and access would be provided.

### Landscaping

Specific Character Areas comprising:

A Country Park along the River Simene corridor;

Woodland walks along the site's western and southern boundaries;

Green links and squares;

A circular leisure route; and

A primary green movement link, which is referred to as the Cycle Street.

### Play areas

These would include:

Two Locally Equipped Areas of Play (LEAPs) located on the eastern arm of the Loop Road and within the 'green square' and in the south east of the site;

A Multi-Use Games Area (MUGA) north east of the playing pitch;

A Neighbourhood Equipped Area of Play (NEAP) south of the MUGA; and,

A Woodland Play Trail in the west of the site.

### Allotments and orchard

0.5ha allotments west of the loop road;

0.25ha orchard near to the river.

### Playing field

Football pitches, changing rooms and car park

## Access

Internal roads to land adjacent to Pine View, the school site (6.75m carriageway, plus 2m footways and 3m cycleway) and mixed use land (7.3m carriageway).

East-to-west cycle/pedestrian routes (5m segregated);

Two North-to-south cycle/pedestrian routes (3m);

Circular pedestrian route;

Three public electric vehicle charging points;

Bus stop;

Land for a community bicycle pool;

Bicycle shelter;

Bicycle maintenance hub and drinking fountain;

1577 allocated parking spaces mostly within plots or garages/car ports;

237 visitor spaces;

On Plot Parking	537
On Street Parking	550
Garage Parking (in curtilage)	221
Car Port (within curtilage)	18
Rear Parking Court	251
Visitor Shared	102
Visitor on Street	135

Electric vehicle charging points for all dwellings consistent with Part S of the Building Regulations.

Cycle parking for each home, either in rear gardens or garages.

Bin/recycling stores.

## Foul and surface water

A number of drainage basins for surface water attenuation;

Mains sewer connection to Magdalen Lane and a sewage pumping station.

The basins would be protected from the predicted 1 in 100 year event, plus an allowance for climate change, a 40% allowance for climate change rather than the 30% allowance at the principal decision stage, a 10% allowance for urban creep which was not included at the principal decision stage and an allowance of 3.5 litres per second discharge from the school site.

### Energy efficiency

The energy efficiency of the dwellings has now been updated since the original submission and the revised scheme to now comply with the 2021 Building Regulations. The three phases of dwellings being constructed originally proposed, which took into account 2013 Building Regulations, would now be divided between 2021 and 2025 Building Regulations:

Dwellings to comply with 2021 Building Regs would have 850 m2 roof mounted PV panels, passive design measures and gas fired combi-boilers. Electric vehicle charging within plot parking.

Dwellings to comply with anticipated 2025 Building Regs would have 1180 m2 roof mounted PV panels and air source heat pumps. This can be confirmed once future legislation for the Future Homes Standards are known.

### Skills Academy

A building containing classrooms and workshop.

## **7.0 Relevant Planning History**

WD/D/17/000986 Decision: GRANTED Decision Date: 02/05/2019

Outline application for the development of up to 760 dwellings, 60 unit care home (Use Class C2), 4 hectares of land for employment (Use Classes B1, B2, B8), mixed use local centre (Use Classes A1, A2, A3, A4, A5, B1, C3 and D1), primary school and associated playing fields (Use Class D1), areas of public open space and allotments, drainage works, the formation of new vehicular accesses to West Road and the formation of new pedestrian and cycle links.

The Outline permission was granted with all matters reserved except for means of access. The vehicular access to the site was to be fixed via two new junctions with West Road (B3162). The easternmost of these would be positioned opposite no. 3 West Mead and the westernmost would be positioned opposite the access to Symondsburry Estate Business Park. The reserved matters would be only for layout, scale, appearance and landscaping. The permission was subject to conditions and a Section 106 Agreement.

In summary the outline permission secured the following through conditions and a s106 Agreement:

Affordable housing provision

Provision of primary school

Junction improvement to Miles Cross (A35)

Traffic calming facilities on the B3162

Traffic calming associated with the new footway/cycle access to Magdalen Lane

Minor improvement at the mini-roundabout junction of the B3162 West Allington/North Allington junction

Upgrade and improvement of the existing Public Footpath linking Magdalen Lane to the Town Centre via the Dreadnought Trading Estate to a public Bridle path for the use of pedestrians and cyclists.

The creation of pedestrian/cycle links to Pine View and Coronation Road

Employment – minimum 4 ha of land allocated for employment uses.

Local infrastructure provision - including 22 ha made up of outdoor sports pitches, play facilities, allotments, and public open space; local centre; care home; drainage works; and strategic landscape planting.

Strategic landscape planting and hedgerow replacement

Upgrade of facilities at Bridport Medical Centre

The conditions, in brief, covered the following matters:

1. Five approved plans for the location, priority junction layout from the B3162, Parameters, Green Infrastructure and Scale & Density;
2. Approval of a Phasing plan;
3. The matters to be reserved being layout, scale, appearance and landscaping;
- 4 – 5. The reserved matters be made within 10 years of the outline and commencement within 2 years of approval of each reserved matter;
6. Approval of a Design code;
7. Approval of a Landscape Environment Management Plan;
8. Approval of a Highways layout based upon the principles in the approved “KEY PRINCIPLES: ACCESS AND MOVEMENT contained within the Vearse Farm Masterplan;
- 9-11. A scheme of tree protection, landscaping and planting;
12. Not exceeding 760 dwellings;
13. No less than 4 hectares of employment land for the provision of Use Classes B1, B2 and B8 industrial uses; a mixed use local centre of Use Classes A1, A2, A3, A4, A5, B1, C3 and D1; a serviced site of 2 ha to provide a new, one-form entry, primary school with associated grounds, playing fields and parking, with the site sized to accommodate a 2-form entry school (Use Class D1); and, a 60-bed residential care home (Use Class C2).
14. A care home;
- 15-16. Employment buildings and approved uses (B1, B2 and B8) to ensure that the B2 and B8 uses are buffered by other buildings;
17. Broadband provision;
18. Eastern Access provision;
19. Western Access provision before 300 dwellings occupied;
20. Construction Traffic Management Plan;
21. Highways Detail for layout, turning and parking areas;

22. Travel Plan;
23. Cycle Parking Facilities;
- 24-26. Miles Cross junction improvement; Walking, Cycling and Horse Riding Assessment and Review (WCHAR) for the Miles Cross junction;
- 27-29. Land contamination;
30. Archaeology;
31. Magdalen Lane link;
32. Pine View link after 400 occupied;
33. Multi-Use Games Area (MUGA) after 400 dwellings occupied;
34. Neighbourhood Equipped Area for Play (NEAP) after 400 dwellings occupied;
35. Locally Equipped Area for Play (LEAP) after 200 dwellings occupied;
36. Second Locally Equipped Area for Play (LEAP) after 500 dwellings occupied;
37. Woodland Play Trail after 500 dwellings occupied;
38. Access roads crossing Flood Zones 3 & 2 (the floodplain) and the compensatory floodplain storage scheme in accordance with the Flood Risk Assessment (Brookbanks, Ref: 10006/FRA/01, Rev. 2, dated 28 March 2017) before reserved matters.
39. Finished floor levels;
40. No general storage of any materials including soil, no raising of ground levels, no Sustainable Drainage System features, or erection of buildings / structures within the floodplain (Flood Zones 3 and 2);
41. Surface water management scheme;
42. Strategic surface water management scheme;
43. Surface water sustainable drainage scheme;
44. Foul drainage disposal scheme;
45. Foul Water drainage strategy;
46. Each dwelling or building before it is occupied served by a properly consolidated and surfaced footway and carriageway;
47. Means of vehicular access to the residual part of the allocated site to the east (Land adjacent to Coronation Road/Pine View) and the site boundary;

The section 106 Agreement, in summary, makes obligations for:

- 35% of the dwellings to be affordable with 70% of those being affordable rented and 30% shared ownership.
- Self-build land
- Provision of allotments
- Provision of employment land, including affordable employment land.
- Marketing of local centre.
- Provision and delivery of a sports pitch scheme.
- Provision of 2 locally equipped areas of play, a neighbourhood equipped area of play and a multi-use games area.

- Provision of open space
- Submission and implementation of landscape environment management plan.
- Hedgerow payments
- Bridport leisure centre payment
- Healthcare provision payment
- Continuation link
- School site and its transfer to the Council.
- Education contribution payment.
- Miles Cross junction works.
- B3162 contribution.
- New footway/cycle access traffic calming works
- Mini roundabout minor improvement works
- Existing public footpath improvement contribution.
- Biodiversity compensation payment.
- Surface water drainage scheme.

The development was “EIA development” for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the latest EIA Regulations that came into force on 16th May 2017. The application was accompanied by an Environmental Statement (ES).

A Master Plan accompanied the application, but it was neither an approved plan nor referred to in the decision notice or Section 106 Agreement.

P/FUL/2021/01895 Decision: GRANTED Decision Date: 14/12/2021

Construction of a pedestrian/cycle link between Pine View and the Vearse Farm development (granted outline planning permission in May 2019 under planning reference WD/D/17/000986)

P/NMA/2021/05028 Decision: GRANTED Decision Date: 14/3/2022

Amendment to Outline Planning Permission reference WD/D/17/000986 to increase the footway on the western side of the western access to 3m.

Applications for the discharge of the following conditions of the outline permission WD/D/17/000986 are currently under consideration (these conditions are required to be discharged before approval of the reserved matters):

Condition 2 for approval of a phasing of the development;



Condition 6 for approval of a Design Code;

Condition 7 for approval of a Landscape Environment Management Plan (LESMP);

Condition 38 for approval of flood mitigation measures; and,

Condition 39 for approval of floor levels.

The application has been subject to a Planning Performance Agreement which has included pre-application advice.

## **8.0 List of Constraints**

Within defined development boundary.

Grade: II Listed Building: MAGDALEN FARM HOUSE List Entry: 1228712.0 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

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

Landscape Character; Undulating River Valley; Brit Valley

Landscape Character; urban area; Bridport

Area of Outstanding Natural Beauty (AONB); Dorset (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)

Tree Preservation Order - (26 Magdalen Lane, Bridport)

Tree Preservation Order - (Westmead House, Symondsburry)

Footpath W18/3

Footpath W18/7

Footpath W18/2

Footpath W18/6

Footpath W18/4

Footpath W3/9

Footpath W18/5

Footpath W18/95

Footpath W18/8

Areas Susceptible to Groundwater Flooding

Agricultural grade: Grade 3a

Agricultural grade: Grade 3b

SSSI impact risk zone

Tertiary River

Secondary River

Primary River Simene

Flood Zone 3

Flood Zone 2

Contaminated Land

Agreement under Section 106 Agreement of the Town and Country Planning Act 1990  
(WD/D/17/000986)

## **9.0 Consultations**

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

### **Consultees**

A second round of consultation was undertaken for the revised proposals and any comments received are included below each consultee.

#### **9.1 National Highways – No objection**

- Conditional that some tree species should not be planted either within 10m of the highway's estate, or within a distance where at maturity a tree would be within falling distance of the carriageway.
- The planning authority will need to be satisfied with regards to the adequacy of the noise assessment undertaken and any mitigation measures proposed.

#### **9.2 Sport England –Neutral on revised scheme (neither objection nor support)**

- Pitches may not be viable and the site would be better as a recreational ground rather than a formal playing pitch site and the pavilion would be better as an activity hub than a changing pavilion.

#### **9.3 Historic England - No comment**

#### **9.4 Wessex Water – No objection**

- The proposed attenuation ponds clash with the existing 150 mm diameter rising main in the northern quarter, but this would be diverted. This would be subject to satisfactory hydraulic conditions and formal permission from Wessex Water which has not yet been agreed.
- There is an existing 9 inch water main crossing the site and there must be no buildings, surface water attenuation features and associated earthworks, enclosed private gardens within a minimum of 5m either side of it.
- Measurements are given for a pipeline depth of between 900mm and 2000mm. The standoff distance may increase for a strategic water main due to material, size, depth and pressure.

- Within the submitted Flood Risk Assessment Addendum Ref: 1268w0001, dated 12 October 2021 the applicant has advised an intention to split the foul drainage for the site. The Drainage Layout Overall Plan Drawing shows a proposal for construction of a new, onsite, pumping station to pump flows from ~65% of the proposed development to a discharge point on the existing 300mm diameter public foul sewer east of the development site with the remaining ~ 35% of the development connecting to the same location by gravity. This proposal is different to the outline foul drainage strategy previously agreed and is currently being evaluated by Wessex Water and the applicant's consultants.
- Downstream sewer enhancement works are proposed by Wessex Water to ensure that development flows do not increase the risk of flooding or sewer overflow operation. The cost of enhancement is paid for by developers through the per property infrastructure charge. The current outline scheme is dependent on an on-site pumping station with storage based upon the total development with flows held at the pumping station during storm conditions and released into the network when capacity becomes available. Downstream improvements also include the construction of additional storage on the existing public network.
- The applicant is proposing to utilise onsite attenuation in the form of basins to capture and store surface water runoff with a controlled discharge to the existing open watercourse that runs through the site.
- Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement. Initial assessment recommends a point of connection off the existing 9" water main.
- Wessex Water is continuing to work with the applicant to agree an appropriate foul drainage strategy.

#### **9.5 Dorset Gardens Trust – No reply**

#### **9.6 Dorset Clinical Commissioning Group – Comment on revised scheme**

- In consideration of the last outline application, the impact of the significant increase in population would have on local primary care/GP services was raised and s106 contributions to support Bridport Medical Centre were requested (costs which have increased since then).

#### **9.7 Dorset Police - Crime Prevention Design Engineers – No reply**

#### **9.8 Dorset Council – Landscape - No objection to revised scheme**

#### **9.9 Education Officer – No reply**

### **9.10 Natural Environment Team –No objection to revised scheme**

- conditional of implementation of Landscape & Ecological Strategy Plan and Ecological Enhancement Plan, Wildlife Boxes & Other Features.

### **9.11 Flood Risk Manager – Highways – No reply**

### **9.12 Rights of Way Officer – Comments**

- In Rights of Way Circular (1/09) – Defra Oct 2009 any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic. Originally 3563m of rural pastoral PROW of which 2372m will be lost and altered into hard surfaces.
- To meet and exceed the net loss of PROW though provision of new PROW, enhanced existing PROW, implementation of good – meaningful - links out to the wider PROW network taking people out to the coast & countryside, sensitive design & infrastructure in keeping with the rural surrounding landscape.
- PROW W18/2 from the development site needs to better connect with PROW W18/1 to Symondsbury.
- Miles Cross Roundabout – safe crossing points to connect the network of PROW W18/48, UCRs & D roads.
- Opportunity to integrate PROW out of development to Broad Lane to connect with wider PROW network FP W18/22 enabling people to access West Bay. Create new PROW linking W18/3 with W18/5 to create a safe off road path adjacent to Broad Lane for walkers.
- Contingency payment for future maintenance of PROW.
- Conditions on the outline permission referring to links will need to be addressed.

### **9.13 Highways –No objection to revised scheme**

- Conditional of visibility splays, estate road construction & no entry marking.
- Visibility splays at junctions adequate.
- A cycle and pedestrian route bisects the site and connects the development with the town of Bridport.
- The carriageways are of a sufficient width and will enable service vehicles (refuse, etc.) and the primary loop road will allow buses. Vehicles speeds within the site will be kept below 30mph through the geometry of the highway layout and installation of speed calming features.
- The primary loop road has a minimum of 2.0m footways (in some cases 3.0m) on either side where houses are proposed. The secondary feeder roads also have 2.0m footways on either side where houses are proposed. The tertiary roads have a

minimum of a 2.0m footway on one side with a 0.5m pedestrian refuge / service margin on the other.

- The proposed parking provision is considered acceptable. The majority of houses have 2 spaces, the smallest units have 1 allocated with unallocated spaces included in the vicinity and the largest units have a minimum of 2 spaces plus 1 garage. Visitor parking is provided in off-street bays and informally on-street (it is important to note that the visitor bays indicated on-street are only done so indicatively – these bays will not be marked).

#### **9.14 Waste – Comments**

- There are no suitable turning points for collection vehicles in some areas. A lot of bin collection points are not marked on the Waste Collection Plan. Some of the distance bins need to be wheeled to the collection point are too lengthy. It appears there is an assumption that bins will be collected from some pavements/pathways a significant distance away from the collection vehicle (i.e. separated by grassed areas). Unclear how many properties bin stores will serve. Consideration needs to be given about where affected residents will store and/or present their materials for collection.

#### **9.15 Conservation Officer – No objection to revised scheme**

- Conditional of materials of construction.

#### **9.16 Trees - No objection to revised scheme**

- Conditional of Arboricultural Method Statement, Tree & Hedgerow protection, Hard Landscaping & tree planting
- The arboricultural information addresses the protection of soil structure around existing trees to be retained. Tree protection plan showing phased tree protection measures is appropriate.
- Use of *Robinia psuedoacacia* ill advised.

#### **9.17 Urban Design – No objection to revised scheme**

- Character areas: Central Vearse, Vearse Core, Park Edge and Countryside Edge reflect Bridport character.
- Density acceptable.
- The higher ground in the south western part of the site addressed through the orientation of some properties and access without steps.
- The scheme promotes walking and cycling with a segregated route that links with the town and to the school, footways of between 3m and 2m, conventional streets and shared spaces.
- An area for EV charging points, cycle shelter and bus stop.
- Considered approach to parking although some frontage car parking.

- House types reflect local context.
- Materials appropriate. Need to avoid too much red roof.
- Boundaries appropriate.

#### **9.18 Housing Enabling Team - Housing Need – No objection to revised scheme**

- The application proposes the provision of 35% affordable housing, (266 dwellings). This accords with the requirements of the s106 Legal Agreement. The Applicants propose to deliver an additional 36 dwellings as affordable housing, which means that the development will deliver just under 40% affordable housing in total.
- The affordable housing provision would be above the policy compliant level and would be secured in perpetuity through an appropriate Section 106 agreement to include a local lettings plan ensuring that the properties meet the local need. The affordable housing tenures offer 70% (186 dwellings) as affordable rented units and 30% (80 dwellings) would be shared ownership homes. The scheme further includes 5% of the affordable rented units as Cat 2 Accessible and Adaptable Dwellings.
- The housing register demonstrates that there is a significant need for quality affordable family housing with a high demand for a range of dwelling sizes and tenures which this development would assist in meeting.
- There is a tendency to deliver the affordable housing in blocks, with homes clustered on opposite sides of the street.

#### **9.19 Dorset AONB Team –No objection to revised scheme**

- The amendments have broadly addressed previous concerns. Whilst there will clearly be impacts on the designated landscape, these are of a significance anticipated at allocation/outline stages and have been mitigated to a degree by the revised detailed design of the development. There is a point of clarification about the implementation/management of some strategic landscaping in the southern area, outside the red line, but within the blue line, which we recommend the LPA confirm with the applicant.

#### **9.20 Public Health – No reply**

#### **9.21 Economic Development and Tourism – No reply**

#### **9.22 Land Drainage – No reply**

#### **9.23 Env. Services – Protection – No comment on revised scheme**

#### **9.24 Building Control West Team - No reply**

### **9.25 Libraries – No reply**

### **9.26 Street Lighting Team (West) – comments**

- Street lighting on the periphery should be avoided to reduce light spillage. Trees and lighting need to be coordinated with tree canopies shown. The shared surface areas (roads without any pavements) provide no safe locations for street lighting. The use of + vertical traffic calming features will require permanent all-night street lighting.

### **9.27 Outdoor Recreation – Comments**

- Loss of pastoral Public Rights of Way (PROW) as result of future diversions which will need separate permission regarding widths etc.
- Opportunity to create multi-user routes facilitating connectivity to the wider PROW network and area.
- Miles Cross provision for PROW.
- Health & Safety where PROWs cross roads.
- Will new routes be permissive or PROW.

### **9.28 Planning Policy – No comment**

### **9.29 Bridport Ward Members– No reply**

### **9.30 Symondsburry Parish Council –Neutral on revised scheme**

- It is noted that there is an improvement in the design approach. The Parish Council is generally in favour of the development and wishes to promote a successful development. However, it feels there is a requirement for further improvement in the reserved matters proposals so that the development can be truly successful and positively contribute to this important part of Dorset to enable a successful interface with both the surrounding rural areas and the coastal market town.
- Comments as before noting that street scenes, the relationship to the topography and parking have improved.
- The provision of a fully integrated comprehensive development solution for the entire site and its connections to the immediate environs.
- The full design and commitment to provide utilities services fully concluded with service providers.
- Improvements to the access and connectivity of the immediate area, the town centre and rural routes, so that the site does not become a self-contained island solution only.

- A commitment to provide the building standards and environmental requirements for a zero carbon target as already highlighted in government legislation and which is required by the BANP.
- The provision of a more balanced approach to residential unit design within the street scenes to create an optimum harmonious sense of place setting rather than a facade stage set.
- Ensure the detailed typology of elements within the residential design relate to the context of the existing area and provide a rich granularity within the design solution.
- Provide a true “pepper potted” affordable housing solution rather than a block solution.
- Provide a future proofed energy solution for the residential units and whole residential site that reflects the requirements of zero carbon and relates to the requirements of the BANP.
- Ensure the utilities service provision is concluded and provide for the entire site to prevent unacceptable compromises during development.
- Provide an improved green landscape solution to parking areas to soften the visual context.
- Provide further improvements to the soft landscape proposals to ensure a balanced graduation of mature tree provision through to whips and increase the area of tree cover. Improve the shallow margin areas of ponds to assure plant and biodiversity habitat provision.
- Establish a continuity solution to the main site access points so as not to leave the development as an island site and put pressure on the existing access network.

### **9.31 Bridport Town Council – Neutral on revised scheme**

Welcome:

- 36 additional affordable housing units;
- The Cycle Street, access from Magdalen Lane and Pine View;
- Electric vehicle charging points, bike pools/ hubs and bike storage;
- The Skills Academy;
- 6 units for social rent housing; and
- The acceptance that air source heat pumps and photovoltaic have a key role to play in later phases.

Previous comments still valid:

- A comprehensive mixed use development.

The application only covers the residential part and excludes the remaining mixed uses. Phasing Plan covering all aspects of the approved mixed-use development, a Design Code for the whole development and associated information for all elements of the development required. Committee should ensure the mixed use is delivered.

- Energy



- The Carbon Emissions Statement breaks down into three separate phases corresponding to changes to the Building Regulations; Phase 1 (Part L 2013), Phase 2 (Part L 2022) and Phase 3 (Future Homes Standards). The energy modelling proposed for Phases 2 and 3 looks to achieve BANP Policy CC3 requirement of 10% of unregulated emissions, offset through renewable technologies through roof mounted PV (phase 2) and roof mounted PV and ASHP (phase 3). The scheme should meet future standards beyond these that are zero rated. Can phasing plan in the revised Carbon Emissions Statement be made a formal condition of reserved matters approval?
- Housing
- No change in the housing mix. BANP Housing Needs Assessment showed that to meet projected housing needs new development should prioritise 1 and 2 bed properties including more social rent housing working with Bridport Area Community Housing CLT including the 8 self-build units.
- Open Spaces, Play & Sport Pitches Provision
- Prefer a single senior 3G pitch, be informed of its management and be involved as well as maintenance and management arrangements for allotments and other open spaces.
- Recognise
- Improved design and layout, positive relationship with developer, improved cycling infrastructure, reason not to delay and need to lobby to maximise compliance with net zero carbon targets.

### **9.32 Char Valley Parish Council – Comments (on revised scheme – no reply)**

- Insufficient attention has been given to the wider impact on the population west of Bridport.
- Traffic on the A35 has significantly increased causing delay to those accessing the town.
- Risks posed by extreme weather events, fires and floods related to the climate emergency and even terrorist attacks.
- The Miles Cross roundabout is essential.
- Reliance on West Road alone to take all traffic into and out of Foundry Lea seems extremely risky.
- Support the aim to encourage walking and cycling. The proposed cycle route improvements though the Dreadnought industrial estate should be paid for by the developers.
- Essential to plan so that Foundry Lea and West Bridport could be speedily evacuated if necessary.
- Access to west by walkers and cyclist curtailed by the A35.

### **9.33 Allington Parish Council – Objection to revised scheme**

Repeat comments made on outline application. These were:

- The two access roads onto West Road and the volume of traffic this will create.
- The already dangerous and fatal Miles Cross junction with all of this extra traffic heading in and out of this development. This junction needs to be addressed urgently if this development is to go ahead.
- The lack of cycleways and footpaths for a safer school route. Also concerned that what footpaths are shown do not appear to link up to anything. Safe access to town is still not satisfied.
- It would be beneficial to have an access road directly onto the bypass opposite the Eype turning (by putting in a junction/roundabout and doing away with the two lanes).
- Lack of character of the development.
- Potential noise pollution/implications from the proposed industrial estate and the vehicle movement for the current residents of West Road.
- Lack of infrastructure i.e. healthcare facilities etc.
- Certain areas of the plan (like area 10) may be infilled with houses at a later date which would be totally unacceptable.
- The area marked as 1 (but within Allington Parish) shows a row of houses along the road next to the garage - this could be visually intrusive for the residents opposite living in West Road, and therefore the correct planting scheme in front of these (where there is currently a hedge which could be left high) would need to be in force.
- Over development of an area of AONB.
- The need of greater infrastructure requirements before any development on green field sites all brown field sites should be used.

### **Representations received up to 28/1/22 on the original submission (revised scheme – see below)**

From individuals, Bridport Business Chamber, CPRE, Bridport Local Area Partnership and Advearse

92 Objections, 4 Support, 48 Comments

Numbers in brackets denote number who have commented.

#### **Objection/comment**

#### **Drainage and sewerage**

Increased sewage and surface water run-off/increased risk of flooding to the river Simene and further downstream (West Bay). (53)

#### **Infrastructure**

Community facilities affected by population increase - GP, hospital, schools and other local services. (33)

School, community facilities, care home, employment land should be delivered at the same time as the housing. (9)  
Adequacy of electricity supply. (5)  
New skate park, AstroTurf pitch and running track preferred. (3)  
Pub, church, shop or hall should be provided. (2)  
Broadband required. (2)  
New school would not relate to other education provision/may not be built. (2)  
Lack of integration of other uses with the residential. (1)  
Adequacy of water supply. (1)  
What will medical centre contribution be spent on. (1)  
Funds should go to playgrounds, seating, cycle paths, skate parks, social areas. (1)

### **Housing**

The scale of development is too large/unjustified/in an AONB. (17)  
House types/streets/materials appear to be standard and unimaginative and should be high quality design. (13)  
Affordable housing must remain in perpetuity/to include rented/more. (23)  
Potential to become second home owners or retirees. (8)  
Mix of house types needed including lower cost. (6)  
Houses should be built to adaptable and accessible standards. (5)  
Too few self-builds/timing unclear. (5)  
Affordable housing would not be affordable at only 80% of open market price. (3)  
More social rented units needed as opposed to affordable rent. (2)  
Too many large houses. (2)  
Masterplan should be prepared. (2)  
Inward looking and unrelated to the town. (2)  
Dwellings below minimum space standards. (2)  
Bin store provision/inadequate. (2)  
Houses should be freehold only with no management company fees. (1)  
Three storey houses would make more efficient use of land. (1)  
No fire sprinklers. (1)  
Inadequate gardens. (1)  
Some houses would have a poor outlook. (1)  
Density in West Mead at variance with outline. (1)

### **Access and movement**

Increased traffic congestion on A35, West Road, West Allington, other roads and in the town centre. (37)  
Noise and air pollution from additional vehicles using surrounding roads and from traffic calming. (14)  
Cycle and footpath links to other places/town centre unsuitable/inadequate/not segregated. (13)  
Bus stops and service should be provided. (11)  
Miles Cross junction improvements have not commenced. (9)  
Insufficient/too much parking/garages too small. (8)  
The development would lead to increased parking demand in the town centre. (8)  
The footways and carriageways along West Road and West Allington are too narrow including at the pinch point. (3)  
Inadequate access into the site. (3)

Capacity within proposal for cars, lorries, buses, tractors, disability vehicles, motorbikes, cyclists, pedestrians, prams and pets. (2)  
Chideock bypass should be completed before allowing this development. (2)  
Other developments in Bridport since the outline was granted increasing traffic. (1)  
Who will fund Miles Cross? (1)  
Effect on existing public rights of way. (1)  
Street lighting comments made by Council advisory or objection. (1)  
Loss of countryside walks. (1)

### **Construction**

CEMP required. (6)  
Construction workers will not be local. (4)  
Lack of local accommodation for the construction workers. (3)  
Construction traffic will cause nuisance to residents, particularly in early phases. (2)

### **Energy efficiency/future proofing**

Buildings should be built to meet future energy efficiency standards beyond 2025 (not just to 2013 Building regulations) and be of sustainable materials of construction/eco homes and not just to current standards which are lower. (62)  
No/inadequate electric vehicle charging points. (9)

### **Landscape and biodiversity**

Impact on biodiversity. (13)  
Inadequate landscaping, tree planting, effect on existing trees. (8)  
Loss of agricultural land. (4)  
Light pollution should be prevented. (3)  
More open space. (2)  
Bird population underestimated. (1)  
Nitrate assessment needed. (1)

### **Other**

Support Bridport Town Council comments (see above). (5)  
Should be Committee decision. (4)  
Lack of public consultation (by applicant). (3)  
Must meet requirements of Bridport Area Neighbourhood Plan. (3)  
Harmful to tourism. (2)  
More needed for the young. (2)  
Long term plan needed. (1)  
Developer should pay. (1)  
Smaller employment sites. (1)  
Design Code not supplied. (1)  
West Dorset born people at the Council would not have approved outline. (1)  
Loss of views. (1)  
Legal Agreements need to be signed. (1)

### **Support**

Photovoltaic (solar) panels. (4)  
Provision of affordable and extra affordable housing. (3)

Aspects of the layout work well and quite considered/great plans. (3)  
 Cycle lanes. (3)  
 Woodland and hedgerow planting. (3)  
 Provision of a skills Academy. (2)  
 Provides homes for local people. (2)  
 New footpaths. (2)  
 Electric Vehicle charging points. (2)  
 Removal of hedgerows minimised and protected. (2)  
 Provision of sports pitches, allotments, orchard, and new circular walks. (2)  
 Provision of cycle parking. (1)  
 Employment for builders. (1)  
 Social housing spread through the site. (1)  
 Fabric First construction. (1)  
 Help to maintain the viability of independent businesses in and around Bridport. (1)  
 Additional population will support the local Leisure Centre, Arts Centre, Electric Palace and numerous restaurants and hostelryes. (1)  
 Self-build will generate employment. (1)

### **Representations received on the revised scheme up to 11/7**

From individuals, Bridport Local Area Partnership and Advearse

9 Objections, 0 Support, 4 Comments

Numbers in brackets denote number who have commented.

### **Objection/comment**

#### **Drainage and sewerage**

Increased sewage and surface water run-off/increased risk of flooding to the river Simene and further downstream (West Bay). (11)

#### **Infrastructure**

Community facilities affected by population increase - GP, hospital, schools and other local services. (7)

School, community facilities, care home, employment land should be delivered at the same time as the housing. (7)

Adequacy of electricity supply. (5)

What will medical centre contribution be spent on? (1)

Industrial units potential bad neighbour. (1)

#### **Housing**

The scale of development is too large/unjustified/in an AONB. (3)

Affordable housing must remain in perpetuity/to include rented/more. (1)

Potential to become second home owners or retirees. (1)

Houses should be built to adaptable and accessible standards. (1)

More social rented units needed as opposed to affordable rent. (1)

Too many large houses. (1)

### **Access and movement**

Increased traffic congestion on A35, West Road, West Allington, other roads and in the town centre. (4)

Noise and air pollution from additional vehicles using surrounding roads and from traffic calming. (1)

Cycle and footpath links to other places/town centre unsuitable/inadequate/not segregated. (3)

Miles Cross junction improvements have not commenced. (2)

The development would lead to increased parking demand in the town centre. (6)

The footways and carriageways along West Road and West Allington are too narrow including at the pinch point. (5)

Effect on existing public rights of way. (1)

Speed limits need enforcing. (1)

### **Construction**

CEMP required. (1)

Construction workers will not be local. (1)

Lack of local accommodation for the construction workers. (1)

Construction traffic will cause nuisance to residents, particularly in early phases. (2)

### **Energy efficiency/future proofing**

Buildings should be built to meet future energy efficiency standards beyond 2025 (not just to 2013 Building regulations) and be of sustainable materials of construction and not just to current standards which are lower. (7)

### **Landscape and biodiversity**

Impact on biodiversity. (1)

Inadequate landscaping, tree planting, effect on existing trees. (1)

What screening proposed from West Road? (1)

### **Other**

Design Code inadequate. (1)

How long will development take? (1)

### **Support**

Provision of affordable and extra affordable housing. (1)

Aspects of the layout work well and quite considered/great plans. (1)

## **10.0 Development Plan - Relevant Policies**

### **West Dorset and Weymouth & Portland Local Plan (2015) (LP)** **Policies**

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 following policies are considered to be relevant to this proposal:

INT1 - Presumption in favour of Sustainable Development

- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV 16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- HOUS1 - Affordable housing
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and houses in multiple occupation
- COM1 - Making sure new development makes suitable provision of community infrastructure
- COM4 - New or improved local recreational facilities
- COM6 - The provision of education and training facilities
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The provision of utilities service infrastructure
- BRID 1 - Land at Vearse Farm

## **Neighbourhood Plans**

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

- CC1 Publicising Carbon Footprint
- CC2 Energy and Carbon Emissions
- AM1 Promotion of Active Travel Modes
- AM3 Footpath and Cycle path Network
- AM5 Connections to Sustainable Transport
- H1 General Affordable Housing Policy
- H2 Placement of Affordable Housing
- H4 Housing Mix and Balanced Community
- H6 Housing Development Requirements
- H7 Custom-Build and Self-build Homes
- CF3 Allotments
- HT2 Public Realm
- L1 Green Corridors, Footpaths, Surrounding Hills and Skylines
- L2 Biodiversity
- L5 Enhancement of the Environment

- D1 Harmonising with the Site
- D2 Programme of Consultation
- D3 Internal Transport Links
- D5 Efficient Use of Land
- D6 Definition of Streets and Spaces
- D7 Creation of Secure Areas
- D8 Contributing to the Local Character
- D9 Environmental Performance
- D10 Mitigation of Light Pollution
- D11 Building for Life

### **Material Considerations - National Planning Policy Framework (NPPF)**

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Section 11 'Making effective use of land'. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 'Achieving well designed places.

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture,



layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 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). 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).

### **Other material considerations**

Supplementary Planning Documents/Guidance-

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 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. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Conservation Area Appraisals:

Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010). The Bridport Conservation Area was first designated in 1972 and was centred on the historic core of the town. It has subsequently been extended four times, the last occasion being in October 2010, when the latest Conservation Area Appraisal which included a westward extension of its boundary was adopted by the District Council.

## **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 three 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. In particular;

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated (off road footpath links, widening of roads, crossing points).
- Access; there will be footpath and cycleway links to Bridport town centre. Gradients of 1 in 12 or less can be achieved within the site.
- Health Care; a contribution to additional health care provision is being sought through the s106 (secured at outline planning permission stage).
- Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	302 dwellings
Quantum of greenspace	23ha
Play areas	2 Sports pitches including MUGA, 2 LEAPs, 1 NEAP
Skills Academy	1 building
Self-build land	0.4ha
Provision of allotments	0.5ha
Orchards	0.25ha
Implementation of Landscape Environment Management Plan.	A large number of biodiversity and landscape enhancements
Hedgerow payments	£50,282.20
Bridport leisure centre payment	£429,000.00
Healthcare provision payment	£225,000.00
School site and its transfer to Dorset Council	2.0ha
Education contribution payment	£5,444.00 per qualifying dwelling
B3162 contribution	£100,000.00
Biodiversity compensation payment	£96,990.82
Highway works	Miles Cross, mini roundabout, traffic calming and footway/cycle access
Existing public footpath improvement contribution	£212,000.00
Non-Material Considerations	
Council Tax	According to value of each property
CIL	Zero rated
New Homes Bonus	A proportion of provisional 2022-2023 allocation of £3,759,871.00

## 14.0 Climate Implications

The proposal would lead to additional CO2 emissions from construction of the dwellings and from the activities of future residents.

The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

This has to be balanced against the benefits of providing housing in a sustainable location and should be offset against factors including the provision of electric car charging, some photovoltaic panels and the dwellings being reasonably energy efficient. The previous grant of outline planning permission for 760 dwellings on the site does in some respects assume that climate implications, at least in principle, have already been accepted.

## 15.0 Planning Assessment

### Principle

15.1 The principle of development for this site for the erection of up to 760 dwellings was established by the granting of the outline planning permission. This decision was made as the site formed the substantive part of the BRID1 allocation in the Local Plan which had been subject to a thorough and rigorous examination by an independent planning inspector appointed by government to assess the soundness of the plan. The outline application was supported by a Masterplan and Environmental Statement (ES). This indicated the siting of the 4.0ha employment area on the north-western part of the site. To the south of this area the 2.0ha primary school site and playing fields are proposed to be located with the majority of new residential development (up to 760 dwellings) located on the eastern half of the site closest to existing residential development and the town centre beyond. A new local centre and 60 bed care home are proposed to be located in a central position close to the site's northern boundary, and east of the employment area. There is a ten year window in which to make applications for these reserved matters from the original grant of outline permission on 2/5/2019. It is anticipated that the entire development will take approximately 10 years to build. There are no other proposals for residential development on other land adjacent to this application, a question asked by a parish council. The areas for the residential development were fixed by the outline permission and do not include any additional land.

15.2 A number of representations have been made that the scale of development is too large, unjustified, would lead to loss of agricultural land and in an AONB. Outline planning permission has been granted for this quantum of development in full knowledge of the site being in an AONB and where there has been found to be justification for the housing need and its subsequent allocation in the Local Plan. Its potential visual impact on the site and surroundings and its impact on the character and openness of the AONB were found to be acceptable.

15.3 A description of the outline permission, a summary of the conditions and a summary of the Section 106 Agreement obligations are set out above under the Planning History in Section 7 of this report. Of the conditions which are required to be approved prior to approval of reserved matters, those relating to approval of a Design Code (condition 6), phasing of the development (condition 2), a Landscape Environment Management Plan (LESMP) (condition 7), flood mitigation measures for the accesses into the site (condition 38) and floor levels (condition 39) are yet to be discharged. A Design Code has been submitted to the Council and has been subject to negotiation. Officers are satisfied that the latest iteration of the Design Code is acceptable and consider that the Reserved Matters application is in accordance with the Design Code. The Design Code is included as a Background Paper to this report and can be accessed via the links provided on the first page of this report. The applications for discharge of the other conditions referred to above (conditions 2, 7, 38 and 39) have been subject to negotiation and consultation with relevant statutory consultees as appropriate and a further update on these matters will be provided at the Committee meeting.

15.4 All remaining conditions would need to be discharged following the granting of reserved matters. These conditions would include agreement of a Construction Transport Management Plan (condition 20) and the Miles Cross junction improvement (condition 24), which are not required to be discharged until the development commences and the latter that the development cannot be occupied until the Miles Cross junction improvement is open to traffic (condition 25).

15.5 Although a Masterplan was prepared for the outline permission it was not approved as part of that permission or made a condition of it, although the plans which were approved do accord with it. However, it is useful to rehearse some of the key issues that the outline permission considered that arose from the Masterplan.

15.6 The Masterplan was shaped with the help of local community representatives including Bridport Local Area Partnership and the Bridport Area Neighbourhood Plan Group, their focus was on the provision of affordable housing, the highway improvements at Miles Cross and the management of flood risk. The access from 2 fixed points, 760 dwellings of which at least 35% affordable and community infrastructure were agreed. Traffic generation, suitability of the site and access roads, movement through sustainable transport methods and highway safety were all considered as part of the Local Plan inquiry and the Inspector had deemed the site appropriate for allocation. A Transport Assessment provided a considerable amount of data on trip generation (TRICS data) which was considered by the Highway Authority and deemed accurate in terms of forecasting of likely traffic movements. Junction assessments and safety audits for the proposed improvements to the Miles Cross junction were carried out and Highways England's (now National Highways) preferred improvement scheme was a roundabout. Conditions were applied to the outline permission to secure the necessary highways improvements required to mitigate the impact of the development in accordance with the NPPF and DfT Circular 02/2013. Condition 24 requires the detailed design of works at the A35 Miles Cross junction to be agreed prior to the commencement of development and will need the applicant to enter into a section 278 agreement (under the Highways Act 1980) with National Highways. This condition is yet to be discharged. Condition 25 will then require these works to be completed and open to traffic prior to occupation of the development.

15.7 The suitability of West Road (B3162) to accommodate the additional vehicular traffic and pedestrian/cycle movements to the town centre was also examined and a highway improvement scheme was proposed to address the highlighted concerns about footway widths, ease of passage and conflict between users following the completion of the eastern site access. There is flexibility in this agreement to allow the Highways Authority to receive a financial contribution in lieu of the completion of the works so that the Highways Authority can deliver a scheme of their own choosing, or deliver a larger scheme with additional funds. Key to any scheme will be the need to adequately address the highlighted concerns about footway widths, ease of passage and conflict between users.

15.8 The provision of satisfactory footway and cycleway links eastwards through the site to the town centre was necessary with connections via a scheme to enhance the route from Magdalen Lane to Bridport Town Centre via the Drenth Trading Estate, Plottingham

and St Mary's Playing Fields and Pine View and Coronation Road which would be fully funded and delivered by the development and paid for by the developer (triggered before any dwellings are occupied and 400 dwellings are occupied respectively – conditions 31 & 32).

15.9 Further minor highway improvements are proposed at the mini roundabout with the junction of the B3162 West Allington/North Allington. The Highways Authority stated at the time of granting the outline permission that these improvements were fully funded and would be delivered following the completion of 150 dwellings.

15.10 The impact on car parking in the town centre arising from the development was brought up as part of the Local Plan Inquiry, but analysis of parking provision in 2016, indicated that take up of spaces was generally high, but rarely were car parks occupied at full capacity.

15.11 It was acknowledged that local residents were concerned about the potential for increased flooding. The technical details submitted allowed for climate change and increased allowances to the required 40% and were considered by the Environment Agency to offer significant betterment in terms of discharge rates and the Lead Local Flood Authority and EA both raised no objection to the proposal with conditions.

15.12 The approval of reserved matters for other parts of the development such as the school, community facilities, care home and employment land are not sought currently and the land is also in a different ownership. The s106 does not allow any more than 400 dwellings to be occupied until a road leading up to and 1m into the mixed use land and care home land has been provided. Condition 2 of the outline permission requires agreement of the phasing of the development and condition 3 requires implementation of the phases once agreed. In granting the outline permission the Officer report stated:

*'The phased development of the site is informed by the masterplan and Environmental Statement, and it is envisaged that delivery of the housing on site should accord with the provisions of Local Plan Policy BRID1 ii) Which advises: "Delivery will be phased with the intention of providing in the region of 100 homes a year with an equivalent proportion of employment workspace and community facilities".'*

The s106 does require at least 0.4ha for the community land trust for employment to be provided before occupation of more than 400 dwellings.

15.13 The school site would be transferred to Dorset Council before any development commences. The school, which would be a primary school, will be delivered as there is a need for it.

15.14 Whilst comment has been made that other land uses would not be integrated with the residential, this was also agreed in the outline permission. The other uses are zoned including the employment site which would be located the furthest from residential development, as it is sometimes potentially a bad neighbour. The size of the zones are

commensurate with the evidence base which led to the allocation of the site in the Local Plan.

15.15 There has been comment that the proposal is inward looking and unrelated to the town. This is in part because the site is logically outside the town centre and could not be accommodated in the town at this size and in one location, but it does lie adjacent to the existing built up area, is well connected and close to the town centre and it was on this basis that it was allocated for development in the Local Plan.

15.16 There is support for the scheme in the representations, highlighting that the proposal would also support the local Leisure Centre, Arts Centre, Electric Palace and numerous restaurants and hostelrys as well as help to maintain the viability of independent businesses in and around Bridport.

15.17 The applicant has undertaken public consultation including displays in the town centre and meetings with the relevant parish and town councils. The applicant has engaged in independent Design Review Panels and with the Council in extensive pre and post application discussion.

15.18 The outline permission has approved the means of access through the provision of two accesses from West Road and two additional pedestrian and cycle links would be provided from Magdalen Lane and Pine View to the east of the site. In addition, a new junction would be provided where West Road joins the A35 at Miles Cross. The outline permission was subject to three additional plans showing Parameters, Green Infrastructure and Scale & Density which the subsequent reserved matters should be guided by. Taking each of these plans in turn, a summary of what each of these showed is provided below.

#### The Parameter Plan

15.19 This plan shows the locations for the different land uses: residential in ten blocks, a primary school, employment, a care home, a local centre, a sports pitch, open space and SuDS features including ponds. It also shows the approximate locations for allotments, community food production and children's' play (1 NEAP & 2 LEAPs). Lastly, it establishes access through the site in the form of a loop road, an east west connection, a north south connection and shared cycle and pedestrian links with the town centre. A 'land budget' indicates the areas to be made available for each land use expressed in hectares. The plan is fairly precise in the allocation of the various land uses and thus prescribes the subsequent location of each use and access to it.

#### The Green Infrastructure Plan

15.20 This plan shows the existing and proposed landscaped areas around and through the site and includes the aforementioned SuDS, allotments, orchard, formal and informal open space, sports pitch and children's' play. It makes provision for strategic new planting as well as retention of some existing trees and hedgerows. It took account of the lie of the land and the location of the various land uses and thus provides a framework for the detail to follow.

## The Scale and Density Plan

15.21 This plan shows three scales for the residential parts of the development and divided into the blocks shown on the parameter plan. It is expressed in storeys and height measured in metres for each block: 2 storeys / 9.5m, 2 1/2 storeys / 10.5m, 3 storeys / 12.5m. It also shows the maximum density per block: 25/ha, 35/ha or 45/ha. The plan prescribes that the lower scale housing would be on the higher land, the medium where it abuts the existing edge of the town and the higher scale towards the middle.

15.22 The principle of the development has been agreed, including means of access, and subject to the three plans described above. The current proposal seeks those matters reserved by the outline planning permission relating to appearance, landscaping, layout and scale for the residential part of the development, but also including the allotments, an orchard, 2 LEAPs, 1 NEAP, an area of sports provision which includes 2 football pitches, a MUGA and changing rooms and a Skills Academy. These matters are taken in turn below.

## Appearance

15.23 The appearance of the development refers to the design of housing and community infrastructure. The Parameter, Green Infrastructure and Scale & Density Plans described above have already established the position and shape of the residential blocks, sports pitch provision and open space. In addition, there would be allotments, community food production, and play provision.

15.24 LP policy ENV10 requires that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings. Policy ENV12 requires development to achieve a high quality of sustainable and inclusive design, in harmony with the adjoining buildings and the area as a whole, the quality of the architecture is appropriate to the type of building and materials are sympathetic to the natural and built surroundings and where practical sourced locally.

15.25 BANP policy D8 requires that new development should demonstrate high quality architecture and seek to maintain and enhance local character. New development should reflect the local building forms and traditions, materials and architectural detailing and enhance the local character.

15.26 The appearance of the dwellings proposed should be derived from characteristics of dwellings, both historic and modern, in Bridport. There are good examples from the urban and sub-urban areas of Bridport. Prominent through routes such as St Andrews Road and Victoria Grove contain gable fronted, semi-detached villas with double height bay windows and contrasting brick details and ornate first floor windows with steeply pitched gables and prominent dormer windows with small, walled front gardens. In DeLegh Grove, where although streetscape quality is generally of a lower standard, the architecture does exhibit a degree of character with the inclusion of prominent robust boundaries and contrasting brick



detailing. Finally, North Allington where properties have a more modest scale, with long runs of coloured terraces that step up the hill; with simple arched doorways, multiple chimneys and windows that have a traditional, vertical emphasis. Houses either sit tight to the pavement edge or have small front gardens that are bounded by low walls. In the centre of Bridport, South Street is typified by fine grain terraced housing that have a strong vertical emphasis with features such as arched doorways, multiple chimneys, dormer windows and shallow bay windows. This character informed the Design Code.

15.27 Each part of the residential layout would conform to a character area identified in the Design Code. Five character areas are identified: Central Vearse, Core Neighbourhood, Park Edge, Countryside Edge and West Mead. These character areas were informed by existing development in distinct parts of Bridport. The design of the development in each character area would be different and make for variety and interest.

### Central Vearse

15.28 The housing in the 'Central Vearse' area would be 1-2 bed apartments, 2-3 bed terraced, 3-4 bed semi-detached and 3-4 bed detached. Central Vearse reflects the inner urban areas of Bridport, specifically South Street. The description states that it will be varied, colourful and rich with greater architectural detailing and materials applied to reflect the centre of Bridport. Materials would be varied and include coloured render and brick as well grey reconstituted stone as an interpretation of the Forest Marble limestone (known as Baunton Stone) which is widely used as squared ashlar bricks in the town.

### Core Neighbourhood

15.29 The housing in the two Core Neighbourhood areas would be 1-2 bed apartments, 2-3 bed terraced, 3-4 bed semi-detached and 3-4 bed detached houses. The Code states that buildings would have more muted architectural detailing and materials influenced by more suburban residential areas within the town. There is a more refined palette of materials better reflecting the suburban areas of the town. This character reflects the surrounding context, specifically the development at De Legh Grove and Watton View.

### Park Edge

15.30 The housing in the Park Edge would have 3-4 bed semi-detached and 3-4-5 bed detached houses. Material use, colour and detailing is influenced by the surrounding town where there is a more refined palette of materials better reflecting the sub urban areas of the town and the wider landscaping setting of the river corridor.

### Countryside Edge

15.31 The housing in the Countryside Edge would be 3-4 bed semi-detached and 3-4-5 bed detached or terraced, 3-4 bed semi-detached and 3-4-5 bed detached houses. Material use, colour and detailing is influenced by the surrounding rural clusters and edges. Although house types are the same as those found in other parts of the site, the use of arched window headers, porch detail, materials and landscaping, together with a slightly more

informal approach to the layout, does give this part of the site a slightly more edge of development feel. The limited use of golden reconstituted stone is a nod to the commonly used inferior oolitic limestone that characterises much of Symondsburry and other outlying villages. It reflects a slightly more edge of development feel.

#### West Mead

15.32 The housing in West Mead would be 2-3 bed, 3-4 bed semidetached and 4-5 bed detached houses. Material use, colour and detailing is influenced by the surrounding village character and listed building (Magdalen Farmhouse).

15.33 Overall the proposals now show the majority of units having grey or slate effect roof tiles which is more in keeping with the dominant roofing material in the area. The materials would need to be agreed by condition to avoid inappropriate colours. Conditions would also be needed for sample panels, some details of general design and doors and windows to ensure appropriate quality.

15.34 The character analysis of the local area, as defined in the design code, recognises that the surrounding area includes a variety of boundary treatments, that public and private spaces are formally defined; semi-detached and detached properties have large front gardens and some terraced properties front directly onto pedestrian footpaths. This interface between buildings and public realm is important as it creates a positive and robust street scene for occupants and passers-by. Within the proposals buildings along primary routes and those in key locations feature railings and brick walls with railings as front boundary treatments. Many of the larger semi-detached and detached properties have softer planted front boundaries. On more sensitive boundaries where properties front onto hedgerows and open spaces, Cock and Hen stone walls create a softer boundary treatment with low trip rails also being used in some instances. Elsewhere where rear or side boundaries front an open space brick walls are proposed.

15.35 Function has dictated form for the community infrastructure, including the play areas, open space, orchard, allotments and playing field provision. These elements would rely on landscaping to be assimilated, as considered below.

15.36 The Urban Design officer has raised no objection to the appearance of the development. Bridport Town and Symondsburry Parish Councils both note that the design and street scenes have improved.

15.37 The appearance of the proposals would be acceptable and would comply with LP policies ENV10 and ENV12 and BANP policy D8 and the requirements of the NPPF.

## **Landscaping**

15.38 The Green Infrastructure plan shows the existing and proposed landscaped areas around and through the site and includes the SuDS, allotments, orchard, formal and informal open space, sports pitch provision and children's' play. It makes provision for strategic new planting as well as retention of some existing trees and hedgerows. It took account of the lie of the land and the location of the various land uses and thus provides a framework for the detail to follow. All of the land is within the Dorset AONB. There is a requirement for a comprehensive scheme of measures designed to mitigate the impact of the development, promote strategic landscape planting, landscaping and biodiversity mitigation measures in respect of habitat creation and promoting the interests of wildlife.

15.39 NPPF paragraph 176 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to these issues. The Countryside and Rights of Way Act 2000 (CROW Act) protects the AONB to conserve and enhance its natural beauty.

15.40 LP Policy ENV1 requires that development which would harm the character, the special qualities or the natural beauty of the AONB will not be permitted. All new development in such areas should take account of the objectives of the AONB Management Plan in maintaining the AONB's special quality and natural beauty by employing appropriate measures to moderate any adverse effects on the landscape. Development should be located and designed so that it does not detract from and, where possible, enhances landscape character. LP policy ENV2 encourages the conservation and enhancement of biodiversity and safeguards protected habitats. LP policy ENV10 requires development to provide for the future retention and protection of trees and other features that contribute to an area's distinctive character and provide sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area.

15.41 BANP Policy L1 requires that proposals must preserve and enhance the natural beauty of the AONB. BANP policy L2 requires development proposals to demonstrate how they will provide a net gain in biodiversity and, where feasible, habitats and species, on the site, over and above the existing biodiversity situation.

15.42 The A35 passes immediately to the west of the development site boundary. The existing boundary hedgerow and planting is to be retained and maintained and supplemented by an area of woodland planting to provide a vegetation buffer between the built areas of the development site and the trunk road. It is noted that implementation of structural planting is proposed as an early phase of development to enable planting to establish while later phases are brought forward.

15.43 The site benefits from mature hedgerow trees and veteran trees, the field boundaries are mature mixed native hedging. The trees associated with this application are within an Area Tree Preservation Order (TPO 967) protecting the trees at this location. The site is outside of the Bridport Conservation Area. There has been no new tree planting within the

site such that all trees are of a similar age range. The hedges are mostly neglected having had no formal management or replanting. This has given rise to the hedges being mostly overgrown standard trees with little understorey that is smothered and suppressed by brambles. The Landscape Environmental Specification and Management Plan (LESMP) sets out details of hedgerow maintenance is to be undertaken. This strategic planting and its implementation is essential in ameliorating the visual impact of the development and views of it from a wider landscape setting.

15.44 The site is screened by surrounding hills which would limit the impact of any development on the wider character and appearance of the AONB. The location on the western edge of Bridport's built-up area means that it would read as an urban extension to the town and visual impacts would therefore be mitigated. The design of the reserved matters (appearance and layout) considered in other parts of this report would be of sufficient quality to minimise the effect of the proposed development on both the western gateway to Bridport and the elevated views from locations such as Quarry Hill, Colmer's Hill and Allington Hill. Clearly these views would be affected for some residents living near the site, but there is no right to a view under the planning system, and it was accepted in granting the outline that it was inevitable that views would be changed.

15.45 There are features of the scheme which would allow some key views or vistas along some streets towards the town centre and surrounding hills. Some streets would be tree lined which would in time break up the appearance of the development. There would be a green open space with hard landscaping including seating. Key veteran trees would form focal points within the scheme. A Country Park along the River Simene corridor, woodland walks along the site's western and southern boundaries and a circular leisure route would be provided. A primary green movement link following an existing hedgerow would lead towards the town centre. On-plot landscaping is used to develop the various character areas within the scheme and softens the built form. Some boundaries are defined by hedgerows, primarily those with flower and berry producing species. Larger front gardens will accommodate small scale on-plot trees, which will help to blend the built form into the landscape beyond. Frontage parking will be interspersed with tree and hedgerow planting to help reduce its visual dominance. The Loop road is characterised by formal planting.

15.46 The Community infrastructure: SuDS, allotments, orchard, formal and informal open space, sports pitch provision and children's' play; which are considered in another section of this report, would also contribute to the landscaping of the site.

15.47 The Landscape Environmental Specification & Management Plan Rev C (FPCR, May 2022) addresses previous concerns. The LESMP includes all the proposed ecological mitigation and enhancement measures, together with any necessary compensation measures for residual biodiversity loss which may occur as a result of the development. It also includes details of the proposed SuDS which can provide important biodiversity enhancements.

15.48 The implementation of the LESMP is an accepted way forward in ameliorating the impact of the development on biodiversity and in promoting the protection and creation of wildlife habitat. Such details including trigger points and the agreed level of biodiversity compensation funding are in the s106 Agreement, whilst the implementation of the LESMP and landscaping is the subject of a condition on the outline permission. It is noted that the AONB, Landscape and Natural Environment officers raise no objections, subject to a condition requiring its implementation, tree protection and implementation of landscaping. As set out above in paragraph 15.3, Condition 7 on the outline permission requires approval of the LESMP prior to approval of reserved matters, and a further update on this matter will be provided at the Committee meeting. Conditions 9, 10 and 11 on the outline permission make provision for tree protection, new planting and implementation and will require subsequent discharge. A condition for an arboricultural method statement would be needed.

15.49 In the representations there is support for retention of the hedges and planting of new hedgerows and trees. Concerns in the representations concerning the impact on biodiversity (including birds), adequacy of the landscaping, tree planting and effect on existing trees have been addressed. Given the sensitivity of the site in an AONB measures would be taken to reduce light pollution.

15.50 The AONB officer asked for a point of clarification about the implementation/management of some strategic landscaping in the southern area, outside the red line, but within the blue line. The LESMP covers the 'blue land' as well. The applicant is able to undertake landscape planting in that area of the site and to manage and maintain it.

15.51 The Town Council is aware that the Environment Act includes requirements for 10% Biodiversity Net Gain and requested that the Council confirm that the calculations of biodiversity net gains are in line with Defra Biodiversity Net Gain (BNG) 2:0 metric using pre-development baselines and post-development evidence. The Council requested a Biodiversity Net Gain Assessment and there is a summary in the Ecology Survey Summary Report (by FPCR). The amended Biodiversity Metric calculation shows a BNG of 11.5% for habitats and 30.39% for hedgerows. This is more realistic than the figures previously submitted. The Council assesses all applications under the DBAP for the level of BNG being delivered. The Environment Act is not currently mandating the minimum 10% BNG as this will not be a mandatory requirement until 2023.

15.52 The LESMP and landscaping of the site are considered to be acceptable and would deliver appropriate landscaping, biodiversity enhancement and conserve and enhance the AONB. It complies with LP Policies ENV1, ENV2 and ENV10, BANP policies L1 and L2 and the requirements of the NPPF.

## **Layout**

15.53 This section of the report is divided into four parts:

The layout of housing and community infrastructure; roads, footpaths and cycle paths; foul and surface water drainage; and affordable housing and self-build units.

### **The layout of housing and community infrastructure**

15.54 The layout of the development refers to the position of housing and community infrastructure. The Parameter, Green Infrastructure and Scale & Density Plans described above have already established the position and shape of the residential blocks, sports pitch provision and open space. In addition, there would be allotments, community food production, and play provision.

15.55 Paragraph 30 of the NPPF Section 12 'Achieving well designed places' requires that decisions should ensure that developments are visually attractive as a result of good layout; establish or maintain a strong sense of place, using the arrangement of streets, spaces, [and] building types to create attractive, welcoming and distinctive places to live, work and visit. It requires that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

15.56 LP Policy ENV10 concerns the landscape and townscape setting and requires that new development should maintain and enhance local identity and distinctiveness and be informed by existing character. Policy ENV11 concerns the pattern of streets and spaces and housing should have provision for bins, recycling, drying, cycle parking, mobility scooters, private amenity/gardens and associated storage. In addition, major development should achieve full Secured by Design certification. Policy ENV12 concerns the design and positioning of buildings and that new developments should be high quality and promote an inclusive design, comply with national technical standards and respect the character of the surrounding area. The position of the building on its site should relate positively to adjoining buildings, routes, open areas, rivers, streams and other features that contribute to the character of the area. Policy ENV 16 concerns amenity and requires that development should be designed to minimise its impact on the amenity and the quiet enjoyment of existing and future residents. Policy ENV4 concerns the impact of development on a designated or non-designated heritage asset. Any harm to the significance of a designated or non-designated heritage asset must be justified where applications will be weighed against the public benefits of the proposal.

15.57 BANP Policy D6 requires that development should create a sense of place by providing a strong sense of enclosure, having regard to building lines and appropriate height to street width ratios, with street trees and boundary features and not dominant parking provision. Policy D8 requires development should define and/or soften the transition between areas of different character and reflect the existing grain and pattern of development. BANP Policy D7 requires that development should have main building access at the front, have windows facing area where surveillance is needed and provide a basic

level of privacy at the rear of homes with a sufficient garden depth or orientation and screening to prevent overlooking.

### Residential

15.58 Each part of the residential layout would conform to a character area identified in the Design Code. Five character areas are proposed: Central Vearse, Core Neighbourhood, Park Edge, Countryside Edge and West Mead. These character areas were informed by the existing layout of development in distinct parts of Bridport. The layout of the development in each character area would be different and make for variety and interest.

15.59 The layout of the blocks was established by the Parameter Plan and is little changed apart from the merging of some blocks or slight changes to the shape. Each block would be developed according to the character area defined in the Design Code in which it lies.

### Central Vearse

15.60 The housing in the Central Vearse area would be located around the loop road that enters and leaves the site from West Road. The layout would comprise higher density urban style of development with buildings on the primary streets in the form of mostly terraced or semi-detached housing with little set back and a more connected building line and small gaps between, which is typical of the layout of buildings in the centre of historic Bridport. Houses would sit tight to the pavement edge, with parking in rear courts and only sometimes with parking in front. Buildings would vary in height stepping up the hill and follow the same building line.

### Core Neighbourhood

15.61 The housing in the two Core Neighbourhood areas would be either side of the Central Vearse area. The layout would be medium density, suburban style with more widely spaced, detached semi-detached or terraced housing with a slight set back from the street. Buildings would be more widely spaced with larger gaps between. Buildings would follow the same building line. The layout better reflects the topography found in these parts of the site and would be more akin to the 20C suburban style development which lies outside of the town centre.

### Park Edge

15.62 The housing in the Park Edge would form a continuous band on the northern and eastern edges of the development, facing towards West Road across open space and the river or toward Magdalen Lane across open space. The layout would reflect the transition from the edge of the existing built up parts of Bridport where housing is generally of a suburban style. The style would be medium to lower density and suburban in style. Housing would consist of informal perimeter blocks, semi-detached and detached, widely spaced, following a curved building line with a set back from the street.

### Countryside Edge

15.63 The housing in the Countryside Edge which would form an almost continuous band wrapping around the northwest, west, southwest and south parts of the development would have more than one layout depending on where it is located. The northwest, west, southwest parts would border the open countryside that exists beyond the A35 bypass. The southern parts would border Vearse Farm, a grade II listed building and open countryside.

There would be two types of block according to the location, some with a lower density courtyard style or perimeter block. The former block layout would consist of detached or semi-detached houses arranged in informal groups. The buildings would be positioned irregularly to evoke (at least from afar) an informal rural group that might be found in most rural locations. A road and footway would follow the outer edge creating a buffer. This is seen as a fitting design response within the setting of the listed building. The latter block layout would consist of semi-detached and detached houses arranged informally in perimeter blocks with wide spacing and varied setbacks from the street. The less regimented manner when compared with development in the Central Vearse and Core neighbourhood would make for an appropriate transition from the built-up area to the countryside, providing a naturalistic soft edge.

15.64 The layout in these two 'sectors' to the SE of Vearse Farm have slightly less density and the proposed appearance would give a 'more organic compact farm complex typology' and showing an arrangement around a central courtyard. The layout and typology to the SE of the farmhouse, subject to further details considered later in this report, should assist in achieving a more relevant, less incongruous development alongside the farmhouse and its associated buildings. Though the buildings would be two-storey, the site is in a dip and is shown with enhanced perimeter landscaping. For these reasons, the proposals will result in no harm to the asset's significance and setting

#### West Mead

15.65 The housing in West Mead forms a short and narrow strip on West Allington which immediately adjoins Magdalen Farm House (Toll House) a Grade II listed building and the Bridport Conservation Area, West Allington and Skilling Sub-Areas. The layout would consist of semi-detached and detached houses forming a single line of buildings with a common building line and set close to the road, but with a gap before the development reaches Magdalen Farmhouse.

15.66 This approach better reflects the setting of the listed building and Conservation Area and would be similar in layout to other development in West Allington. The street-front landscaping, typology and the number of dwellings enable public open space next to the Magdalen Farmhouse. The open space to 'West Mead' will draw the development away from Magdalen Farmhouse. The building frontages should appear recessed back from the building line of Magdalen Farmhouse, which will assist in retaining some of its visual prominence in those westward views. However, this still represents a change to the undeveloped setting of Magdalen Farmhouse. The looser spacing and the quantum do maintain something of a town-countryside transition in the development pattern. However, the introduction of development in this area still diminishes the ability to understand and appreciate the town-edge function of the Toll House, which currently remains preserved in its setting. For these reasons, the layout will result in less than substantial harm to the asset's significance.

15.67 In consideration of the gateway of the Conservation Area and westward views towards Symondsburry, there is a legible sense of town-countryside transition. The setting-back of the dwellings from West Road should ensure that, in longer views from the Conservation Area boundary (near West Gables Close), the distant and elevated rural backdrop will remain perceptible and Magdalen Farmhouse will remain the



prominent element in terminating the view at the bend in the road. For these reasons, the proposals will result in no harm to the Conservation Area's significance.

15.68 The proposals will result in less than substantial harm to the significance of a designated heritage asset; Magdalen Farmhouse, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use). However, this balance needs to take into account the need to give 'great weight' to the asset's conservation, irrespective of the level of harm. The less than substantial harm cannot be avoided and has been reduced and the test is having regard to the heritage asset against the public benefits of the scheme. The public benefits were counted at outline as weighing in the favour of the proposal and those benefits would still be secured. Therefore, the public benefits of the scheme outweigh the less than substantial harm to the designated heritage asset.

15.69 There is one point where the site boundary and Conservation Area boundary meet. This is the proposed point of access to the north eastern part of the site from Magdalen Lane at its bridging point with the River Simene. In this area, the access is to be non-motorised and would be into an on-site area of public open space away from any built development. The access will provide pedestrians, wheelchair users, and cyclists a safe route from the development to the town centre and local facilities. Officers consider that whilst the development will be seen from some public vantage points within the Conservation Area including this one, views into it from the development, and outwards from the Conservation Area will not be unacceptably harmed.

15.70 The layout in the five character areas would provide sufficient variety and interest in the layout. The revised proposals have addressed concerns about the streets appearing to be standard and unimaginative, although some have found the proposals well thought. The layout would make provision for amenity for future occupants including gardens, outlook and light. Noise mitigation will be provided to all units fronting onto the A35 and West Road. There would be a variety of plot sizes and house sizes without there being a dominance of large, detached houses.

#### Community infrastructure

15.71 The need for community infrastructure was secured within the s106 Legal Agreement. The provision includes sports pitch provision and changing rooms, allotments, an orchard, play areas and open space. In addition, the s106 Legal Agreement also secures contributions towards leisure improvements. Contributions were agreed at outline for hedgerows, Bridport leisure centre, healthcare provision, education contribution, the B3162 contribution, biodiversity compensation, highway works and the existing public footpath improvement. It is not the role of the planning system to secure contributions to ensure there would be adequate electricity supply were not sought, but it is anticipated that the National Grid would make provision. Playgrounds, cycle paths, seating and social areas are being provided by the applicant as part of these reserved matters. It is not currently known what the contribution for extra healthcare provision would specifically be spent on, but it was

calculated at outline to be to meet the additional demand of the increased population (see table above in section 13).

15.72 Interspersed within the residential parts of the development described above, the community infrastructure includes a number of play facilities. The play provision would comprise two Locally Equipped Areas of Play (LEAPs) on the eastern arm of the Loop Road and within a square in the south eastern part of the site (delivered after 200 and 500 dwellings are occupied respectively – conditions 35 & 36), a Multi-Use Games Area (MUGA) north east of the sports pitches (after 400 dwellings are occupied – condition 33), a Neighbourhood Equipped Area of Play (NEAP) south of the MUGA (after 400 dwellings are occupied – condition 34) and a Woodland Play Trail north of the school site (after 500 dwellings are occupied - condition 37). These would be in accessible locations located amongst the housing with natural surveillance. These would be laid out typically according to the facilities each contains. Full details of inclusive play equipment have been provided in the LEMP document which would provide equipment for those with mobility difficulties including the disabled.

15.73 The allotments would be located to the west of the western arm of the Loop Road. The size of the allotments accords with the requirements of the s106 Agreement and would be constructed and made available for use on or before the requirements of the s106 Agreement. An Allotment Scheme and an Allotment Management Plan have been provided with the submitted LEMP. This would be an accessible location between two blocks of housing and north of the school and screened from the loop road by trees.

15.74 A sizeable orchard (0.25ha) would be located to the west of the eastern arm of the Loop Road and within the proposed River Simene Country Park acting as a buffer between the development and West Road. It would be planted in formal rows of fruit trees and be for public use. As its use would be periodic, there is less need for it to be located amongst housing.

15.75 The location for the sports pitch provision was agreed at outline and the sports pitch provision would be located north west of the school site, adjacent to West Road. The layout would make use of the flatter parts of the site and include a block of changing rooms and a 22 space car park. Although the Town Council would prefer one large pitch, as was originally intended, the desire is now for two junior sports pitches rather than one large pitch and while there have been requests for a skate park, AstroTurf pitch and running track, these were not considered necessary within the remit of the outline permission. There is however a skate park near the site by the bus station. Sport England consider that the proposed provision would not be viable. Sport England considers that the site would be better as a recreational ground rather than a formal playing pitch site and the pavilion would be better as an activity hub than a changing pavilion. Sport England withdrew its objection subsequently, but it does not support the proposal. The s106 requires the sports pitch provision, there is support for it from others and it is being delivered by the applicant and should still stand. The provision of changing rooms was required by the outline permission and is designed to be fit for purpose.

15.76 Public open space would be in various locations around and within the development comprising of the following:

A Country Park along the River Simene corridor;

Woodland walks along the western and southern boundaries;

Green links and squares;

A circular leisure route around the entire development; and,

A primary green movement link, which is referred to as the Cycle Street.

The layout of these would provide not only recreational and health benefits, but also break up the development with green buffers.

The Skills Academy would be located near to the 'David Wilson' compound and details of it would be secured within the CEMP. It would provide apprenticeships, employment, training and mentoring. It would consist of classrooms and workshops. The pupils would be able to attain a 'Construction Skills Certification Scheme' entry level health and safety qualification. It would also work with local schools and the Bridport Wood hub will be located on the development site, as part of the Skills Academy. There has been support for this facility in some of the representations.

15.77 A pub, church, shop or hall were not considered to be necessary within the residential development in the grant of outline permission. A new local centre including a convenience store, public house, and creche, with residential at first floor is proposed to be located in a central position east of the Care Home and close to the centrally located access into the site from West Road to the north, which will form a different application. It is noted that there is support from consultees and in the representations for the provision of sports pitches, allotments, an orchard and new circular walks.

15.78 The layout has received no objection from the Urban Design and Conservation Officers.

15.79 The details of the layout of the buildings in each character area and the community infrastructure would be acceptable and comply with LP policies ENV4, ENV10, ENV11, ENV12, ENV16, BANP policies D6 and D8 and the requirements of the NPPF.

### **Layout of roads, footpaths and cycle paths**

15.80 The Parameter Plan has already established the layout of the means of access, loop road and links with the town.

15.81 Policy ENV11 concerns the pattern of streets and spaces and requires new development to have well defined and connected buildings, streets and spaces, 20mph through routes and natural surveillance. Bus routes and strategic cycle and pedestrian links should be planned for. Policy COM7 concerns creating a safe and efficient transport

network and requires that development should be located in areas where the need to travel can be minimised and the use of sustainable modes of transport can be maximised. The delivery of a strategic cycle network and improvements to the Public Rights of Way network will be supported. Policy COM9 concerns parking standards in new development requiring that this is in compliance with published local parking guidelines.

15.82 BANP Policy D3 requires that residential development should create walkable and accessible neighbourhoods, with public transport access, that the community have access to facilities, ensure that streets are designed to be well connected and legible and have a 20mph in residential areas. BANP Policy AM1 requires that development should prioritise pedestrian movement, make safe, convenient and appropriate connections to existing footpaths, cycle paths and rights of way, public transport and facilities for car sharing and electric vehicles. Policy AM3 supports improving and extending the existing footpath and cycle path network. Policy H6 requires proposed developments to integrate and connect with neighbouring communities.

15.83 Means of access was approved at the outline application stage. Therefore, the access arrangements are fixed. The eastern access is located approximately 70m to the east of the existing Vearse Farm track. The western access arrangement is located opposite Duck Street. Both accesses are proposed to be priority junctions and will provide a 7.3m carriageway, with 2m wide footways on either side. Pedestrian crossing points are provided on both the eastern and western arms of each junction, across West Road. Similarly, crossing points are also proposed for both junctions within the site and to the south of West Road. The visibility splays are identified on the approved junction arrangement that was agreed at outline.

15.84 Internal roads, footpaths and cycleways were established within the s106 Agreement. The provision includes improved footpath and cycle links, and in addition, the s106 Agreement also secures contributions towards local highways (see financial benefits table above in section 13) which includes the Miles Cross junction improvements. The outline permission also requires this reserved matters application to deliver various internal vehicular links and the layout of these is to some extent also fixed.

15.85 Condition 47 requires vehicular access be taken to the boundary of the application site to where it meets the residual part of the allocated site to the east (land adjacent to Pine View). The s106 Agreement requires two vehicular and pedestrian access points to be provided into the adjoining land, which are to be a minimum width of 9.5m. This is shown in these reserved matters.

15.86 The s106 Agreement requires the provision of a vehicular and pedestrian access for the school site, with a minimum width of 6.7m. The reserved matters scheme proposes a carriageway width of 6.75m for the access, plus the footways (2m) and the cycleway. A coach drop off/collection point is provided within 30m of the indicative entrance to the school site.

15.87 The s106 Agreement requires vehicular access to be provided up to, and 1m into, the commercial land. This has been provided in the reserved matters application. The commercial land will be served by a 7.3m wide carriageway, which is shown within the reserved matters submission.

15.88 Condition 8 established the Access and Movement Strategy Plan which sets out the following:

A loop road to connect the eastern and western accesses, crossing the River Simene twice;  
An east-west avenue to connect the western section of the Loop Road with the eastern residential development parcels;

A footway and cycleway (segregated), 5m in width to connect the proposals from the commercial land and so on eventually reaching the Town Centre either by crossing Magdalen Lane or linking through to Pine View;

A North-South Avenue (shared), 3m in width footway/cycleway to connect West Road to the loop road;

Footways to connect to the main destinations, the circular walking route, the River Simene and Broad Lane. Existing Public Rights of Way will be retained and enhanced and diversion orders would be applicable to any changes to these;

Internal roads with 20mph design speed;

Three public electric vehicle charging points;

A bus stop;

Land for a community bike pool;

A bicycle shelter; and

A bicycle maintenance hub and water fountain.

15.89 The internal routes through the site, some of which would have trees, would have good connectivity and access for pedestrians, cyclists and motorists. Small iterations may be needed to comply with s38 adoption subsequent to the granting of the reserved matters as is usual for those roads that will need to be adopted, as well as private roads where the road would still need to be of an appropriate standard. One minor service road will need to be a one way street owing to visibility requirements and would be made a condition. Conditions would also be needed to ensure visibility splays, access, geometric highway layout, turning and parking areas are to appropriate standards.

15.90 There are existing rights of way which cross the site. These have been accommodated as part of the detailed layout for the scheme and any diversions will be the subject of separate applications. Public Rights of Way (PROW) are considered under separate legislation to planning applications, but all existing rights of way are to be provided for within the layout with some diversions. The diversions would inevitably take PROW along the new minor roads instead of countryside, but the route would not be significantly longer. New PROW within land that will not be adopted would be permissive and maintained by a MANCO. The new routes would be surfaced with self binding gravel or for less frequented routes, mown grass. It is a condition of the application that connections to the south where

footpaths are curtailed by the A35 are not ideal, but it is not within the scope of this application to make any significant improvements on the actual A35 carriageway. Provision for safe access for pedestrians and horse riders at the Miles Cross junction would be agreed when the condition for that scheme is considered.

15.91 Car parking would be provided in accordance with the Bournemouth, Poole & Dorset Car Parking Study (2011). This would be casual or assigned within courts, alongside or behind dwellings. Provision would be made for electric vehicle charging points for all dwellings with on-plot parking which is now a requirement of Part S of the Building Regulations. Cycle parking will be provided either in accessible and secure rear gardens or garages. Comments were made to the original scheme that bins would be too far from some dwellings. This has been addressed in the revised scheme. Bin stores would be provided in some places and wheelie bins for others, accessible by refuse trucks from collection points. There is support from consultees and in the representations for the provision of new footpaths, charging points and cycle parking. Condition 23 on the outline permission requires implementation of the cycle parking.

15.92 The layout has received no objection from the Highways Officer. Conditions are recommended and would be included. National Highways recommend a condition limiting the species to be planted within proximity of the trunk road, which have been addressed in the LESMP, but should still be included for future reference and restriction.

15.93 The proposed layout would enhance connectivity, providing safe and convenient access for pedestrians, cyclists and motorists. It would promote more sustainable means of travel through walking and cycling. The proposed layout would comply with LP Policies ENV11, COM7 & COM9 and BANP Policies D3, AM1, AM3 & H6 and the requirements of the NPPF.

### **Layout of foul and surface water drainage**

15.94 The Parameter and Green Infrastructure Plans have already established the layout of the foul and surface water drainage.

15.95 Paragraph 159 of the NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

It is a strategic objective of the Local Plan to:

*“Reduce vulnerability to the impacts of climate change, both by minimising the potential impacts and by adapting to those that are inevitable– this will be the over-riding objective in those areas of the plan which are at highest risk”*

In meeting this strategic objective the Local Plan states:

*“Development will be directed away from areas where there is likely to be significant risk to human health or the wider environment, through flooding, coastal erosion and land instability, air and water pollution.”* **Page 342**

LP Policy ENV5 concerns flood risk and requires development to be towards the areas of lowest risk and ensuring development will not generate flooding through surface water runoff and/or exacerbate flooding elsewhere.

15.96 BANP policy D5 concerns the efficient use of land where dealing with surface water drainage and alleviating flooding are required.

15.97 The drainage scheme was agreed in the granting of the outline permission. There have been a large number of representations raising this as an issue, but this has been resolved in the granting of the outline permission and conditions thereon.

15.98 A conceptual strategy of surface water management, based upon attenuated discharge to the adjoining Main River (Simene) system was approved. It is proposed that the surface water drainage system for the site utilises a multi-SuDS system including channels, detention features and where appropriate, source control in the form of porous paving as the primary storm water management scheme. The outline permission indicated the layout of six SuDS ponds within the site, which are mainly along the River Simene and a flood compensation area between the eastern and western accesses and to the south of the River Simene. The reserved matters show the layout of additional SuDS features and alterations to the shape and location of others. Full details of the ponds are provided with shallow gradients, without planting, within public view. These are not intended to be used by the public as open space or recreation, but if entry were made, the design would not present potential danger to life. These should comply with the Construction Industry Research and Information Association guidelines.

15.99 Conditions on the outline permission require detailed design submissions to discharge these conditions to confirm and substantiate storage volumes, and future management of such features. None of the development would be located in an area of flood risk. Development is subject to conditional approval under conditions 41 - 45 on the outline permission which either have to be agreed prior to development taking place.

15.100 The reserved matters show additional measures with 40% allowance for climate change, 10% allowance for urban creep, basins designed to be protected from the predicted 1 in 100 year still water level plus climate change and allowance of 3.5 litres per second discharge from the school site offering a significant betterment in terms of reduced discharge rates

15.101 The foul water drainage strategy is for connection on Alexandra Road. A pumping station would be located to the south of the river and to the north of the proposed residential development, owing to the gradient.

15.102 The layout of drainage features has been largely dictated by the lie of the land and location of the river. These would be functional and designed to be naturalistic rather than

engineered in the layout with rounded features and gentle gradients with two ponds to be permanently filled with water. Whilst there may be some variation in the terminology used for describing the SuDS features as these offer benefits also for biodiversity and landscaping, for incorporating a permanently wetted area within such retention or detention ponds, the requirement in terms of available attenuation volumes is the overriding factor.

15.103 Wessex Water have raised no objection and commented that the applicant has advised an intention to split the foul drainage for the site with the construction of a pumping station. Downstream sewer enhancement works are proposed by Wessex Water to ensure that development flows do not increase the risk of flooding or sewer overflow operation. The cost of enhancement is paid for by developers through the per property infrastructure charge. The current outline scheme is dependent on an on-site pumping station with storage based upon the total development with flows held at the pumping station during storm conditions and released into the network when capacity becomes available. Downstream improvements also include the construction of additional storage on the existing public network. The applicant is proposing to utilise onsite attenuation in the form of basins to capture and store surface water runoff with a controlled discharge to the existing open watercourse that runs through the site.

15.104 Wessex Water will provide a point of connection for new water mains to be laid into the development site and as such there is no risk to water supply for the town. Wessex Water have raised no objection. Applications for the discharge of conditions 38 and 39, which are required to be discharged prior to approval of reserved matters and which cover the flood risk to the roads entering the site over the river and floor levels of the dwellings, are being considered in liaison with the Environment Agency. Remaining conditions for the disposal of foul and surface water are not required to be discharged until development commences or is occupied.

15.105 The layout of the drainage strategy details submitted for the site are acceptable and would comply with LP policy ENV5 and BANP policy D5 and the requirements of the NPPF.

### **Layout of affordable housing and self-build units**

15.106 LP Policy HOUS1 makes provision for affordable housing and requires that where open market housing is proposed, 35% affordable housing will be sought. This affordable housing provision should be delivered on site and should include a minimum provision of 70% social/affordable rent and 30% intermediate housing, unless evidence suggests an alternative provision would be appropriate. The type, size and mix of affordable housing should reflect identified needs and should be proportionate to the scale and mix of market housing and designed to the same high quality resulting in a balanced community of housing so that is 'tenure blind.' Where there is an identified need for specially designed or adaptable accommodation to cater for particular needs of disabled people, this will be prioritised. A financial contribution towards the provision of affordable housing is required when there is a shortfall on site.



15.107 Building Regulations accessibility standard M4(2) make it a requirement for any scheme that delivers over 15 affordable homes to ensure that at least 10% of the units should be accessible and adaptable dwellings.

15.108 BANP policy H2 requires that the affordable and open market housing provision will be fully integrated and evenly distributed. Policy H7 encourages the inclusion of 4% of plots on major developments to be self-build housing.

15.109 The application proposes the provision of 35% affordable housing being 266 dwellings. This accords with the requirements of the s106 Legal Agreement. Despite concerns raised in the representations, the affordable housing would be in perpetuity. The Applicants propose to deliver an additional 36 dwellings as affordable housing, which means that the development will deliver just under 40% affordable housing in total. The layout of affordable housing would be 'pepper potted' around the development with no particular concentration in any one location. Although Symondsburry PC comment that it would not be pepper potted, it would be in blocks pepper potted as this is more deliverable and manageable by the provider than providing it in multiple single plot locations. This would also promote social inclusion. The affordable housing provision would be above the policy compliant level and provision of 35% has been secured in perpetuity through the existing s106 agreement to include a local lettings plan ensuring that the properties meet the local need. The affordable housing tenures offer 70% (186 dwellings) as affordable rented units and 30% (80 dwellings) would be shared ownership homes. Despite concerns raised by some, the scheme further includes 5% of the affordable rented units as Accessible and Adaptable Dwellings. The housing register demonstrates that there is a significant need for quality affordable family housing with a high demand for a range of dwelling sizes and tenures which this development would assist in meeting.

15.110 While there is support in the consultations and representations for the provision of affordable as well as additional affordable housing some have stated that the affordable housing would not be affordable at only 80% of open market price and that more social rented units are needed as opposed to affordable rent. The Housing Enabling Team has offered support for the provision proposed which is based on the policy requirements. There is currently no mechanism that would change the 80% quota or for different types of rented accommodation to be provided. Affordable housing is normally provided by a registered social landlord such as a housing association.

15.111 The Bridport Town Council raise a mismatch between proposed and required unit size by 'Architecture, Engineering, Construction, Operations, Management' (AECOM) which indicates greater demand for smaller units as below:

Housing Unit size	Foundry Lea, Vearse Farm Proposal	AECOM Life Cycle recommended guide for new development to meet projected needs by 2036
1 bed	4%	24%
2 bed	27%	45%
3 bed	39%	31%
4 bed	29%	0%
5 bed	1%	0%

15.112 AECOM is an organisation that support Neighbourhood Plans. It helped to produce the Bridport Area Neighbourhood Plan and would have done a study on housing needs. The Neighbourhood Plan showed a high level of need for one bedroom properties. This would also be supported by information drawn from the Housing Register in regard to affordable need. However, there is a need to ensure that a good balance of sizes of affordable housing is provided as there are high levels of need for all property types. There is also a need to ensure a balanced and sustainable community is created and a high percentage of one bedrooms flats could make this difficult. There is also a general reluctance from Registered Providers and developers to build 1 bed flats. It makes more financial sense to build 2 bed properties. It is also accepted that most people eligible for low cost home ownership would want 2 or 3 bedroom houses. For this reason, the Council tries to get a good mix of units in the layout of the affordable mix and 15% of the rented homes would be one bedroom. The housing enabling team has raised no objection to the affordable provision. The affordable mix is considered acceptable and would meet a range of needs.

15.113 The s106 Legal Agreement requires the provision of 0.4ha of land to be identified for self-build housing. Its layout is relatively informal and would be delivered according to demand. It would be provided in the layout in three areas. The three self-build areas will be served with mains water, drainage, electricity and means of access. Up to 8 dwellings would be provided. The scheme shows that these would be built to specific house types.

15.114 Whilst 0.4ha has been said by some to be too little, this was the amount agreed at the outline stage. There has been support for the self-build in the representations as amongst other things it would provide employment.

15.115 The layout of the affordable housing and self-build units for the site are acceptable and would comply with LP policy HOUS1 and BANP policies H2 and H7 and the requirements of the NPPF.

## Scale

15.116 The Parameter, Green Infrastructure and Scale & Density Plans have already established the envisaged scale and density for each sector of land uses including housing, open space, drainage and community infrastructure. Scale refers to the size of the development. Density refers to the amount of development. Development should make efficient use of land and not create wasted or leftover land that has no real function.

15.117 LP policy ENV12 suggests the National Described Space Standards (NDSS) should be met. LP Policy ENV 15 concerns efficient and appropriate Use of Land and advises that development should optimise and make efficient use of land, subject to the limitations inherent in the site and the impact on local character.

BANP Policy D5 states that development should make efficient use of land.

15.118 The scale was prescribed in some detail on the Scale and Density Plan. It shows three scales for the residential parts of the development and divided into the blocks shown on the parameter plan. It is expressed in storeys and height measured in metres for each block: 2 storeys / 9.5m, 2 1/2 storeys / 10.5m, 3 storeys / 12.5m. The proposed houses would comply with the plan.

15.119 The Scale and Density Plan shows the maximum density per block: 25/ha, 35/ha or 45/ha. The plan prescribes that the lower scale housing would be on the higher land, the medium where it abuts the existing edge of the town and the higher scale towards the middle. The proposed housing would be at a very slight variance from the limits, slightly less in some and slightly more in others. The increases proposed for Parcels 13 and 15 are on lower ground and parcel 13 is in an area where a high level of density was anticipated. The density of residential Parcel 16 better reflects the density of development found on West Road. There would be reductions in density in parcels 1, 3, 11 and 12. Flexibility can be exercised where other aspects of the development: appearance, layout and landscaping; have been found acceptable in other sections of this report.

15.120 Some of the private housing would fall marginally below Nationally Described Space Standards (NDSS). NDSS *should* be provided in accordance with policy ENV12. The preamble to policy ENV12 states:

*2.6.7 Good design is not restricted to external appearance and layout. It encompasses how capable developments are of fulfilling their purpose initially and into the future as needs of occupants change. Dwellings as a minimum should have sufficient internal space for a high level of functionality so that day to day tasks and activities can be carried out. The government is reducing the number of technical standards and consolidating them in a national framework centred on building regulations. National technical standards for all new dwellings are being introduced and dwellings should be constructed in accordance with these standards*

and paragraph 130 of the NPPF says:

*130. Planning policies and decisions should ensure that developments:*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

*Footnote 49 states planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.*

15.121 In consideration of Policy ENV12, the Local Plan Inspector's report of 2015. (page 43, para 219) comments on this:

*'The revisions mean that local planning authorities should not set any additional technical standards in local plans or supplementary planning documents relating to the construction, internal layout or performance of new dwellings. The optional new national technical standards can be required through LP policies where there is evidence to support the case for doing so and providing their impact on viability has been considered. The Councils have not yet had an opportunity to consider this.'*

15.122 The Council did not have sufficient evidence at the time to insist upon NDSS. This is the reason why the requirement for exceeding the minimum NDSS is non mandatory. If unit size relates to a comparatively large number of units and if these fall significantly below nationally prescribed standards, then the National Design Guide says:

*'Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them... Well-designed homes and buildings: provide good quality internal and external environments for their users, promoting health and well-being.'*

In this case it would not relate to a large number of units.

15.123 The legal opinion as to whether the NDSS can be applied at reserved matters stage generally is that any such imposition must be at the outline stage. Only by granting outline permission subject to a condition controlling the internal configuration of the permitted development, specifically requiring compliance with the NDSS or expressly incorporating detailed drawings showing the internal layout of buildings and requiring compliance with those drawings could an LPA insist upon a development adhering to the NDSS. In addition, even where a LPA seeks to secure the imposition of the NDSS at outline stage, it can only do so where there is a relevant local plan policy requiring such adherence to the optional standards.

15.124 A condition was not applied to the outline planning permission requiring that the subsequent reserved matters would make provision for compliance with NDSS requirements. Further, the floorspace figures in the Section 106 Legal Agreement for the affordable housing do not accord with NDSS requirements. Therefore, it is not possible to require that the dwellings meet NDSS requirements.

15.125 The number of dwellings falling below NDSS is a small proportion overall and most houses would meet or exceed the standards. It only affects seven house types of 2 or 3 bedrooms amounting to 125 dwellings which as a proportion of 760 in total is acceptable. Moreover, the short falling in floor area averages about 7sqm of a total area falling between 58 and 77sqm. Importantly, all the houses, including those falling below, would have adequate space to meet the daily living requirements of occupants. The scale and density of the social infrastructure, landscaping, SuDS and so on were stipulated by the parameter and Green Infrastructure Plans and the proposals are in reasonable accordance. The Urban Design Officer has raised no objection to scale.

15.126 The proposal would be of an appropriate scale, making efficient use of land, and would comply with LP policies ENV12 and ENV 15 and BANP Policy D5 and the requirements of the NPPF.

## **Other matters**

### **Energy efficiency**

15.127 A number of representations and consultee comments have been made that the houses should be built to meet future energy efficiency standards beyond 2025 (not just to 2013 Building Regulations) and be of sustainable materials of construction and not just to current standards which are lower. Since the original and revised submissions the applicant has improved the energy efficiency of the proposed dwellings to comply with 2021 Building Regulations which require a 31% improvement on 2013 Standards in terms of CO2 emissions and addresses some of the concerns that have been raised. Should the Future Homes Standards come into effect in 2025, then all homes will be constructed to these enhanced standards. At present the Future Homes Standards require homes to produce at least 75% lower CO2 emissions than a home built to 2013 standards.

15.128 The planning system does seek to promote sustainable development and BANP policy D9 seeks to encourage applicants to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime. BANP policy CC2 seeks to exceed the target emission rate of Building Regulations Part L 2013 for dwellings and policy CC3 seeks that new development, both commercial and residential, is encouraged where possible to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources.

15.130 The applicants have produced a further Carbon Emissions Statement and a Sustainable Design and Construction Statement prepared by consultants Sol Environment (dated July 2022). It proposes measures to reduce energy consumption including passive solar design, building orientation, room layout and limiting solar gain, insulated and highly air tight building materials, energy efficient fittings and controls, and low and zero carbon technologies. These would be implemented to correlate with changes to Building Regulations. The principal changes made to the application are as follows:

	Previous report	Current report
2013 Building Regs units	250	0
2021 Building Regs units	270	318
2025 Building Regs units	240	442
<b>TOTAL units</b>	<b>760</b>	<b>760</b>
PV 2013 Building Regs	90 kWp Solar PV array; 630 m2 roof mounted PV panels	0
PV 2021 Building Regs	102 kWp Solar PV array; 710 m2 roof mounted PV panels	121 kWp Solar PV array; 850 m2 roof mounted PV panels
PV 2025 Building Regs	94 kWp Solar PV array; 660 m2 roof mounted PV panels	169 kWp Solar PV array; 1180 m2 roof mounted PV panels
<b>TOTAL PV</b>	<b>286 kWp Solar PV array; 2000 m2 roof mounted PV panels</b>	<b>290 kWp Solar PV array; 2030 m2 roof mounted PV panels</b>
<b>U-values</b>	External Walls: 0.27-0.30 W/m2K Roof (Flat): 0.17 W/m2K Roof (Sloped): 0.11-0.16 W/m2K Floor: 0.18 W/m2K Doors: 1.0-1.70 W/m2K Windows: 1.41 W/m2K	External Walls: 0.18-0.26 W/m2K Roof (Flat): 0.16 W/m2K Roof (Sloped): 0.11-0.16 W/m2K Floor: 0.18 W/m2K Doors: 1.0-1.60 W/m2K Windows: 1.41 W/m2K

15.131 In summary, in order to meet the enhanced Building Regulations standards, the dwellings would meet the following:

Part L 2021

Improved U-values and building services specs in line with 2021 Building Regs with gas combi boilers for space and water heating. To meet Policy CC3 of the Bridport Neighbourhood Plan, PV will be used to meet 35% of the unregulated energy use.

In addition, electric vehicle charging points in accordance with Part S of the Building Regulations will be required. Broadband would be provided as it was a requirement of LP Policy COM10 was made a condition of the outline permission (condition 17). Fire sprinklers are not a requirement. There has been support for PV panels in the representations and from consultees as well as Fabric First construction.

### Part L 2025

Improved U-values and building services specs in line with 2025 Building Regs with ASHPs for space and water heating. To meet Policy CC3 of the Bridport Neighbourhood Plan, PV in combination with the ASHPs will be used to offset 10% of the unregulated energy use.

15.132 Detailed modelling is to be undertaken once future legislation relating to the Future Homes Standards has been confirmed. Future Building Regulations have not been confirmed. Whilst BANP policies have aspirations for a high standard in terms of energy efficiency and future proofing, at the present time it is not possible to require the applicant to provide all of these. It should be noted that possible changes in 2025 are not far off and would likely kick in sooner rather than later going some way to achieving a higher benchmark. A phasing plan for the uptake in energy efficiency requirements cannot be made a condition as these would automatically apply under Building Regulations as and when the requirements change.

### **Construction**

15.133 The requirement for a Construction Traffic Management Plan (CTMP) is required before the development commences and has yet to be submitted and approved. Until such time as a CTMP has been approved development would be unable to commence. This was considered necessary for the construction stage and traffic generation onto the B3162. Highways England (now National Highways) required that construction traffic and its routing will need to form part of the CTMP.

15.134 Comments have been made with regard to the potential impact on air quality. In consideration of the outline permission the Highways Authority confirmed that there will not be any likely air quality issues arising from the development. Any construction traffic movements will be covered by the CTMP.

15.135 Some have commented that some construction workers will not be local. This is neither unusual nor material to the consideration of the planning application as it is likely that some would be and there is support in the representations that it will provide some local employment.

15.136 The provision of accommodation for construction workers is not normally an issue as the contractor would take appropriate measures such as busing contractors in and the use of tourist accommodation off season when it is usually empty.

15.137 There is the potential for construction traffic to cause annoyance to residents, particularly in early phases, but this is not unusual and most buyers would be aware.

### **Housing occupancy**

15.138 Comment has been made in the representations that there is the potential for housing to become second homes or to be occupied by retirees. There is currently no planning policy to prevent this and were such measures required by policy it would have been a requirement to impose a restriction on the original outline permission, preferably in the s106 Agreement.

15.139 The application does propose a mix of house types of which some would be lower cost and available potentially to local and younger people for which there is support in the representations.

15.140 The recent media interest in houses sold leasehold instead of freehold only with no management company fees is not a material planning consideration.

### **Tourism**

15.141 There is no reason to assume that the development will deter tourists to Bridport and rural Dorset.

### **Community Infrastructure Levy**

15.142 The site is Community Infrastructure Levy (CIL) exempt. CIL came into effect in West Dorset and Weymouth & Portland on 18 July, 2016. It does not apply to sites such as the BRID1 site allocated for development in the Local Plan. This is because such sites are subject to s106 Agreements to secure infrastructure provision. To apply CIL to these in addition would result in a double charge and the question of viability would arise. Therefore, it was resolved at the adoption of the Local Plan that such allocated sites were to be exempt from CIL.

## **16.0 Conclusion**

16.1 The proposed development is considered to be of an appropriate appearance, layout and scale, with appropriate landscaping incorporated. As such, the proposed development is considered to be in accordance with the local and national policy objectives.

16.2 The appearance of the housing, with five distinctive character areas, would respond to the appearance of housing in Bridport.

16.3 The layout of the housing, community infrastructure, movement network, drainage and affordable housing would meet the requirements necessary for the scheme to function and integrate with Bridport.



16.4 The landscaping would conserve and enhance the AONB, biodiversity and existing trees and hedges and provide appropriate new planting.

16.5 The scale would be appropriate to the characteristics of the site including the lie of the land and location within it.

16.6 The proposal would comply with the West Dorset, Weymouth & Portland Local Plan, the Bridport Area Neighbourhood Plan and the National Planning Policy Framework (NPPF).

16.7 Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. There are no material considerations which would warrant refusal of this application.

## 17.0 Recommendation

17.1 That delegated authority be granted to the Head of Planning and the Service Manager for Development Management and Enforcement for the approval of reserved matters, subject to the discharge of any outstanding conditions on the outline planning permission (WD/D/17/000986) which are required to be discharged prior to the approval of the reserved matters (conditions 2 for the phasing, 6 for a Design Code, 7 for the LEMP, 38 for the road crossings over the river and 39 for floor levels of the dwellings) and subject to conditions as set out in this report, with the relevant plan number and revision number to be entered in conditions no. 2, 3 and 4.

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

### Arboriculture

Veteran Tree Assessment and Management Plan Dated June 2022

Arboricultural Assessment and Method Statement Dated June 2022

### Architecture

Acoustic Mitigation Plan 1859 1119 Rev A

Design Compliance Statement Addendum DCSA\_01

Location Plan 1859 1000 Rev D

Phasing Plan 1859 80 Rev B

Roof Materials, Front Door Colours and Chimney Placement Plan 1859 1140 Rev A

Planning Layout 1859 1100 Rev C

Planning Layout (1 of 3) 1859 1101 Rev C

Planning Layout (2 of 3) 1859 1102 Rev C

Planning Layout (3 of 3) 1859 1103 Rev C

Masterplan 1859 1105 Rev C

Materials Plan 1859 1111 Rev D

Storey Heights Plan	1859 1112 Rev C	
Parking Plan	1859 1113 Rev C	
Land Ownership Plan	1859 1114 Rev C	
Affordable Housing Plan	1859 1115 Rev C	
External Works Plan	1859 1116 Rev C	
Waste Collection Plan	1859 1117 Rev C	
Enclosures Plan	1859 1118 Rev C	
Site Sections	1859 1150 Rev B	
Site Sections	1859 1151 Rev B	
Central Vearse Street scenes	1859 1170 Rev B	
Core Neighbourhood and Countryside Edge Street scenes		1859 1171 Rev B
Park Edge and West Mead Street scenes	1859 1172 Rev B	
House Type Elevational Key	1859 3000 Rev A	
House Type Elevational Key Central Vearse	1859 3001 Rev A	
House Type Elevational Key Core Neighbourhood	1859 3002 Rev A	
House Type Elevational Key Park Edge	1859 3003 Rev A	
House Type Elevational Key Countryside Edge	1859 3004 Rev A	
House Type Elevational Key West Mead	1859 3005 Rev A	
Chillfrome – Floor Plans	1859 2400	
Chillfrome – Elevations	1859 2401	
Chillfrome – Elevations	1859 2402	
Chillfrome – Elevations	1859 2403	
Chillfrome – Elevations	1859 2404	
Chillfrome – Elevations	1859 2405 Rev A	
Chillfrome – Elevations	1859 2406 Rev A	
Chillfrome – Elevations	1859 2407 Rev A	
Chillfrome – Elevations	1859 2408 Rev A	
Muckleford – Floor Plans	1859 2410	
Muckleford – Elevations	1859 2411	
Muckleford – Elevations	1859 2412	
Muckleford – Elevations	1859 2413	
Muckleford – Elevations	1859 2414	
Muckleford – Elevations	1859 2415	
Kadesh – Floor Plans	1859 2420	

Kadesh – Elevations	1859 2421
Gabriel –Floor Plans	1859 2430
Gabriel – Elevations	1859 2431
Gabriel – Elevations	1859 2432
Gabriel – Elevations	1859 2433
Gabriel – Elevations	1859 2434
Oakes – Floor Plans	1859 2440
Oakes – Elevations	1859 2441
Oakes – Floor Plans – Bespoke	1859 2442
Oakes – Elevations	1859 2443
Aldwin – Floor Plans	1859 2450
Aldwin – Elevations	1859 2451
Portesham – Floor Plans	1859 2460
Portesham – Elevations	1859 2461
Portesham – Elevations	1859 2462
Charminster – Floor Plans	1859 2470
Charminster – Elevations	1859 2471
Westhay – Floor Plans	1859 2290
Westhay – Elevations	1859 2291
Westhay – Elevations	1859 2292
Westhay – Elevations	1859 2293
Westhay – Elevations	1859 2294
Westhay – Elevations	1859 2295
Westhay – Elevations	1859 2296
Marshwood – Floor Plans	—————1859 2270
Marshwood – Elevations	—————1859 2271
Marshwood – Elevations	—————1859 2272
Marshwood – Elevations	—————1859 2273
Bradpole – Floor Plans	1859 2280
Bradpole – Elevations	1859 2281
Bradpole – Elevations	1859 2282
Yonderover Floor Plans	1859 2260
Yonderover Elevations	1859 2261
Yonderover Elevations	1859 2262
Yonderover Elevations	1859 2263

Yonderover Elevations	1859 2264
Yonderover Elevations	1859 2265
Northay – Floor Plans	1859 2250
Northday – Elevations	1859 2251
Northay Elevations	1859 2252
Northay Elevations	1859 2253
Northay Elevations	1859 2254
Northay Elevations	1859 2255
Askerswell – Floor Plans	1859 2240
Askerswell – Elevations	1859 2241
Askerswell – Elevations	1859 2242
Askerswell – Elevations	1859 2243
Askerswell – Elevations	1859 2244
Askerswell – Elevations	1859 2245
Askerswell – Elevations	1859 2246
Askerswell – Elevations	1859 2247
Askerswell – Elevations	1859 2248
Chilcombe – Floor Plans	1859 2230
Chilcombe – Elevations	1859 2231
Chilcombe – Elevations	1859 2232
Chilcombe – Elevations	1859 2233
Chilcombe – Elevations	1859 2234
Spyway – Floor Plans	1859 2220
Spyway – Elevations	1859 2221
Spyway – Elevations	1859 2222
Spyway – Elevations	1859 2223
Spyway – Elevations	1859 2224
Spyway – Elevations	1859 2225
Spyway – Elevations	1859 2226
Spyway – Elevations	1859 2227
Spyway – Elevations	1859 2228
Charmouth – Floor Plans	1859 2210
Charmouth – Elevations	1859 2211
Charmouth – Elevations	1859 2212
Walditch – Floor Plans	1859 2200

Walditch – Elevations	1859 2201
Walditch – Elevations	1859 2202
Walditch – Elevations	1859 2203
Walditch – Elevations	1859 2204
Littlebready – Floor Plans	1859 2310
Littlebready – Elevations	1859 2311
Littlebready – Elevations	1859 2312
Littlebready – Elevations	1859 2313
Littlebready – Elevations	1859 2314
Littlebready – Elevations	1859 2315
Abbotsbury – Floor Plans	1859 2320
Abbotsbury – Elevations	1859 2321
Abbotsbury – Elevations	1859 2322
Abbotsbury – Elevations	1859 2323
Abbotsbury – Elevations	1859 2324
Bexington – Floor Plans	1859 2330
Bexington – Elevations	1859 2331
Bexington – Elevations	1859 2332
Bexington – Elevations	1859 2333
Bexington – Elevations	1859 2334
Birdsmoor – Floor Plans	1859 2340
Birdsmoor – Elevations	1859 2341
Birdsmoor – Elevations	1859 2342
Birdsmoor – Elevations	1859 2343
Birdsmoor – Elevations	1859 2344
Birdsmoor – Elevations	1859 2345
Birdsmoor – Elevations	1859 2346
Birdsmoor – Elevations	1859 2347
Frampton – Floor Plans	1859 2350
Frampton – Elevations	1859 2351
Frampton – Elevations	1859 2352
Frampton – Elevations	1859 2353
Frampton – Elevations	1859 2354
Frampton – Elevations	1859 2355
Frampton – Elevations	1859 2356

Frampton – Elevations	1859 2357
Frampton – Elevations	1859 2358
Wynford – Floor Plans	1859 2360
Wynford – Elevations	1859 2361
Wynford – Elevations	1859 2362
Wynford – Elevations	1859 2363
Hampton – Floor Plans	1859 2370
Hampton – Elevations	1859 2371
Hampton – Elevations	1859 2372
Hampton – Elevations	1859 2373
Hampton – Elevations	1859 2374
Martinstown – Floor Plans	1859 2380
Martinstown – Elevations	1859 2381
Martinstown – Elevations	1859 2382
Martinstown – Elevations	1859 2383
Martinstown – Elevations	1859 2384
Martinstown – Elevations	1859 2385
Coneygar – Floor Plans	1859 2390
Coneygar – Elevations	1859 2391
Coneygar – Elevations	1859 2392
Cattistock – Floor Plans	1859 2500
Cattistock – Elevations	1859 2501
Cattistock – Elevations	1859 2502
Hooke – Floor Plans	1859 2510
Hooke – Elevations	1859 2511
Hooke – Elevations	1859 2512
Hooke – Elevations	1859 2513
Hooke – Elevations	1859 2514
Mapperton – Floor Plans	1859 2520
Mapperton – Elevations	1859 2521
Mapperton – Elevations	1859 2522
Mapperton – Elevations	1859 2523
Mapperton – Elevations	1859 2524
Mapperton – Elevations	1859 2525
Melplash – Bespoke – Floor Plans	1859 2530

Melplash – Bespoke – Elevations	1859 2531
Melplash – Bespoke – Elevations	1859 2532
Melplash – Bespoke – Elevations	1859 2533
Melplash – Bespoke – Elevations	1859 2534
Melplash – Bespoke – Elevations	1859 2535
Melplash – Bespoke – Elevations	1859 2536
Melplash – Bespoke – Elevations	1859 2537
Beaminster – Floor Plans	1859 2540
Beaminster – Elevations	1859 2541
Beaminster – Elevations	1859 2542
Beaminster – Elevations	1859 2543
Netherbury – Floor Plans	1859 2550
Netherbury – Elevations	1859 2551
Netherbury – Elevations	1859 2552
Bowood – Floor Plans	1859 2560
Bowood – Elevations	1859 2561
Bowood – Elevations	1859 2562
Bowood – Elevations	1859 2563
Bowood – Elevations	1859 2564
Bowood – Elevations	1859 2565
Bowood – Elevations	1859 2566
Broadoak – Floor Plans	1859 2570
Broadoak – Elevations	1859 2571
Blackney – Plans and Elevations	1859 2700
Whitecross – Plans and Elevations	1859 2701
Ryall – Floor Plans	1859 2630
Ryall – Elevations - Brick	1859 2631
Seatown – Floor Plans	1859 2610
Seatown – Elevations	1859 2611
Seatown – Elevations	1859 2612
Seatown – Elevations – Render, Brick Plinth	1859 2613
Seatown – Elevations – Render, Brick Plinth	1859 2614
Chideock – Floor Plans	1859 2600
Chideock – Elevations	1859 2601
Chideock – Elevations	1859 2602

Chideock – Elevations	1859 2603	
Pilsdon – Floor Plans	1859 2620	
Pilsdon – Elevations	1859 2621	
Hoyton – Floor Plans	1859 2300	
Hoyton – Elevations	1859 2301	
Hoyton – Elevations	1859 2302	
Single Garage – Floor Plans and Elevations	1859 4000	
Double Garage – Floor Plans and Elevations	1859 4010 Rev B	
Single Garage – Floor Plans and Elevations	1859 4020 Rev B	
Double Garage – Floor Plans and Elevations	1859 4030 Rev B	
Twin Garage – Floor Plans and Elevations	1859 4040 Rev B	
Bin and Cycle Store – Plans and Elevations	1859 4050 Rev B	
Sub Station – Plans and Elevations	1859 4060	
Changing Rooms – Plans and Elevations	1859 4070 Rev A	
Bat Roost – Plans and Elevations	1859 4080	
Cycle Shelter – Plans and Elevations	1859 4090	
1.8m Brick Screen Wall – Plans and Elevations	1931 2000	
1.8m Close board Fence – Plans and Elevations	1859 2001	
1.8m Instant Hedge Boundary Plans and Elevations	1859 2002	
1.2m Bow Top Railing – Plans and Elevations	1859 2003	
1.2m Ranch Timber Rails – Plans and Elevations	1859 2004	
0.5m Trip Rail – Plans and Elevations	1859 2005	
1.0m Low Brick Wall and Estate Vertical Railings Ball Top (Painted Black) – Plans and Elevations	1859 2006	
1.0m Vertical Railing – Plans and Elevations	1859 2007	
1.2m Cock n Hen Stone Wall – Plans and Elevations		1859 2008
1.0m Brick Wall – Plans and Elevations	1859 2009	
Ecology		
Ecological Survey Summary Report 2021	RM 1a	
Biodiversity Metric 3.0	Dated 30/05/22	
Engineering		
Proposed Western Foot/Cycle Link	1628 D1601 Rev P1	
Proposed Western Footbridge	1628 D1600 Rev P1	
Visibility layout	P7150 Rev P3	
External Works Layout Sheet 1 of 22	P6000 Rev P5	



External Works Layout Sheet 2 of 22	P6001 Rev P4
External Works Layout Sheet 3 of 22	P6002 Rev P3
External Works Layout Sheet 4 of 22	P6003 Rev P5
External Works Layout Sheet 5 of 22	P6004 Rev P5
External Works Layout Sheet 6 of 22	P6005 Rev P5
External Works Layout Sheet 7 of 22	P6006 Rev P5
External Works Layout Sheet 8 of 22	P6007 Rev P5
External Works Layout Sheet 9 of 22	P6008 Rev P4
External Works Layout Sheet 10 of 22	P6009 Rev P5
External Works Layout Sheet 11 of 22	P6010 Rev P5
External Works Layout Sheet 12 of 22	P6011 Rev P5
External Works Layout Sheet 13 of 22	P6012 Rev P5
External Works Layout Sheet 14 of 22	P6013 Rev P4
External Works Layout Sheet 15 of 22	P6014 Rev P5
External Works Layout Sheet 16 of 22	P6015 Rev P5
External Works Layout Sheet 17 of 22	P6016 Rev P5
External Works Layout Sheet 18 of 22	P6017 Rev P5
External Works Layout Sheet 19 of 22	P6018 Rev P5
External Works Layout Sheet 20 of 22	P6019 Rev P4
External Works Layout Sheet 21 of 22	P6020 Rev P4
External Works Layout Sheet 22 of 22	P6021 Rev P5
Highway Construction Details Sheet 1 of 2	P7500 Rev P3
Highway Construction Details Sheet 2 of 2	P7501 Rev P3
Highway Construction Details Highway Ramp Detail	P7510 Rev P3
Highway Longsections Sheet 1	P7300 Rev P3
Highway Longsections Sheet 2	P7301 Rev P3
Highway Longsections Sheet 3	P7302 Rev P3
Highway Longsections Sheet 4	P7303 Rev P3
Highway Longsections Sheet 5	P7304 Rev P3
Highway Longsections Sheet 6	P7305 Rev P3
Highway Longsections Sheet 7	P7306 Rev P3
Highway Longsections Sheet 8	P7307 Rev P3
Highway Longsections Sheet 9	P7308 Rev P3
Highway Longsections Sheet 10	P7309 Rev P3
Highway Longsections Sheet 11	P7310 Rev P3

Highway Longsections Sheet 12	P7311 Rev P3
Highway Longsections Sheet 13	P7312 Rev P3
Highway Longsections Sheet 14	P7313 Rev P3
Highway Longsections Sheet 15	P7314 Rev P3
Highway Longsections Sheet 16	P7315 Rev P3
Highway Longsections Sheet 17	P7316 Rev P3
Highway Longsections Sheet 18	P7317 Rev P3
Highway Longsections Sheet 19	P7318 Rev P3
Highways Longsections Sheet 20	P7319 Rev P3
Highways Engineering Layout Sheet 1 of 26	P7000 Rev P4
Highways Engineering Layout Sheet 2 of 26	P7001 Rev P4
Highways Engineering Layout Sheet 3 of 26	P7002 Rev P4
Highways Engineering Layout Sheet 4 of 26	P7003 Rev P4
Highways Engineering Layout Sheet 5 of 26	P7004 Rev P4
Highways Engineering Layout Sheet 6 of 26	P7005 Rev P4
Highways Engineering Layout Sheet 7 of 26	P7006 Rev P4
Highways Engineering Layout Sheet 8 of 26	P7007 Rev P4
Highways Engineering Layout Sheet 9 of 26	P7008 Rev P4
Highways Engineering Layout Sheet 10 of 26	P7009 Rev P4
Highways Engineering Layout Sheet 11 of 26	P7010 Rev P4
Highways Engineering Layout Sheet 12 of 26	P7011 Rev P4
Highways Engineering Layout Sheet 13 of 26	P7012 Rev P4
Highways Engineering Layout Sheet 14 of 26	P7013 Rev P4
Highways Engineering Layout Sheet 15 of 26	P7014 Rev P4
Highways Engineering Layout Sheet 16 of 26	P7015 Rev P4
Highways Engineering Layout Sheet 17 of 26	P7016 Rev P4
Highways Engineering Layout Sheet 18 of 26	P7017 Rev P4
Highways Engineering Layout Sheet 19 of 26	P7018 Rev P4
Highways Engineering Layout Sheet 20 of 26	P7019 Rev P4
Highways Engineering Layout Sheet 21 of 26	P7020 Rev P4
Highways Engineering Layout Sheet 22 of 26	P7021 Rev P4
Highways Engineering Layout Sheet 23 of 26	P7022 Rev P4
Highways Engineering Layout Sheet 24 of 26	P7023 Rev P4
Highways Engineering Layout Sheet 25 of 26	P7024 Rev P3
Highways Engineering Layout Sheet 26 of 26	P7025 Rev P2

Site Access Section 278 Surfacing and Specification Layout

P7760 Rev P3

Site Access Section 278 Standard Details	P7800 Rev P2
Priority Junction Layout Site Access S278 Layout	P7751 Rev P4
Highways Surfacing Specification Sheet 1 of 25	P7200 Rev P4
Highways Surfacing Specification Sheet 2 of 25	P7201 Rev P3
Highways Surfacing Specification Sheet 3 of 25	P7202 Rev P4
Highways Surfacing Specification Sheet 4 of 25	P7203 Rev P4
Highways Surfacing Specification Sheet 5 of 25	P7204 Rev P4
Highways Surfacing Specification Sheet 6 of 25	P7205 Rev P4
Highways Surfacing Specification Sheet 7 of 25	P7206 Rev P4
Highways Surfacing Specification Sheet 8 of 25	P7207 Rev P4
Highways Surfacing Specification Sheet 9 of 25	P7208 Rev P4
Highways Surfacing Specification Sheet 10 of 25	P7209 Rev P4
Highways Surfacing Specification Sheet 11 of 25	P7210 Rev P3
Highways Surfacing Specification Sheet 12 of 25	P7211 Rev P4
Highways Surfacing Specification Sheet 13 of 25	P7212 Rev P4
Highways Surfacing Specification Sheet 14 of 25	P7213 Rev P4
Highways Surfacing Specification Sheet 15 of 25	P7214 Rev P4
Highways Surfacing Specification Sheet 16 of 25	P7215 Rev P4
Highways Surfacing Specification Sheet 17 of 25	P7216 Rev P3
Highways Surfacing Specification Sheet 18 of 25	P7217 Rev P3
Highways Surfacing Specification Sheet 19 of 25	P7218 Rev P4
Highways Surfacing Specification Sheet 20 of 25	P7219 Rev P4
Highways Surfacing Specification Sheet 21 of 25	P7220 Rev P3
Highways Surfacing Specification Sheet 22 of 25	P7221 Rev P3
Highways Surfacing Specification Sheet 23 of 25	P7222 Rev P3
Highways Surfacing Specification Sheet 24 of 25	P7223 Rev P4
Highways Surfacing Specification Sheet 25 of 25	P7224 Rev P3
Highways Surfacing Specification Key Plan	P7225 Rev P5
Highways Surfacing Specification Layout (Overall)	P7226 Rev P3
Vehicle Swept Path Analysis 1 of 24	P7600 Rev P4
Vehicle Swept Path Analysis 2 of 24	P7601 Rev P4
Vehicle Swept Path Analysis 3 of 24	P7602 Rev P4
Vehicle Swept Path Analysis 4 of 24	P7603 Rev P3
Vehicle Swept Path Analysis 5 of 24	P7604 Rev P4

Vehicle Swept Path Analysis 6 of 24	P7605 Rev P4	
Vehicle Swept Path Analysis 7 of 24	P7606 Rev P4	
Vehicle Swept Path Analysis 8 of 24	P7607 Rev P4	
Vehicle Swept Path Analysis 9 of 24	P7608 Rev P4	
Vehicle Swept Path Analysis 10 of 24	P7609 Rev P3	
Vehicle Swept Path Analysis 11 of 24	P7610 Rev P4	
Vehicle Swept Path Analysis 12 of 24	P7611 Rev P4	
Vehicle Swept Path Analysis 13 of 24	P7612 Rev P4	
Vehicle Swept Path Analysis 14 of 24	P7613 Rev P4	
Vehicle Swept Path Analysis 15 of 24	P7614 Rev P3	
Vehicle Swept Path Analysis 16 of 24	P7615 Rev P3	
Vehicle Swept Path Analysis 17 of 24	P7616 Rev P4	
Vehicle Swept Path Analysis 18 of 24	P7617 Rev P4	
Vehicle Swept Path Analysis 19 of 24	P7618 Rev P4	
Vehicle Swept Path Analysis 20 of 24	P7619 Rev P4	
Vehicle Swept Path Analysis 21 of 24	P7620 Rev P3	
Vehicle Swept Path Analysis 22 of 24	P7621 Rev P3	
Vehicle Swept Path Analysis 23 of 24	P7622 Rev P4	
Vehicle Swept Path Analysis 24 of 24	P7623 Rev P3	
Cycleway Access from Magdalen Lane	P7702 Rev P2	
Tree Planter Details	P5605 Rev P2	
Tree Pit Verge Detail	P5606 Rev P1	
Flood Risk and Drainage		
Drainage Construction Details Sheet 1 of 2	P5600 Rev P2	
Drainage Construction Details Sheet 2 of 2	P5601 Rev P3	
Drainage Layout Overall Plan	P5032 Rev P3	
Drainage Layout Sheet 1 of 33		P5000 Rev P4
Drainage Layout Sheet 2 of 33		P5001 Rev P3
Drainage Layout Sheet 3 of 33		P5002 Rev P4
Drainage Layout Sheet 4 of 33		P5003 Rev P4
Drainage Layout Sheet 5 of 33		P5004 Rev P3
Drainage Layout Sheet 6 of 33		P5005 Rev P4
Drainage Layout Sheet 7 of 33		P5006 Rev P4
Drainage Layout Sheet 8 of 33		P5007 Rev P4
Drainage Layout Sheet 9 of 33		P5008 Rev P4

Drainage Layout Sheet 10 of 33	P5009 Rev P3
Drainage Layout Sheet 11 of 33	P5010 Rev P3
Drainage Layout Sheet 12 of 33	P5011 Rev P4
Drainage Layout Sheet 13 of 33	P5012 Rev P4
Drainage Layout Sheet 14 of 33	P5013 Rev P4
Drainage Layout Sheet 15 of 33	P5014 Rev P4
Drainage Layout Sheet 16 of 33	P5015 Rev P3
Drainage Layout Sheet 17 of 33	P5016 Rev P3
Drainage Layout Sheet 18 of 33	P5017 Rev P4
Drainage Layout Sheet 19 of 33	P5018 Rev P4
Drainage Layout Sheet 20 of 33	P5019 Rev P3
Drainage Layout Sheet 21 of 33	P5020 Rev P4
Drainage Layout Sheet 22 of 33	P5021 Rev P3
Drainage Layout Sheet 23 of 33	P5022 Rev P3
Drainage Layout Sheet 24 of 33	P5023 Rev P4
Drainage Layout Sheet 25 of 33	P5024 Rev P3
Drainage Layout Sheet 26 of 33	P5025 Rev P4
Drainage Layout Sheet 27 of 33	P5026 Rev P4
Drainage Layout Sheet 28 of 33	P5027 Rev P3
Drainage Layout Sheet 29 of 33	P5028 Rev P3
Drainage Layout Sheet 30 of 33	P5029 Rev P4
Drainage Layout Sheet 31 of 33	P5030 Rev P3
Drainage Layout Sheet 32 of 33	P5031 Rev P3
Drainage Layout Sheet 33 of 33	P5033 Rev P1
Impermeable Plan Area Sheet 1 of 8 Pond 1	P1200 Rev P4
Impermeable Plan Area Sheet 2 of 8 Pond 2	P1201 Rev P4
Impermeable Plan Area Sheet 3 of 8 Pond 3	P1202 Rev P4
Impermeable Plan Area Sheet 4 of 8 Pond 4	P1203 Rev P4
Impermeable Plan Area Sheet 5 of 8 Pond 5	P1204 Rev P4
Impermeable Plan Area Sheet 6 of 8 Pond 6	P1205 Rev P4
Impermeable Plan Area Sheet 7 of 8 Pond 7 and 7A	P1206 Rev P4
Impermeable Plan Area Sheet 8 of 8 Overall Plan	P1207 Rev P4
Pond 1 Sections Network 1 Sheet 1 of 6	P5650 Rev P3
Pond 2 Sections Network 3 Sheet 2 of 6	P5651 Rev P3
Pond 4 Sections Network 2 Sheet 3 of 6	P5652 Rev P3

Pond 5 Sections Network 4 Sheet 4 of 6	P5653 Rev P3
Pond 7A Sections Network 5 Sheet 5 of 6	P5654 Rev P3
Pond 7B Sections Network 5 Sheet 6 of 6	P5655 Rev P3
Bridge Sections and Flood Compensation Calculations	
Western Structure	P7350 Rev P3
Bridge Sections and Flood Compensation Calculations	
Eastern Structure	P7351 Rev P3
Bridge Sections and Flood Compensation Calculations	
Eastern Cycle Link Structure	P7352 Rev P3
Flood Risk Assessment Addendum	1628w001 Rev P2
Sports Pitch Layout	P5750 Rev P2
Landscape	
Landscape Environmental Specification and Management Plan	Rev D
Landscape and Ecological Strategy Plan	10042-L-01 Rev F
Ecological Enhancements Plan Wildlife Boxes and Other Features	10042-FPCR-XX-ZZ-DR-L-0045 Rev P02
Landscape Signage Strategy	10042-L-02 Rev A
LEAP 1	IDV-PD 1042-01
LEAP 2	IDV-PD 1042-02
NEAP and MUGA	IDV-PD 1042.03 Rev A
Tree Pit Section	10042-FPCR-CC-ZZ-DR-L-0049 Rev P01
Landscape Proposal Sports Pitch Plan	10042-FPCR-XX-ZZ-DR-L-0048 Rev P02
Woodland Trail Plan	10042-FPCR-XX-ZZ-DR-L 0046 Rev P02
Allotment Scheme Plan	10042-FPCR-XX-ZZ-DR-L-0047 Rev P02
Sheet Layout Plan	10042-FPCR-XX-ZZ-DR-L-0001 Rev P05
Detailed Planting Plan Sheet 1 of 43	10042-FPCR-XX-ZZ-DR-L0002 Rev P05
Detailed Planting Plan Sheet 2 of 43	10042-FPCR-XX-ZZ-DR-L0003 Rev P05
Detailed Planting Plan Sheet 3 of 43	10042-FPCR-XX-ZZ-DR-L0004 Rev P05
Detailed Planting Plan Sheet 4 of 43	10042-FPCR-XX-ZZ-DR-L0005 Rev P05
Detailed Planting Plan Sheet 5 of 43	10042-FPCR-XX-ZZ-DR-L0006 Rev P05
Detailed Planting Plan Sheet 6 of 43	10042-FPCR-XX-ZZ-DR-L0007 Rev P05
Detailed Planting Plan Sheet 7 of 43	10042-FPCR-XX-ZZ-DR-L0008 Rev P05

Detailed Planting Plan Sheet 8 of 4310042-FPCR-XX-ZZ-DR-L0009 Rev P05  
Detailed Planting Plan Sheet 9 of 4310042-FPCR-XX-ZZ-DR-L0010 Rev P05  
Detailed Planting Plan Sheet 10 of 4310042-FPCR-XX-ZZ-DR-L0011 Rev P05  
Detailed Planting Plan Sheet 11 of 4310042-FPCR-XX-ZZ-DR-L0012 Rev P05  
Detailed Planting Plan Sheet 12 of 4310042-FPCR-XX-ZZ-DR-L0013 Rev P05  
Detailed Planting Plan Sheet 13 of 4310042-FPCR-XX-ZZ-DR-L0014 Rev P05  
Detailed Planting Plan Sheet 14 of 4310042-FPCR-XX-ZZ-DR-L0015 Rev P05  
Detailed Planting Plan Sheet 15 of 4310042-FPCR-XX-ZZ-DR-L0016 Rev P05  
Detailed Planting Plan Sheet 16 of 4310042-FPCR-XX-ZZ-DR-L0017 Rev P05  
Detailed Planting Plan Sheet 17 of 4310042-FPCR-XX-ZZ-DR-L0018 Rev P05  
Detailed Planting Plan Sheet 18 of 4310042-FPCR-XX-ZZ-DR-L0019 Rev P05  
Detailed Planting Plan Sheet 19 of 4310042-FPCR-XX-ZZ-DR-L0020 Rev P05  
Detailed Planting Plan Sheet 20 of 4310042-FPCR-XX-ZZ-DR-L0021 Rev P05  
Detailed Planting Plan Sheet 21 of 4310042-FPCR-XX-ZZ-DR-L0022 Rev P05  
Detailed Planting Plan Sheet 22 of 4310042-FPCR-XX-ZZ-DR-L0023 Rev P05  
Detailed Planting Plan Sheet 23 of 4310042-FPCR-XX-ZZ-DR-L0024 Rev P05  
Detailed Planting Plan Sheet 24 of 4310042-FPCR-XX-ZZ-DR-L0025 Rev P05  
Detailed Planting Plan Sheet 25 of 4310042-FPCR-XX-ZZ-DR-L0026 Rev P05  
Detailed Planting Plan Sheet 26 of 4310042-FPCR-XX-ZZ-DR-L0027 Rev P05  
Detailed Planting Plan Sheet 27 of 4310042-FPCR-XX-ZZ-DR-L0028 Rev P05  
Detailed Planting Plan Sheet 28 of 4310042-FPCR-XX-ZZ-DR-L0029 Rev P05  
Detailed Planting Plan Sheet 29 of 4310042-FPCR-XX-ZZ-DR-L0030 Rev P05  
Detailed Planting Plan Sheet 30 of 4310042-FPCR-XX-ZZ-DR-L0031 Rev P05  
Detailed Planting Plan Sheet 31 of 4310042-FPCR-XX-ZZ-DR-L0032 Rev P05  
Detailed Planting Plan Sheet 32 of 4310042-FPCR-XX-ZZ-DR-L0033 Rev P05  
Detailed Planting Plan Sheet 33 of 4310042-FPCR-XX-ZZ-DR-L0034 Rev P05  
Detailed Planting Plan Sheet 34 of 4310042-FPCR-XX-ZZ-DR-L0035 Rev P05  
Detailed Planting Plan Sheet 35 of 4310042-FPCR-XX-ZZ-DR-L0036 Rev P05  
Detailed Planting Plan Sheet 36 of 4310042-FPCR-XX-ZZ-DR-L0037 Rev P05  
Detailed Planting Plan Sheet 37 of 4310042-FPCR-XX-ZZ-DR-L0038 Rev P05  
Detailed Planting Plan Sheet 38 of 4310042-FPCR-XX-ZZ-DR-L0039 Rev P05  
Detailed Planting Plan Sheet 39 of 4310042-FPCR-XX-ZZ-DR-L0040 Rev P05  
Detailed Planting Plan Sheet 40 of 4310042-FPCR-XX-ZZ-DR-L0041 Rev P05  
Detailed Planting Plan Sheet 41 of 4310042-FPCR-XX-ZZ-DR-L0042 Rev P05  
Detailed Planting Plan Sheet 42 of 4310042-FPCR-XX-ZZ-DR-L0043 Rev P05

Detailed Planting Plan Sheet 43 of 4310042-FPCR-XX-ZZ-DR-L0044 Rev P05

Sustainability

Energy Statement SOL\_21\_S008\_LRM Issue 4

Sustainable Design and Construction Statement SOL21S008\_LRM Issue 4

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

2. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev [tbc] shall take place until samples of materials to be used in the construction and finish of walls and roofs for that phase have been made available on site for the inspection and written approval of the Local Planning Authority. The samples should include sample panels measuring 1 metre by 2 metres of each principal facing material, which should include details of coursing, mortar mix and pointing. The sample panels should be retained on-site until they have been approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality.

3. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev [tbc] shall take place until detailed drawings (at a scale of not less than 1:20) showing the design, materials and construction specifications of external doors and windows for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: In order to ensure that the details are of sufficient standard.

4. No development above damp proof course level for each phase of development as shown on Plan 1859 80 Rev [tbc] shall take place until a scheme showing details of all external vents, flues and utility meter boxes for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

5. The development hereby approved shall proceed only in strict accordance with the details set out in the Arboricultural Method Statement dated: June 2022, with associated Tree Protection Plans ref: 10042-T-03 B - 10042-T-13 B and details contained within the Veteran Tree Assessment dated: June 2022.



Reason: To ensure thorough consideration of the impacts of development on the existing trees.

6. In implementing the landscape planting hereby permitted, the following species must not be planted within 10m of the A35:

- Blackthorn (*Prunus spinosa*)
- Goat willow (*Salix caprea*)
- Crack willow (*Salix fragilis*)
- Dogwood (*Cornus sanguinea*)
- Italian alder (*Alnus cordata*)
- Bird cherry (*Prunus avium*)
- Quaking Aspen (*Populus tremulans*)
- Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the A35 trunk road carriageway or any significant National Highways asset:

- Silver Birch (*Betula pendula*)
- Austrian Pine (*Pinus nigra*)
- Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*)
- English Oak (*Quercus robur*)

Reason: To ensure the safe and efficient operation of the strategic road network.

7. No development above damp proof course level shall take place within a sub-phase of development, until a plan showing the sub-phasing arrangements for the development hereby approved in relation to the visibility splay areas shown on Drawing Number 1628 P7150 P3 has been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation or the utilisation of each agreed sub-phase, the approved visibility splays as per Drawing Number 1628 P7150 P3 shall be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

8. Prior to the construction of the vehicular access to the rear of plots 700-707 inclusive as shown on Drawing Number 1859 1100 Rev C, a scheme showing how the vehicular access to the rear of plot 707 will be signposted and marked to ensure the access is used for the purpose of Entry Only, shall be submitted and approved in writing to the Local Planning

Authority. The approved scheme shall be implemented prior to the occupation or utilisation of plots 700 to 707 and, thereafter, must be permanently maintained for the purpose specified.

Reason: To ensure safe entry and exit to and from the site onto the highway.

**Informative Notes:**

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 1 May 2019.

2. Informative: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

3. Informative: The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Development team. They can be reached by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

4. Informative: There is a requirement for condition 22 of the outline planning permission to provide a plan showing the sub-phasing arrangements for the development hereby approved in relation to the access, geometric highway layout, turning and parking areas shown on Drawing Number 1859 1100 Rev C.

5. Informative: The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website [www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering](http://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering).

6. Informative: Plans of the Skills Academy shall be submitted to and agreed by the Local Planning Authority in the discharge of condition 20 of the outline permission for the agreement of a Construction Traffic Management Plan.

7. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 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 applications/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.
- The applicant was provided with pre-application advice.

This page is intentionally left blank

<b>Reference No:</b> P/VOC/2023/00785
<b>Proposal:</b> Erect 4 no. houses to existing yard and 3 no. houses to yard 2 without compliance with condition 4 of planning permission 1/E/96/000515 to remove restriction as to use.
<b>Address:</b> Whitcombe Manor Stables A352 Came Park Road To Main Road Broadmayne Whitcombe DT2 8NY
<b>Case Officer:</b> James Lytton-Trevers
<b>Ward Members:</b> Cllr Tarr

This application is referred to committee at the request of the Service Manager for Development Management and Enforcement following a scheme of delegation consultation.

## 1.0 Summary of recommendation:

(A) Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

(B) Refuse permission for the reasons set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to the remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2 outside a defined development boundary. As such the proposal would be contrary to Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

## 2.0 Reason for the recommendation:

The proposed use is considered to be appropriate and to be in accordance with the local and national policy objectives.

## 3.0 Key planning issues

Issue	Conclusion
Principle	The principle would comply with policies ECON6 and SUS3 of the adopted local plan.
Other matters	There are no other material considerations.

## 4.0 Description of Site

The wider site is a purpose built racing stud comprising stables, land and a number of dwellings. The complex is laid out in a formal fashion on two sides of the road with two accesses opposite one another. This application relates to four of the houses which are

configured as two pairs of semidetached houses sited close together on the northwest edge of the complex close to the large stable building. The houses are traditional in style and materials. The site is outside a defined development boundary 3 miles from Dorchester in the Dorset Area of Outstanding Natural Beauty.

## 5.0 Description of Development

Two parallel applications have been submitted to vary conditions that restrict the occupancy of six dwellings to only those working within Whitcombe Racing Stables and Mony Musk Stud and to allow the dwellings to be used for holiday accommodation as well. One application seeks variation of permission for four dwellings (this application), the other for two dwellings.

## 6.0 Relevant Planning History (of particular relevance to this application is **1/E/96/000515** in bold)

1/E/87/000775      Decision – Documents missing  
Erect thoroughbred race-horse training establishment, gallops and staff accommodation, and construct new vehicular and pedestrian access.

1/E/90/000263      Decision - Granted  
Change of use of open covered storage area to Jockeys Overnight accommodation units

1/E/94/000295      Decision – Granted (part implemented and part rescinded)  
Erect new stables and yard at grid reference SY 711872 (Amended scheme withdrawing proposal for second yard at grid reference SY 707866). A s106 attached to 1/D/09/001333 rescinded remaining authorised works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.

**1/E/96/000515      Decision – Granted (part implemented and part rescinded)**  
**Erect 4 no. houses to existing yard and 3 no. houses to yard 2.**

**Only 4 of the houses were built. A s106 attached to 1/D/09/001333 rescinded remaining works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.**

**The occupation of the four dwellings is restricted to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference 1/E/87/0775, or the widow or widower of such a person, and to any resident dependents.**

1/E/98/000084      Decision – Granted  
Erect Equine Training Establishment/Stud Farm and 3No dwellings

1/E/05/000604      Decision: Withdrawn  
Removal of condition 6 of Planning Permission Granted under application reference 1/E/87/000775 (accommodation only to be occupied by persons solely, or mainly, employed in the adjoining racehorse training establishment).

1/E/05/000607 -      Decision: Refused contrary to officer recommendation -

Carry out alterations in association with change of use of former racing stables to 48No self-contained units of holiday accommodation, 2No staff flats and associated facilities including offices, swimming pool, gymnasium and stables. Construct tennis court, parking and sewage treatment plant. Carry out landscaping, including the formation of curtilages to holiday accommodation and former trainers' houses.

1/E/05/002006 - Decision: Refused for reason that at the time national policy did not support it.

Carry out alterations in association with the change of use of former racing stables to 48No self-contained units of holiday accommodation, 2No staff flats and associated facilities, including offices, swimming pool, gymnasium and stables. Construct tennis court, parking and sewage treatment plant. Carry out landscaping, including the formation of curtilages to holiday accommodation and former trainers' houses.

1/E/06/002329 - Decision: Granted

Change of use of offices to part living accommodation in main entrance block, construct entrance gates, install horse walkers and external alterations to jockey accommodation

1/D/07/001679 - Decision: Granted

Erect extension to indoor exercise school for storage purposes

1/D/08/000423 - Decision: Granted

Variation of condition 3 of 1/E/96/000515 to allow first occupation of the four houses serving yard 1 before completion of the access improvements required solely in association with yard 2.

1/D/08/002030 - Decision: Refused

Erect 50 stables together with ancillary accommodation. Erect owners house and carer's flat with associated car parking and access

1/D/09/001333 - Decision: Granted

Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access.

The owners house and stud grooms flat above the stables are restricted to a person or persons solely or mainly working, or last working, on a full time, or near full time basis, in the racehorse breeding and/or training facility established on "the holding" as defined within the Section 106 agreement associated with this permission (for the time being known as "Monymusk Stud Stables") or in the running of the racehorse breeding and/or training facility, or a widow or widower of such a person, and to any resident dependants.

A s106 attached to 1/D/09/001333 rescinded remaining authorised works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2. It also required that the holding not be disposed of.

1/D/11/000112 - Decision: Granted

Conservation Pond

WD/D/14/002410 Decision: Granted

Modify Section 106 agreement dated 25th August 1999

WD/D/18/000894 Decision: No officer support  
Pre-application consultation - Conversion of Whitcombe Stables into holiday village use

WD/D/19/001772 - Decision: Withdrawn  
Change of use to holiday village to consist of use of existing buildings as holiday accommodation, restaurant and spa and use of land for parking. Outline application for the erection of extensions to existing buildings, new build holiday accommodation, cycle hire/store and indoor leisure facility (with details of access, layout and scale, all other matters are reserved)

P/VOC/2023/00791 Parallel application  
Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access (with removal of condition 11 of planning permission 1/D/09/001333) - restriction to use.

## **7.0 List of Constraints** Legal Agreements s106

Nutrient Catchment Area

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Risk of Groundwater Emergence; Groundwater levels are at least 5m below the ground surface.; Flooding from groundwater is not likely.;

Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely.;

Area of Outstanding Natural Beauty (AONB): Dorset;

RAMSAR: Dorset Heathlands (UK11021); - Distance: 3438.85

Site of Special Scientific Interest (SSSI) impact risk zone;

Dorset Heathlands - 5km Heathland Buffer;

Scheduled Monument: Bowl barrow 600m south of Whitcombe Farm (List Entry: 1019412);  
- Distance: 110.34

Poole Harbour Catchment Area

Groundwater Source Protection Zone

Radon

## **8.0 Consultations (summarised)**

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

### **Winterborne Farringdon Parish Council - Objection**

The applications would be better submitted and considered as a fundamental change from an agricultural, equestrian use to a holiday or residential use.



Local Plan Policy ECON10(iii) restricts proposals to re-use or adapt substantial purpose-built equestrian holdings for non-equestrian where it can be demonstrated that continued equestrian use is inappropriate or unviable. Proposed uses must be in accordance with other plan policies.

The Parish Council consider the site is viable and question whether the piecemeal repurposing of tied accommodation for holiday lets or residential purposes within the curtilage of what is still an equestrian business is an appropriate proposed use in accordance with local plan policy.

**Dorset Highways** - No objection

### **Representations received**

None

## **9.0 Relevant Policies**

### **National Planning Policy Framework**

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

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
11. Making effective use of land

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.

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

As far as this application is concerned the following policies are considered to be relevant.

- INT1 – Presumption in favour of sustainable development
- ENV 16 – Amenity
- SUS2 – Distribution of development
- SUS3 – Adaptation and re-use of buildings outside DDB's
- ECON6 – Built Tourist Accommodation
- ECON10 – Equestrian Development
- COM7 - Creating A Safe And Efficient Transport Network
- COM 9 – Parking standards in new development

## **OTHER MATERIAL PLANNING CONSIDERATIONS:**

Design and Sustainable Development Planning Guidelines (2009), incorporating the West Dorset Landscape Character Assessment (2009);

### **Emerging Dorset Council Local Plan:**

Paragraph 48 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 Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **National Planning Practice Guidance**

## **10.0 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.

## **11.0 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. The proposal relates to existing built residential accommodation and no alterations are proposed.

## 12.0 Financial benefits

What	Amount / value
Material Considerations	
Tourism spend in Dorset by occupants	
Non-Material Considerations	
Council Tax.	Not known

## 13.0 Climate Implications

There will be ongoing carbon emissions during the lifetime of the development. As the dwellings are reasonably energy efficient this would reduce emissions as would the periodic use only.

## 14.0 Planning Assessment

### Principle

14.1 Application 1/E/96/000515 granted permission for 4 no. houses to existing yard and 3 no. houses to yard 2. Only 4 of the houses were built. A s106 attached to 1/D/09/001333 rescinded remaining works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.

14.2 The occupation of the four dwellings is restricted to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference 1/E/87/0775, or the widow or widower of such a person, and to any resident dependents.

14.3 The applicant states that the land and buildings are no longer used for horses and that there is now too much tied accommodation which is sitting empty. There has been a consistent underoccupancy of the racing stables and stud. The applicant has made strenuous efforts to lease the racing stables. The applicant states that the main complex is just not viable as a racehorse training establishment and is too distant from the main centres of horse racing and training to be attractive to trainers and there are insufficient racehorse owners in the south west to support an establishment of this size. Breaking the property up into multiple small livery stables would neither be viable nor attractive from a site management or landscape points of view especially given the high quality and high costs of maintaining the property. Evidence has been provided accordingly by the applicant.

14.4 The lack of viability is not disputed and it is apparent that if the whole complex cannot be leased, then some flexibility in the use of the accommodation should be exercised. The applicant suggests a temporary relief of the tying condition for a period of 2 years so as to allow, in addition to the racehorse breeding and/or training facility, use as holiday accommodation.

14.5 Policy ECON10 (iii) of the adopted local plan is specifically concerned with equestrian development and the consideration of proposals to re-use or adapt substantial purpose built equestrian holdings for non-equestrian uses it should be demonstrated that continued

equestrian use is inappropriate or unviable. Alternative uses must be in accordance with other plan policies. This application relates to the dwellings rather than the holding and therefore policy ECON10 would not apply in this instance. Policy ECON6 would be the relevant applicable policy in this instance.

14.6 Policy ECON6 (i) supports the re-use of an existing building as built tourist accommodation. Tourist accommodation created from the change of use of existing buildings, in accordance with policy SUS3, increases the stock and variety of accommodation the area has to offer and can bring back into use buildings that may otherwise be left vacant and have a positive impact on the surrounding area.

14.7 The applicant has advised that the equestrian use is not viable, but does not seek a change of use of the entire holding with the option that it could continue in equestrian tied use **and** as holiday accommodation. Holiday accommodation would be a use that would be allowed in this location under policy SUS3.

14.8 Policy SUS3 permits the conversion of rural buildings for private residential dwellings where the building adjoins an existing serviced residential building, is justifiable in the location and will be tied to the wider holding/main property and where the building was in existence in 2011. A tourist related use would be compatible in this location. However, policy SUS3 is no longer in step with current national policy which takes a less restrictive approach to re-use of buildings in the countryside. Dwellings can be re-used as holiday accommodation without need to be adjoining a serviced building or indeed tied to the wider holding. In this case there is no principal dwelling which the dwellings could be tied to and as the dwellings would remain available for equestrian tied accommodation, it is questionable whether there would be a need to tie the dwellings to the holding.

14.9 It is acknowledged that the dwellings were allowed to meet the specific needs of the equestrian enterprise in connection with the breeding and racing of horses, but given that need no longer exists there is a natural fall back to other uses which are allowed in the countryside and which includes holiday accommodation. The dwellings would remain available for occupation in connection with horses, but there would be latitude to allow holiday accommodation use. The National Planning Policy Framework (paragraph 80c) supports the re-use of redundant or disused buildings where it can enhance its immediate setting. This proposal would not result in enhancement to its immediate setting as the buildings are already there and no alterations are proposed. However, in practical terms there would be little difference between a permanent residential use for an equestrian worker and use as holiday accommodation and the latter would help maintain an economic use for the dwellings.

14.10 While the applicant has indicated a willingness to accept a temporary permission for holiday accommodation, this stance would only normally apply for example if the use needed a trial run. Given that holiday accommodation is supported on the basis that the use would be little different in nature to use as residential accommodation by equestrian workers there would be no need to make the use temporary and the proposal to make the accommodation available for equestrian use or holiday accommodation would be acceptable in terms of principle subject to other material planning considerations.

## **Other matters**

14.11 The use for holiday accommodation would not affect the appearance or use of the buildings which would remain residential.

14.12 There is concern from the Parish Council that permission is sought for some and not all of the equestrian accommodation and that it is piecemeal. The applicant has not applied for a change of use of all the accommodation because some of the units are still occupied by an equestrian user (Kieran Burke Racing). However, Kieran Burke have tried and failed to recruit staff. There is no demand for any more of the units for the reasons already stated. The main reason being that the site is too far from race courses to make it viable.

14.13 As this is an application made under s73 for variation of condition, all conditions attached to the original permission should be included unless these are amended or discharged. All the conditions relating to materials, landscaping, etc were discharged and would not be repeated. The only condition would be a revised occupancy condition.

14.14 This permission 1/E/96/000515 was originally for 7 dwellings, but only 4 of the dwellings were built. A s106 attached to a subsequent permission 1/D/09/001333 rescinded remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2. In now varying the condition under permission 1/E/96/000515 the s106 Agreement would also need to be varied by a deed. The deed would need to reference this new application within the provisions of the s106 to ensure that a further 3 houses on yard 2 could not be implemented.

## 15.0 Conclusion

The proposed development is considered to be for an appropriate use in accordance with local and national policy objectives.

## 16.0 Recommendation

**(A)** Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

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

Plans 53-123-10, 11, 12, 13, 14, 15

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

2. The occupation of each of the four dwellings shall be limited to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference 1/E/87/0775, or the widow or widower of such a person, and to any resident dependants or shall be occupied for holiday purposes only and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling(s) and of their main home addresses, and must make this

information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: In order to ensure that the accommodation remains occupied as equestrian or holiday accommodation only.

Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to rescinding permission for three dwellings.

**(B)** Refuse permission for the reasons set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to the remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2 outside a defined development boundary. As such the proposal would be contrary to Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

<b>Reference No:</b> P/VOC/2023/00791
<b>Proposal:</b> Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access (with removal of condition 11 of planning permission 1/D/09/001333) - restriction to use.
<b>Address:</b> Stables Whitcombe Manor A352 Came Park Road To Main Road Broadmayne Whitcombe DT2 8NY
<b>Case Officer:</b> James Lytton-Trevers
<b>Ward Members:</b> Cllr Tarr

This application is referred to committee at the request of the Service Manager for Development Management and Enforcement following a scheme of delegation consultation.

## 1.0 Summary of recommendation:

(A) Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

(B) Refuse permission for the reason set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to remaining authorised works under permission 1/E/94/000295 for the laying of a road to yard 2 outside a defined development boundary. The proposal would be contrary to West Dorset, Weymouth & Portland policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

## 2.0 Reason for the recommendation:

The proposed use is considered to be appropriate and to be in accordance with the local and national policy objectives.

## 3.0 Key planning issues

Issue	Conclusion
Principle	The principle would comply with policies ECON6 and SUS3 of the adopted local plan.
Other matters	There are no other material considerations.

## 4.0 Description of Site

The wider site is a purpose built racing stud comprising stables, land and dwellings. The complex is laid out in a formal fashion on two sides of the road with two accesses opposite one another. This application relates to one detached house in a contemporary style on the

south side of the road and an attic flat within the stables complex on the north side of the road. The site is outside a defined development boundary 3 miles from Dorchester in the Dorset Area of Outstanding Natural Beauty.

## 5.0 Description of Development

Two parallel applications have been submitted to vary conditions that restrict the occupancy of six dwellings to only those working within Whitcombe Racing Stables and Mony Musk Stud and to allow the dwellings to be used for holiday accommodation as well. One application seeks variation of permission for four dwellings, the other (this application) for two dwellings.

## 6.0 Relevant Planning History (of particular relevance to this application is **1/D/09/001333** in bold)

1/E/87/000775            Decision – Documents missing  
Erect thoroughbred race-horse training establishment, gallops and staff accommodation, and construct new vehicular and pedestrian access.

1/E/90/000263            Decision - Granted  
Change of use of open covered storage area to Jockeys Overnight accommodation units

1/E/94/000295            Decision – Granted (part implemented and part rescinded)  
Erect new stables and yard at grid reference SY 711872 (Amended scheme withdrawing proposal for second yard at grid reference SY 707866). A s106 attached to 1/D/09/001333 rescinded remaining authorised works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.

1/E/96/000515            Decision – Granted (part implemented and part rescinded)  
Erect 4 no. houses to existing yard and 3 no. houses to yard 2.

Only 4 of the houses were built. A s106 attached to 1/D/09/001333 rescinded remaining works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.

The occupation of the four dwellings is restricted to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference 1/E/87/0775, or the widow or widower of such a person, and to any resident dependents.

1/E/98/000084            Decision – Granted  
Erect Equine Training Establishment/Stud Farm and 3No dwellings

1/E/05/000604            Decision: Withdrawn  
Removal of condition 6 of Planning Permission Granted under application reference 1/E/87/000775 (accommodation only to be occupied by persons solely, or mainly, employed in the adjoining racehorse training establishment).

1/E/05/000607 -        Decision: Refused contrary to officer recommendation -



Carry out alterations in association with change of use of former racing stables to 48No self-contained units of holiday accommodation, 2No staff flats and associated facilities including offices, swimming pool, gymnasium and stables. Construct tennis court, parking and sewage treatment plant. Carry out landscaping, including the formation of curtilages to holiday accommodation and former trainers' houses.

1/E/05/002006 - Decision: Refused for reason that at the time national policy did not support it.

Carry out alterations in association with the change of use of former racing stables to 48No self-contained units of holiday accommodation, 2No staff flats and associated facilities, including offices, swimming pool, gymnasium and stables. Construct tennis court, parking and sewage treatment plant. Carry out landscaping, including the formation of curtilages to holiday accommodation and former trainers' houses.

1/E/06/002329 - Decision: Granted

Change of use of offices to part living accommodation in main entrance block, construct entrance gates, install horse walkers and external alterations to jockey accommodation

1/D/07/001679 - Decision: Granted

Erect extension to indoor exercise school for storage purposes

1/D/08/000423 - Decision: Granted

Variation of condition 3 of 1/E/96/000515 to allow first occupation of the four houses serving yard 1 before completion of the access improvements required solely in association with yard 2.

1/D/08/002030 - Decision: Refused

Erect 50 stables together with ancillary accommodation. Erect owners house and carer's flat with associated car parking and access

**1/D/09/001333 - Decision: Granted**

**Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access.**

**The owners house and stud grooms flat above the stables are restricted to a person or persons solely or mainly working, or last working, on a full time, or near full time basis, in the racehorse breeding and/or training facility established on "the holding" as defined within the Section 106 agreement associated with this permission (for the time being known as "Monymusk Stud Stables") or in the running of the racehorse breeding and/or training facility, or a widow or widower of such a person, and to any resident dependants.**

**A s106 attached to 1/D/09/001333 rescinded remaining authorised works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2. It also required that the holding not be disposed of.**

1/D/11/000112 - Decision: Granted

Conservation Pond

WD/D/14/002410 Decision: Granted

Modify Section 106 agreement dated 25th August 1999

WD/D/18/000894 Decision: No officer support

Pre-application consultation - Conversion of Whitcombe Stables into holiday village use

WD/D/19/001772 - Decision: Withdrawn

Change of use to holiday village to consist of use of existing buildings as holiday accommodation, restaurant and spa and use of land for parking. Outline application for the erection of extensions to existing buildings, new build holiday accommodation, cycle hire/store and indoor leisure facility (with details of access, layout and scale, all other matters are reserved)

**P/VOC/2023/00785 Linked application**

Erect 4 no. houses to existing yard and 3 no. houses to yard 2 without compliance with condition 4 of planning permission 1/E/96/000515 to remove restriction as to use.

**7.0 List of Constraints**

Legal Agreements s106

Nutrient Catchment Areas

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Risk of Groundwater Emergence; Groundwater levels are at least 5m below the ground surface.; Flooding from groundwater is not likely.;

Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely.;

Area of Outstanding Natural Beauty (AONB): Dorset;

RAMSAR: Dorset Heathlands (UK11021); - Distance: 3438.85

Site of Special Scientific Interest (SSSI) impact risk zone;

Dorset Heathlands - 5km Heathland Buffer;

Scheduled Monument: Bowl barrow 600m south of Whitcombe Farm (List Entry: 1019412);  
- Distance: 110.34

Poole Harbour Catchment Area

Groundwater Source Protection Zone

Radon

**8.0 Consultations (summarised)**

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

**Winterborne Farringdon Parish Council - Objection**

The applications would be better submitted and considered as a fundamental change from an agricultural, equestrian use to a holiday or residential use.

Local Plan Policy ECON10(iii) restricts proposals to re-use or adapt substantial purpose-built equestrian holdings for non-equestrian where it can be demonstrated that continued equestrian use is inappropriate or unviable. Proposed uses must be in accordance with other plan policies.

The Parish Council consider the site is viable and question whether the piecemeal repurposing of tied accommodation for holiday lets or residential purposes within the curtilage of what is still an equestrian business is an appropriate proposed use in accordance with local plan policy.

**Dorset Highways** - No objection

### **Representations received**

None

## **9.0 Relevant Policies**

### **National Planning Policy Framework**

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

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable transport
- 11. Making effective use of land

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.

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

As far as this application is concerned the following policies are considered to be relevant.

- INT1 – Presumption in favour of sustainable development
- ENV 16 – Amenity
- SUS2 – Distribution of development
- SUS3 – Adaptation and re-use of buildings outside DDB's
- ECON6 – Built Tourist Accommodation
- ECON10 – Equestrian Development

COM7 - Creating A Safe And Efficient Transport Network  
COM 9 – Parking standards in new development

**OTHER MATERIAL PLANNING CONSIDERATIONS:**

Design and Sustainable Development Planning Guidelines (2009), incorporating the West Dorset Landscape Character Assessment (2009);

**Emerging Dorset Council Local Plan:**

Paragraph 48 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 Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

**National Planning Practice Guidance**

**10.0 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.

**11.0 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. The proposal relates to existing built residential accommodation and no alterations are proposed.

## 12.0 Financial benefits

What	Amount / value
Material Considerations	
Tourism spend in Dorset by occupants	
Non-Material Considerations	
Council Tax.	Not known

## 13.0 Climate Implications

There will be ongoing carbon emissions during the lifetime of the development. As the dwellings are reasonably energy efficient this would reduce emissions as would the periodic use only.

## 14.0 Planning Assessment

### Principle

14.1 Planning permission 1/D/09/001333 granted permission for the owners house and stud grooms flat the occupancy of which is restricted to those involved in racehorse breeding and/or training facility. A s106 rescinded permissions for other dwellings to be built and therefore there is only permission for an owners house and flat. The s106 also requires that the holding is not disposed of, being defined by a plan attached to it. The permission has been implemented and remains valid.

14.2 The applicant states that the land and buildings are no longer used for horse s and that there is now too much tied accommodation which is sitting empty. There has been a consistent underoccupancy of the racing stables and stud. The applicant has made strenuous efforts to lease the racing stables. The applicant states that the main complex is just not viable as a racehorse training establishment and is too distant from the main centres of horse racing and training to be attractive to trainers and there are insufficient racehorse owners in the south west to support an establishment of this size. Breaking the property up into multiple small livery stables would neither be viable nor attractive from a site management or landscape points of view especially given the high quality and high costs of maintaining the property. Evidence has been provided accordingly by the applicant.

14.3 The lack of viability is not disputed and it is apparent that if the whole complex cannot be leased, then some flexibility in the use of the accommodation should be exercised. The applicant suggests a temporary relief of the tying condition for a period of 2 years so as to allow, in addition to the racehorse breeding and/or training facility, use as holiday accommodation.

14.4 Policy ECON10 (iii) of the adopted local plan is specifically concerned with equestrian development and the consideration of proposals to re-use or adapt substantial purpose built equestrian holdings for non-equestrian uses it should be demonstrated that continued equestrian use is inappropriate or unviable. Alternative uses must be in accordance with

other plan policies. This application relates to the dwellings rather than the holding and therefore policy ECON10 would not apply in this instance. Policy ECON6 would be the relevant applicable policy in this instance.

14.5 Policy ECON6 (i) supports the re-use of an existing building as built tourist accommodation. Tourist accommodation created from the change of use of existing buildings, in accordance with policy SUS3, increases the stock and variety of accommodation the area has to offer and can bring back into use buildings that may otherwise be left vacant and have a positive impact on the surrounding area.

14.6 Policy SUS3 permits the conversion of rural buildings for private residential dwellings where the building adjoins an existing serviced residential building, is justifiable in the location and will be tied to the wider holding/main property and where the building was in existence in 2011. A tourist related use would be compatible in this location. However, policy SUS3 is no longer in step with current national policy which takes a less restrictive approach to re-use of buildings in the countryside. Dwellings can be re-used as holiday accommodation without need to be adjoining a serviced building or indeed tied to the wider holding. In this case there is no principal dwelling which the dwellings could be tied to and as the dwellings would remain available for equestrian tied accommodation, it is questionable whether there would be a need to tie the dwellings to the holding.

14.7 It is acknowledged that the dwellings were allowed to meet the specific needs of the equestrian enterprise in connection with the breeding and racing of horses, but given that need no longer exists there is a natural fall back to other uses which are allowed in the countryside and which includes holiday accommodation. The dwellings would remain available for occupation in connection with horses, but there would be latitude to allow holiday accommodation use. The National Planning Policy Framework (paragraph 80c) supports the re-use of redundant or disused buildings where it can enhance its immediate setting. This proposal would not result in enhancement to its immediate setting as the buildings are already there and no alterations are proposed. However, in practical terms there would be little difference between a permanent residential use for an equestrian worker and use as holiday accommodation and the latter would help maintain an economic use for the dwellings.

14.8 While the applicant has indicated a willingness to accept a temporary permission for holiday accommodation, this stance would only normally apply for example if the use needed a trial run. Given that holiday accommodation is supported on the basis that the use would be little different in nature to use of the dwellings as residential accommodation by equestrian workers by policy SUS3 there would be no need to make the use temporary and the proposal to make the accommodation available for equestrian tied use or holiday accommodation would be acceptable in terms of principle subject to other material planning considerations.

#### **Other matters**

14.9 The use for holiday accommodation would not affect the appearance or use of the buildings which would remain residential.

14.10 There is concern from the Parish Council that permission is sought for some and not all of the equestrian accommodation and that it is piecemeal. The applicant has not applied for a change of use of all the accommodation because some of the units are still occupied by an equestrian user (Kieran Burke Racing). However, Kieran Burke have tried and failed to recruit staff. There is no demand for any more of the units for the reasons already stated (too far from race courses).

14.11 As this is an application made under s73 for variation of condition, all conditions attached to the original permission should be included unless these are amended or discharged. All the conditions relating to materials, landscaping, drainage and highways were discharged and would not be repeated. The only condition would be a revised occupancy condition.

14.12 This permission 1/D/09/001333 was only for 2 dwellings. A s106 attached to 1/D/09/001333 rescinded remaining authorised works under permissions 1/E/94/000295 for the laying of a road to yard 2. It also required that the holding not be disposed of. In now varying the condition under permission 1/D/09/001333 the s106 Agreement would also need to be varied by a deed. The deed would need to reference this new application within the provisions of the s106 to ensure that the laying of a road to yard 2 could not be implemented.

## 15.0 Conclusion

The proposed development is considered to be for an appropriate use in accordance with local and national policy objectives.

## 16.0 Recommendation

**(A)** Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

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

Location Plan - Dwg. No: 7475/P001A received on 20/08/2009

Location Plan - Dwg. No: 7475/P002 received on 20/08/2009

Site Plan - Dwg. No: 7475/P003A received on 20/08/2009

Site Plan - Dwg. No: 7475/P004A received on 20/08/2009

Stable Block Floor Plans - Dwg. No: 7475/P010A received on 20/08/2009

Stable Block Elevations and Sections - Dwg. No: 7475/P011A received on 20/08/2009

Proposed House Floor Plans - Dwg. No: 7475/P034 received on 20/08/2009

Proposed House Elevations - Dwg. No: 7475/P040 received on 20/08/2009

Proposed House Elevations - Dwg. No: 7475/P041 received on 20/08/2009

Proposed House Elevations & Section - Dwg. No: 7475/P042 received on 20/08/2009

Proposed House Sections - Dwg. No: 7475/P043 received on 20/08/2009

Proposed Site Section - Dwg. No: 7475/P013A received on 20/08/2009

Landscape Strategy Plan - Dwg. No: 504-2 received on 20/08/2009

Topographical Survey - Dwg. No: 457WC01 received on 20/08/2009

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

2. The occupation of the flat and house shall be limited to a person or persons solely or mainly working, or last working, on a full time, or near full time basis, in the racehorse breeding and/or training facility established on "the holding" as defined within the Section 106 agreement associated with this permission or in the running of the racehorse breeding and/or training facility, or a widow or widower of such a person, and to any resident dependants or shall be occupied for holiday purposes only and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling(s) and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: In order to ensure that the accommodation remains occupied as equestrian or holiday accommodation only.

Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to rescinding permission for a road to yard 2.

**(B)** Refuse permission for the reason set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement.

The proposal would fail to make provision for variation of the s106 Agreement pertaining to remaining authorised works under permission 1/E/94/000295 for the laying of a road to yard 2 outside a defined development boundary. The proposal would be contrary to West Dorset, Weymouth & Portland policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.



<b>Application Number:</b>	P/FUL/2023/01286
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	9-12 Land West Of Tobys Close Portland
<b>Proposal:</b>	Erection of one dwelling
<b>Applicant name:</b>	Mr Whyton
<b>Case Officer:</b>	Jo Langrish-Merritt
<b>Ward Member(s):</b>	Cllr Hughes, Cllr Kimber, Cllr Cocking

## 1.0 Recommendation

This application is brought to committee at the request of the Service Manager for Development Management and Enforcement following a scheme of delegation consultation.

## 2.0 Summary of recommendation:

Grant subject to conditions.

## 3.0 Reason for the recommendation:

The site is located within the defined development boundary and although in an area of open space it is considered that it contributes limited amenity value given its poor visual quality and limited area. Therefore, given the need to sustain housing land supply and the limited use of the site, the principle of a residential development is considered acceptable. Whilst it is acknowledged that the dwelling would have some impacts on the amenity of the closest neighbouring properties, on balance this is not considered to be so significant as to warrant refusal with no neighbours objecting to this scheme. The proposal is considered to be acceptable in terms of the visual impact on the area and the wider conservation area, highway safety, fire safety, archaeology and biodiversity.

## 4.0 Key planning issues

Issue	Conclusion
Loss of public open space	Although in an area of open space it is considered that it contributes limited amenity value given its limited scale and basic nature.
Impact on visual amenity and the Conservation area	The modest bungalow is considered to be in keeping with the modern style low lying bungalows in the area, will have a plot size that reflects the mix of form in the area and would not impact on the wider conservation area – the conservation area being preserved.

Impact on amenity	The dwelling has been moved further south and west to prevent any adverse impacts on neighbouring properties directly through overshadowing/being overbearing.
Impact on Highways	There is a lack of vehicular access but this is not considered to have an adverse impact on highway safety or parking in the area.
Impact on archaeology	The County Archaeologist has not commented on this scheme and there is considered to be no harm to archaeological heritage from this scheme.
Impact on minerals and waste	The site is outside of the safeguarded mineral extraction zones and therefore, no concerns are raised in regards to the impact of the development on the ability to extract minerals or the new dwelling have poor amenity as a result of mineral extraction.

## 5.0 Description of Site

The site is located on a flat rectangular plot of undeveloped land to the south west of Tobys Close within the Weston area of Portland. The plot lies on the edge of a large tight knit residential estate and is bounded on the southern and western boundaries by rights of way which lead to the residential estate. The rights of way on both boundaries of this site form discreet pedestrian passages away from the main thoroughfare through Weston (Weston Road). As such, the site in itself is 'tucked away' in the middle of existing built development. There is no vehicular access only pedestrian access via the existing right of way.

## 6.0 Description of Development

The application follows a previously withdrawn scheme for a single bungalow. The proposal is for a single storey dwelling on an area of amenity land adjacent to Tobys Close. The bungalow would have a small area of associated amenity space but would not have vehicular access, but a high level of pedestrian access given the site immediately abuts footways leading to the main road and other areas of Weston.

## 7.0 Relevant Planning History

P/PAP/2022/00118 - Decision: RES - Decision Date: 08/03/2022  
Erection of 1No. dwelling

P/FUL/2022/06591 - Decision: WIT - Decision Date: 30/01/2023  
Erection of one dwelling

## 8.0 List of Constraints

Weston Conservation Area

Important Local Buildings,

Neighbourhood Plan - Status 'Made' 22/06/2021;

Right of Way: Footpath S3/109;

Right of Way: Bridleway S3/107;

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012)

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076)

## 9.0 Consultations

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

### Consultees

#### Comments received in relation to the previous schemes.

##### 1. Portland Town Council

Object- Portland Town Council objects to this application. PTC considers this an incidental open space, Portland Neighbourhood Plan CR4 - Sites of Open Space Value refers.

##### 2. Highways Officer

The access to the proposal appears to be via a narrow adopted public highway footpath. The applicant is reminded to give due regard to Inclusive Mobility. There is no means of vehicular access or on-site turning and parking provision, however as the applicant has sought to utilise a sustainable mode of transport and will accommodate a pedal cycle store facility, the Highway Authority has NO OBJECTION, subject to conditions.

##### 3. Rights of Way

No objection Subject to informative

##### 4. Building Control

Fire and Rescue Service access to accord to part B5 of the Building Regulations.

##### 5. Minerals and Waste

Thank you for consulting the Mineral & Waste Planning Authority on the above application. The MPA does not wish to comment on this proposal, as it is within an urban area and the land proposed for development, although in close proximity to land safeguarded for minerals under Policy SG1 of the Bournemouth, Dorset and Poole Minerals Strategy 2014, is not itself safeguarded. This without prejudice view is an officer comment only and does not affect any other comment, observation or objection that Dorset Council as MPA may wish to make on this proposed development, now or in the future.

## **6. Conservation Officer**

The proposal will not have a detrimental impact on the setting or distinctiveness of the Conservation Area. I have **no objection** to the application.

## **7. Third Parties**

1 letter of support and 3 letters of objection have been received; the main issues relate to

- Lack of vehicular access
- Emergency services access
- Use of green space/loss of trees
- Out of character
- Drainage and impact on the existing footpath
- Impact on access and pedestrians

### **Officer comments in relation to Third parties**

The lack of vehicular access whilst unusual is not a reason for refusal. Given the sustainable location of the bungalow local amenities and services are within easy walking distance and the lack of vehicular access may encourage more sustainable forms of travel. The emergency services access has been considered along with the lack of vehicular access and would be similar to the existing residential bungalows in the area.

The proposal is of a modest scale and reflects the existing modern development in both scale and design which are predominantly low-lying bungalows with small, enclosed gardens.

The overall scale and design of the bungalow is not considered to be out of character and would reflect the general area.

There are no public sewers (foul or surface) shown on this land on the Wessex Water maps but any existing drainage found on site along with the new provisions will be assessed at the building control stage.

There may be some disruption to the pathways if new connections are to be made – but these are generally handled by Wessex Water direct with Highways permissions. An informative will be added to the permission to ensure that the footpath will remain open at all times.

## **10.0 Relevant Policies**

### **Policies**

**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
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM7- Creating a safe & efficient transport network
- COM9- Parking provision

### **Neighbourhood Plans**

Portland Neighbourhood Plan 2017 to 2031 (made 22/06/2021)

The following policies of the neighbourhood plan are considered to be of particular relevance to the proposals:

Port/EN6 Defined development boundaries

Port/EN7 Design and character

Port/HS1 Housing mix

Port/TR3 Reducing parking problems

Port/CR4 Sites of open space value

### **Other Material Considerations**

#### **Emerging Local Plans:**

Paragraph 48 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 Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

## **Supplementary Planning Document/Guidance**

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Landscape Character Assessment (Weymouth & Portland)

Urban Design (2002)

DCC Parking Standards

West Dorset, Weymouth and Portland Community Infrastructure Levies 2016

Interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar – Dorset Council April 2020

### Conservation Area Appraisals:

Portland (Grove, Easton, Reforne, Straits, Wakeham, Underhill and Weston of Portland) adopted November 2014

## **National Planning Policy Framework:**

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 '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 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 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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'- 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).

## **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 Public Sector Equalities Duty. With regard to the proposed bungalow, the proposal would have level access and all accommodation would be on the ground floor making it more accessible for wheelchair users and people with mobility issues. The bungalow would also be within easy flat walking distance of nearby shops and amenities again allowing amenities to be accessed more readily.

### **13.0 Financial benefits**

Material considerations:

Employment created during the construction phase  
Increased spending in local shops and facilities

Non material considerations:

CIL contributions  
New homes bonus

### **14.0 Climate Implications**

The site is in a sustainable location within easy walking distance of amenities. The proposal also does not have vehicular access, which is likely to encourage more sustainable methods of transport.

### **15.0 Planning Assessment**

#### **Principle of development**

15.1 The site is located within the defined development boundary and is therefore in a location where policies SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and Policy Port/EN6 of the Portland Neighbourhood Plan are supportive of the principle of new residential development, subject to compliance with other local and neighbourhood plan policies.

#### **Design**

15.2 Policy Port/CR4 of the Portland Neighbourhood Plan seeks to protect areas of incidental open space within residential areas from development especially where they contribute to local amenity, character and/or green infrastructure:

*Policy Port/CR4 Sites of Open Space*

*Valued Areas of incidental open space within residential areas that contribute to local amenity, character and/or green infrastructure should be protected from development except where:*

*i. new and appropriate alternative provision can be demonstrated to compensate for localised loss of public amenity and community wellbeing; or*

*ii. it can be demonstrated that any damage to green infrastructure and/or local character can be rectified or the existing situation enhanced.*



15.3 The site would be considered to be an area of incidental open space, given that it's an undeveloped area of green space and that it does not appear to be enclosed. However, the preamble of the policy goes on to say that *'Many of the housing areas of Portland were developed with areas of incidental open space included in the layout to provide amenity and/or a shared recreation space for residents. These, now mature, open spaces are part of the essential character of the residential areas such as: Verne Common, East Weares, Haylands and Furlands, Pounds Piece, Westcliff and Courtlands, and Southwell'* This piece of land is not mentioned in this list and differs from those mentioned at the closest sites of Haylands and Furlands. The land is in an unusual position in that it sits in a tucked away position and neighbouring dwellings do not front onto it such as the land at Haylands. Currently the land does not appear to be used for anything within the community and given its modest size any use would be limited unlike the land at Furlands which is a shared, more substantial size piece of land that successfully links the housing developments together creating a green walkway. As such the contribution of this piece of land to local amenity is considered to be limited and of little public value. Therefore, it is considered that whilst the proposed development could be considered partly contrary to policy Port/CR4, there is no harm from the loss of this space given its limited value and scale.

15.4 The proposal is of a modest scale and reflects the existing modern development surrounding it in both scale and design which is predominantly low-lying bungalows with small, enclosed gardens. The proposal when seen in the context of the adjacent sprawling modern estate is not considered to have an adverse visual impact. The bungalow would be constructed using similar style materials and given its overall scale and positioning would be in keeping with the close-knit nature of the wider area.

15.5 Furthermore, the plot form/scale/pattern differs significantly within the immediate locality and therefore, this scheme does not differ significantly from any uniform spatial layout or particular pattern.

### **Conservation area**

15.6 The proposal is located adjacent to the Weston Conservation area on the outskirts of a modern post war development. The proposal reflects the modern development in both its scale and design. It would have a relatively neutral impact on the setting of the Conservation Area given its discreet location and as it would be seen in context with the existing modern development. As such, the Conservation Area is preserved and no harm is presented to this designated heritage asset in accordance with policy ENV4 (Heritage Assets) of the West Dorset, Weymouth & Portland Local Plan (2021) and Section 16 of the NPPF (2021).

### **Residential amenity**

15.7 The proposed dwelling would be located to the south of the existing property no 13 Tobys Close and to the west of no 12 Tobys Close. No 13 Tobys Close currently has a conservatory on its southern elevation located behind a 1.8 m high boundary wall. Following comments made on the previous withdrawn application the proposed bungalow has been moved further south and west away from the neighbouring properties. Whilst the proposal would represent a change in outlook for the existing

neighbour and some loss of light at no 13 the proposed dwelling would be set back from the boundary by more than 2m and the roof has been hipped so that it would slope away from the neighbouring property. The bungalow is single storey with an overall ridge height of 4m on the northern elevation and would project slightly more than 2m above the existing boundary wall.

15.8 Therefore, on balance, given the single storey nature of the proposed development the proposal would result in some loss of outlook and light for the neighbour, but this is not considered to be so significant as to warrant refusal. The dwelling has also been moved further to the west than in the previous application and would be set in from the boundary but once again given the single storey nature of the dwelling and as the roof is hipped away from the neighbour the loss of light is not considered to be substantial. The role of the existing boundary treatments and the single storey nature of the dwelling would prevent any overlooking. Therefore, although there are likely to be some neighbour impacts these are not considered to be so significant as to warrant refusal. The scheme therefore accords with policy ENV16 (Amenity) of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Highways**

15.9 There would be no vehicular access to the proposed dwelling and the development would be accessed only via a public right of way. Whilst this would be an unusual arrangement it is likely to encourage a more sustainable form of travel especially as there are shops and facilities within walking distance of the site and the proposal includes cycle storage. The Highway Authority and Dorset Rights of Way have considered the proposal and have no objection. The neighbour objections raised some concerns regarding access and an increase in traffic. The increase in traffic would only represent 1 additional dwelling and as such is likely to be minimal. There may be more traffic during construction, but this would only be temporary and would be subject to a construction method statement condition. Any access to the property across third party land is a legal matter not a planning matter and would require permission from the owner. An informative will be added to any decision to ensure that the right of way remains open and unobstructed at all times. As such, it is considered that the scheme complies with policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Biodiversity**

15.10 An assessment has been made and it has been found that a Bat survey is not required.

15.11 The site falls within the RAMSAR Chesil and Fleet as such an Appropriate Assessment has been carried out. Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. The provision of a new dwelling, and associated occupancy thereof would result in an increase in recreational pressures on the European Habitats Site. Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid the unacceptable impacts upon the Chesil and the Fleet European Site in the interim period. This development is CIL Liable and a contribution will be sought through the

CIL process. An appropriate assessment was carried out which concludes that in light of the mitigation provided, there will be no adverse effect on the integrity of the designated sites and Natural England has not objected to this conclusion. As such, the integrity of the Chesil & Fleet SPA/SAC/RAMSAR site has been safeguarded in accordance with policy ENV2 (Wildlife and habitats) of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Fire safety**

15.12 Given the location of the proposed dwelling along a public right of way with no vehicular access emergency service access must be carefully considered.

15.13 The agent has provided details of the widths and distances of the access. Access by the rear of 5 Eastville Cottages has a width of 3.16m and by 6 Eastville the width is 3.5m, from here to the site the width is more than 5m. Therefore, it would be possible for an ambulance to reach the site.

15.14 Other vehicular access such as that for a fire engine has also been considered. It would be possible within 45m of the entrances from the garage area which has no width restrictions (larger than 3.7m). This would be the same as the fire access for properties 13-19 and 9-12 Tobys Close.

15.15 The agent has also confirmed that the applicant intends to fit a domestic sprinkler system to the property to assist and will be an aspect that Building Control may wish to consider during their application process.

### **Trees**

15.16 There are two established but modest sized trees opposite the application site on the other side of the public right of way. Both trees lie outside of the red line and subsequently the applicant's control. The trees are separated from the built development by the existing footpath. Given the size and distance of the trees from the proposal the development is not considered to have an adverse impact on the longevity of the trees and therefore, the scheme complies with policy ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Conclusions**

The site is located within the defined development boundary and although it is an area of open space it is considered that it contributes limited amenity value as existing and appears at odds with the general built up form of this side of the lane. Therefore, the principle of a residential development is considered acceptable. Whilst it is acknowledged that the dwelling would have some impacts on the amenity of the closest neighbouring properties, on balance this is not considered to be so significant as to warrant refusal. The proposal is considered to be acceptable in terms of the visual impact on the area and the wider conservation area, highway safety, fire safety and biodiversity and full complies with the provisions of the West, Dorset, Weymouth & Portland Local Plan (2015), Portland Neighbourhood Plan 2017 – 2031 and NPPF (2021).

## 17.0 Recommendation

Grant subject to 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:

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

3. Details of the means of enclosure to the plot boundaries of the dwelling including height and materials shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwelling. The dwelling shall not be first occupied until the agreed means of enclosure for its plot boundaries has been erected and retained thereafter.

Reason: In the interests of visual and residential amenity.

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

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

5. Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

6. The development hereby approved shall not be commenced until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The

CMS must include details of:

- 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 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, permitted by Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

### **Informative**

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.

Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 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 applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant was provided with pre-application advice.

**INFORMATIVE NOTE: Dorset Council Waste Services (residential)**

The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the “guidance notes for residential developments” document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474 or by email at [bincharges@dorsetcouncil.gov.uk](mailto:bincharges@dorsetcouncil.gov.uk).

**INFORMATIVE NOTE: Fire safety**

To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that **Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006** can be fully complied with.

**Right of Way**

Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect. Permission must be obtained for any vehicle to drive along the Public Footpath. To drive a vehicle along a public footpath without consent is against the road traffic act.



This page is intentionally left blank



<b>Application Number:</b>	P/FUL/2023/2025
<b>Webpage:</b>	<a href="https://dorsetforyou.com/dorsetcouncil.gov.uk">Planning application: P/FUL/2023/02025 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	Scout Hall Granby Close Weymouth DT4 0SR
<b>Proposal:</b>	<b>Replacement Scout Hall</b>
<b>Applicant name:</b>	Mr Naylor
<b>Case Officer:</b>	Jo Langrish-Merritt
<b>Ward Member(s):</b>	Cllr Dunseith, Cllr Worth (Chickerell) Cllr Taylor, Cllr Hope (Westham)

## 1.0 Recommendation

The application relates to land that is in Dorset Council ownership and the application is therefore being reported to Committee in accordance with Dorset Council's Constitution.

## 2.0 Summary of recommendation:

Grant subject to conditions.

## 3.0 Reason for the recommendation:

The new scout hut will improve the current facilities on site and encourage further use. The site and building is already owned and well used by the Scouts. The site lies within an existing built-up residential area and in easy walking distance of Chickerell, Westham and the Charlestown areas and is served by public transport. As such the proposal is considered to be well located in a sustainable area and accessible to the local catchment. Although the proposed building would be larger than the existing it has been designed to provide upgraded facilities to cater for young people and adults with needs that are not currently in the existing building. The proposed building will have a more modern appearance than the existing but would not be out of keeping with the mixed character of the area. There would be no adverse impacts on residential amenity, highways or biodiversity as such the proposal is considered to be acceptable and would comply with Policy COM2, COM4, COM7, COM9, ENV12, ENV2, ENV10 and ENV16 of the West Dorset Weymouth and Portland Local Plan (2015) and Policy CNP 5 and CNP11 of the Chickerell Neighbourhood plan.

## 4.0 Key planning issues

Issue	Conclusion
-------	------------

Principle of development	The site and building is already owned and well used by the Scouts. The site lies within an existing built- up residential area within easy walking distance of Chickerell, Westham and the Charlestown areas and is served by public transport. As such the proposal is considered to be well located in a sustainable area and accessible to the local catchment.
Impact on visual amenity	Although the proposed building would be larger than the existing it has been designed to provide upgraded facilities to cater for young people and adults with needs that are not met by the current building. The proposed building will have a more modern appearance than the existing but would not be out of keeping with the mixed character of the area
Impact on residential amenity	The building will have a larger footprint and would be higher than the existing but due to the separation distances to neighbouring properties this would not adversely impact on residential amenity.
Impact on biodiversity and trees	No adverse impacts.
Impact on highways	There are no proposed changes to access or parking arrangements. The access & parking to the site is already established and the existing scout hut has a long-established use.

## 5.0 Description of Site

The site spans two wards Chickerell and Westham. The site is a relatively spacious, level, triangular shaped plot located within a mainly residential, urban area. The current hall has been on the site since 1970s and is a single storey, sectional, concrete building surrounded by amenity area. Currently the building is approximately 162 sq meters and is split into an activity hall, group rooms, store, kitchen and toilets. The hall caters for a range of participants of various ages from the younger Beaver scouts through to older Explorer scouts. The organisation has outgrown these facilities and require a larger hall with an upgraded provision so the group can continue to grow and cater for young people and

adults. Information has been provided by the agent explaining the need for the larger building.

*'The increase in floor space is required to provide adequate space for disabled access and use of building, disabled WC, and shower facilities are included. Additional break out space is to allow space for young people with neurodiversity issues spaces they can work in/break out to if they require quiet space.*

*The existing office space is cramped and unsuitable for interviews with Parent/carers, young people or new potential volunteers, larger office allows for these types of events to occur when youth members are using breakout spaces. The store at rear of building is increased in size to cope with the substantial amount of camping and activity equipment which the group has, not all of which can currently be accommodated in existing store'.*

## **6.0 Description of Development**

The proposal is to demolish the existing hall and erect a larger replacement hall. The hall would be located on the same plot and in the same position but would have a larger footprint. It would still be single storey but would be marginally taller than the previous due to the fully hipped roof. Internally there would be a large multifunction activity hall with 3 break out rooms, a large store, kitchen and showers and toilets. Externally the hall would be constructed with a natural stone plinth, rendered walls above and grey interlocking tiles with grey double-glazed windows and doors. In order to heat the building there would be an air source heat pump and PV panels.

## **7.0 Relevant Planning History**

1/E/79/000599 - Decision: GRA - Decision Date: 07/01/1980

USE LAND FOR YOUTH FOOTBALL PITCHES

1/E/83/000505 - Decision: GRA - Decision Date: 30/11/1983

Erect 22 starter homes, 24 bungalows, 24 flats & meeting room. Construcestate roads.

1/E/85/000654 - Decision: GRA - Decision Date: 21/02/1986

Obtain relief from Condition 4 of P.A. No. 1/E/83/505

1/D/10/002082 - Decision: REF - Decision Date: 28/02/2011

Erection 8 dwellings with access road & associated parking

1/D/11/000614 - Decision: REF - Decision Date: 28/06/2011

5 dwellings with access road & associated parking

WP/18/00707/FUL - Decision: GRA - Decision Date: 20/02/2019

Erect extension to provide wheelchair accessible WC and Shower Facilities

## 8.0 List of Constraints

Within Defined Development Boundary

Landscape Character Urban Area; Weymouth Urban Area

Neighbourhood Plan - Chickerell NP

Legal Agreements S106

Dorset Council Land

Natural England Designation - RAMSAR: Chesil Beach & the Fleet

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet

Radon: Class: Less than 1%

## 9.0 Consultations

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

### Consultees

#### 1. Ward Members

Comments have been received from Cllr Dunseith, Cllr Hope and Cllr Fuhrman all supporting the application.

#### 2. Weymouth Town Council

Support.

#### 3. Chickerell Town Council

No comments received at time of writing the report.

#### 4. Highways Officer

No comments received at time of writing the report.

#### 5. Rights of Way

No comments received at time of writing the report.

#### 6. Building Control

No comments received at time of writing the report.

#### 7. Third Parties

No comments received at time of writing the report.

## 10.0 Relevant Policies

### Policies

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
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM2- New and Improved community facilities
- COM4 - New or Improved recreational facilities
- COM7- Creating a safe & efficient transport network
- COM9- Parking provision

## **Neighbourhood Plans**

### **Weymouth Neighbourhood plan- In preparation**

#### **Chickerell Neighbourhood plan**

***Policy CNP 5. Charlestown Local Centre and other valued community facilities***  
*Development proposals to improve the provision of community facilities (including those listed below and shown on Map 6) will be supported, and every effort should be made to work with the local community and relevant authorities to investigate potential solutions to avoid any loss.*

The site itself falls only partially within the Chickerell Parish and is not identified or listed in the Neighbourhood Plan as a community facility, however, the plan is clear in its aim that community facilities in general should be supported.

#### **Policy CNP 11. General Design Principles**

All applications for new development should demonstrate a high quality of design, including details and materials that are sympathetic to the character of the local area.....

Using a mix of materials, including use of local stone as part of this mix

## **Other Material Considerations**

### **Emerging Local Plans:**

Paragraph 48 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 Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **Supplementary Planning Document/Guidance**

Landscape Character Assessment 2009 (West Dorset)

Landscape Character Assessment (Weymouth & Portland)

Urban Design (2002)

DCC Parking Standards

West Dorset, Weymouth and Portland Community Infrastructure Levies 2016

Interim strategy for mitigating the effects of recreational pressure on the Chesil Beach and the Fleet SAC, SPA and Ramsar – Dorset Council April 2020

### **National Planning Policy Framework:**

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 '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 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 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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'

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

## **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 Public Sector Equalities Duty. The building has been designed to provide upgraded facilities to cater for young people and adults with needs not currently met by the existing building. The building would be larger with more circulation space, including wider corridors and door ways to allow for ease of movement, double doors provide access to the external amenity area from the activity hall. The layout of the building allows easy progression through with similar rooms grouped together which can also be easily accessed from the larger activity hall. Step free access is provided to all external doors for ease of use by all building occupants and visitors.

### **13.0 Financial benefits**

Material considerations:

Employment created during the construction phase

Increased spending in local shops and facilities from people visiting the facilities

Non material considerations:

None relevant

### **14.0 Climate Implications**

The site is in a sustainable location within an existing well established residential area. It is therefore likely a number of visitors will walk or use public transport to access the site. The building itself has been designed to include moderate levels of glazing while maintaining a highly insulated building fabric. The building would be heated using an Air Source Heat Pump for the radiators and the hot water would also come from the air source heat pump into radiators. 12no Solar panels would also be provided on the western roof slope.

### **15.0 Planning Assessment**

#### **Principle of development**

15.1 Policies COM2 and COM4 of the West Dorset, Weymouth & Portland Local Plan (2015) support the addition or improvement of local community/recreational buildings subject to criteria including being well sited to serve the community and that the new facility will not result in a significant increase in one off purpose trips. The site and building is already owned and well used by the Scouts. The site lies within an existing built- up residential area and falls on the boundary of the Chickerell and Westham wards. The site is within easy walking distance of Chickerell, Westham and the Charlestown areas and is served by public transport. As such the proposal is considered to be well located in a sustainable area and accessible to the local catchment.



15.2 Policy CNP 5 of the Chickerell Neighbourhood Plan aims to support the provision of new facilities and prevent facilities being lost. The new scout hut will improve the current facilities on site and encourage further future use. There are a number of other scout units in the Weymouth and Portland area, however this unit is well established, and the proposal would not affect the number of participants or visitors to other scout units. Therefore, given its location in an existing residential area its connectivity to and established routes the wider area and the public transport serving it, overall, it is considered to be well sited to serve the community.

### **Impact on visual amenity**

15.3 The hall would be located on the same plot and in the same position but would have a larger footprint than the existing scout hut. The proposal would have a significantly larger footprint to allow for additional internal circulation space and facilities. Although the replacement building will be larger than the existing given the generous size of the plot there will still be ample amenity space around the building to allow for outdoor activities and to prevent the development from feeling cramped.

15.4 Whilst the replacement building would still be single storey it would be higher than the existing. The overall height, however, has been kept to a minimum as the roof will be fully hipped.

15.5 The site is located in an area with a mixed character. The majority of residential development is single storey and two storey properties with some more modern flat development and industrial units to the northwest. In terms of materials the principal material would be brick with some rendered properties including the recent Fire Station development. The current scout building is utilitarian, concrete sectional building. In terms of finish of the proposed replacement building it will have a natural stone plinth with white rendered walls and interlocking tiles. Given the mix of materials in the area this is considered to be acceptable and would sit well with the residential development and reflect the modern character of the nearby Fire station building. **Policy CNP 11 General Design Principles of the Chickerell Neighbourhood plan** seeks to ensure that *‘new development should demonstrate a high quality of design, including details and materials that are sympathetic to the character of the local area.....*

*Using a mix of materials, including use of local stone as part of this mix’*

The proposed materials include a stone plinth and would reference new development in the area through the use of render. As such the proposal is considered to comply with the Chickerell Neighbourhood plan policy.

15.6 As such, overall the impact on visual amenity is considered acceptable in accordance with policies ENV12 and ENV16 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

### **Impact on residential amenity**

15.7 The proposed building would be larger than the existing however there would still be sufficient space around the building and it would maintain a single storey appearance.

Given its distance from neighbouring properties, the proposed building will not result in being overbearing. In terms of overlooking the main entrance would remain to the south as existing. Additional windows are proposed in the eastern elevation which would overlook an existing parking area. The single storey properties beyond this parking area all have blank gable elevations. No windows are proposed in the north elevation. The west elevation overlooks the existing amenity space. As such the impact through additional overlooking or loss of privacy is considered to be minimal.

15.8 The increase in numbers attending on a regular basis would increase, but not significantly. The daytime use of the building would be restricted to school holidays and around 24 days per annum with young people being brought by minibus to minimise disruption. The operation hours in the evenings will not alter significantly with most activity between 17:30-21:00. Whilst use of the access may intensify with better premises which could then impact on neighbouring amenity through access issues, this level of traffic could occur in any event and is not considered to be so detrimental as to warrant refusal.

### **Impact on biodiversity and trees**

15.9 The siting of the replacement would be in the same position as the existing as such the established planting to the west of the site would be retained. Some additional planting has been proposed on the road facing boundary. This would increase the potential habitats for birds and insects.

15.10 A bat survey of the existing building has been completed. During the survey no evidence of bat occupation was identified and overall, the building was assessed to provide bats with negligible roosting suitability.

15.11 No evidence of nesting birds was found during the survey, and overall, the dwelling provides little to no nesting potential for birds.

15.12 The site falls within the RAMSAR Chesil and Fleet. Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. However, the proposal would be for a new scout's hall to replace the existing. The scheme has no dormitory or overnight accommodation. As such, the proposal would not result in further phosphates or recreational pressure affecting the RAMSAR Chesil and Fleet and the scheme would comply with policies ENV2 and ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015).

### **Highways**

15.13 There are no proposed changes to access or parking arrangements. The access & parking to the site is already established and the existing scout hut has a long-established use. The potential use during daytime would be around 24 days per annum, mainly in School holidays between 10.00 and 16.00, and with young people brought to the location in minibus, causing minimal or no disruption to traffic or neighbours.

15.14 The hours operating hours will not substantially alter so most activity will occur between 17.30 and 21.00. and most visitors/parents park at Granby Close, Cobham or Radipole Lane as currently exist.

15.15 Whilst younger members are likely to be required to be dropped off and collected older members are encouraged where possible to walk/cycle rather than travel by car. Therefore although the use of the access, turning and parking area could intensify, the same could occur even without a replacement building on this site.

## **16. Conclusions**

The new scout hut will improve the current facilities on site and encourage further use. The site and building is already owned and well used by the Scouts. The site lies within an existing built- up residential area and in easy walking distance of Chickerell, Westham and the Charlestown areas and is served by public transport. As such the proposal is considered to be well located in a sustainable area and accessible to the local catchment. Although the proposed building would be larger than the existing it has been designed to provide upgraded facilities to cater for young people and adults with needs not met by the current building. The proposed building will have a more modern appearance than the existing but would not be out of keeping with the mixed character of the area. There would be no adverse impacts on residential amenity, highways or biodiversity as such the proposal is considered to be acceptable and would comply with Policy COM2, COM4, COM7, COM9, ENV12, ENV2, ENV10 and ENV16 of the West Dorset Weymouth and Portland Local Plan (2015) and Policy CNP 5 and CNP11 of the Chickerell Neighbourhood plan.

## **17.0 Recommendation**

Grant subject to 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:

16/237/001 Rev B Location and Site plan

16/237/002 Rev A Proposed floor plans and elevations

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

3. The external materials to be used for the wall(s) and roof(s) shall be as shown on the Proposed elevations drawing no.16/237/002. Thereafter, the building shall be retained as such.

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

4. The soft landscaping works detailed on approved drawing 16/237/001 Rev A must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

5. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

### **Informatives:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 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 applications/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.



This page is intentionally left blank

## Planning Committee – Update Sheet

### Planning Applications

Application Ref.	Address	Agenda ref.	Page no.
1/D/11/002012	South West Quadrant, St Michaels Trading Estate, Bridport	5a	12 & 42
<p>Page 12: Note further consultation response from Senior Conservation Officer:</p> <ul style="list-style-type: none"> <li>- Confirm conservation have no further comments to make on the application following previous comments and comments from Historic England. Note the proposed redevelopment of St Michael's Trading Estate has been long standing and it is positive to see the heritage assets being retained and utilised more sensitively.</li> </ul> <p>Page 42: <u>Update</u> planning condition 3, second drawing to Rev A:</p> <ul style="list-style-type: none"> <li>- Proposed St Michael's Lane - Residential - 10155 PL111 <u>Rev A</u></li> </ul>			
Application Ref.	Address	Agenda ref.	Page no.
WD/D/16/002852	Lilliput Buildings adjoining 40 St Michael's Lane, St Michaels Trading Estate, Bridport	5b	11
<p>Note further consultation response from Senior Conservation Officer:</p> <ul style="list-style-type: none"> <li>- Confirm conservation have no further comments to make on the application following previous comments and comments from Historic England. Note the proposed redevelopment of St Michael's Trading Estate has been long standing and it is positive to see the heritage assets being retained and utilised more sensitively.</li> </ul>			
Application Ref.	Address	Agenda ref.	Page no.
P/RES/2021/04848	Land at Foundry Lea, Vearse Farm, Bridport	5c	253 & 272 & 290
<p><u>Update</u> recommendation and conditions 2, 3 &amp; 4.</p> <p>17.1 Grant reserved matters subject to conditions as set out in this report.</p> <p>Conditions 2, 3 &amp; 4 to have inserted after the words 'Plan 1859 80 Rev D' the following words: (or any subsequent phasing plan approved by the Local Planning Authority pursuant to Condition 2 of planning permission WD/D/17/000986)</p>			
Application Ref.	Address	Agenda ref.	Page no.
P/VOC/2023/00791	Whitcombe Manor Stables, Whitcombe	5d	377
<p><u>Update</u> Additional comment received from Dorset AONB partnership:</p> <p>Concern about the operation of an equine business without accommodation and for subsequent applications to be made to convert stabling to other uses.</p>			

Application Ref.	Address	Agenda ref.	Page no.
P/VOC/2023/00785	Whitcombe Manor Stables, Whitcombe	5e	386
<p><u>Update</u> Additional comment received from Dorset AONB partnership:</p> <p>Concern about the operation of an equine business without accommodation and for subsequent applications to be made to convert stabling to other uses.</p>			

Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2023/01286	9-12 Land West of Tobys Close, Portland	5f	395 & 405
<p><u>Update</u> to consultation responses to include Fire Authority response: Fire Authority – As the dead end access is longer than 20m and the width of access is too narrow for a fire engine, the fire authority would consider a proposal for a sprinkler system to the required standard as a compensatory measure.</p> <p><u>Update</u> to condition 8 to read: 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.</p> <p>Reason: To protect amenity and the character of the area.</p> <p><u>Update</u> to condition list to add condition 9 (Tree Protection): Prior to the commencement of any development hereby approved, the two existing mature trees on the strip of land directly south of the application site, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).</p> <p>Reason: To ensure that trees to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity</p>			

Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2023/02025	Scout Hall, Granby Close, Portland	5g	412 & 420
<p><u>Update</u> to consultation responses listed on page 412 of the reports pack:</p> <ul style="list-style-type: none"> <li>• <b>Cllr Taylor</b> I am very much in favour of this scout hut being built. This facility is very well used and the existing building is dated. A new build on this site will be an asset to the community.</li> <li>• <b>2 Neighbour letters</b> supporting the proposal.</li> <li>• <b>Chickerell Town Council</b> Support</li> </ul>			



- **Dorset Police** I have reviewed the plans for the proposed replacement scout hall and can see that this is a much needed and wanted community building so have no objection. However, I do have concerns in relation to what looks like a covered open area (proposed East elevation) on the building. Areas such as this can and do attract anti-social behaviour. I would recommend that this area is reviewed and reduced in size so as it does not become an area where people congregate when the building is not in use. I would be happy to discuss the security of the building with the applicant as it is so different from the one that is currently there.

- **Dorset Police 13/06/23**

Following on from our phone conversation, I am happy with what you have told me about the elevation and that fact that it has lots of natural surveillance. I would like you to consider replacing the current PIR light with a Dusk-to-Dawn light as this is much more energy efficient and will not disturb neighbouring properties. It will also add to the safety of the users of the hall. I look forward to working with you in the future around the placement of the CCTV cameras.

- **Highways**

I refer to the above planning application received on 19th May 2023. The red line has been extended from the adopted public highway to the site access of the proposal. The applicant should seek permissions from the relevant landowner for any new dropped kerbs or newly positioned access gates. It is presumed that the side gate access to the northeast will be for fire / emergency access only as this leads to area where vehicles will be turning and parking.

The Highway Authority has NO OBJECTION, subject to a cycle parking condition. Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified. Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

- **Environmental Health** recommend a condition relating to the air source heat pump.

Update list of conditions on page 420 to now include the following (conditions 6, 7, 8 & 9):

6. All private functions (as in non-scout association functions) and any associated amplified music/microphones shall cease by 23:00 hours.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

7. The use of the building hereby approved shall be in compliance with the submitted travel plan received on the 13th June 2023.

Reason: In the interests of neighbouring amenity.

8. Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. Before the installation of the air source heat pump (ASHP), the applicant shall identify the specific model of ASHP to be used and demonstrate its acceptability in terms of noise effects

on nearby dwellings. This can be achieved by undertaking the calculations laid out in MICROGENERATION INSTALLATION STANDARD: MCS 020 [MCS-020.pdf\(mcscertified.com\)](https://www.mcscertified.com/mcs-020.pdf); the calculations shall be submitted to and approved in writing by the local planning authority for written approval also prior to the installation of the ASHP. Thereafter, the ASHP model shall be as agreed and retained thereafter.

Reason: to protect the amenity of nearby dwellings in relation to noise from the development.

Update list of informatives on page 420 to include:

2. INFORMATIVE: It is recommended that the applicant contacts the Dorset Police Crime Prevention Officer to consider the security measures for the site including the placement of CCTV cameras to prevent antisocial behaviour.