



# Western and Southern Area Planning Committee

**Date:** Thursday, 12 December 2024  
**Time:** 10.00 am  
**Venue:** Meeting Room 1, County Hall, Dorchester, DT1 1XJ

## Members (Quorum 6)

Dave Bolwell (Chair), Neil Eysenck (Vice-Chair), Belinda Bawden, Louise Bown, Simon Christopher, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

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

For more information about this agenda please contact Democratic Services  
Meeting Contact: [Joshua.Kennedy@Dorsetcouncil.gov.uk](mailto:Joshua.Kennedy@Dorsetcouncil.gov.uk) 01305 224710

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

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## 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 - 10

To confirm the minutes of the meeting held on 03 October 2024.

**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. [Guide to Public Speaking at Planning Committee.](#)

The deadline for notifying a request to speak is 8.30am on Tuesday 10 December 2024.

**5. APPLICATION 1/D/11/002012 SOUTH WEST QUADRANT, ST MICHAELS TRADING ESTATE, BRIDPORT** 11 - 162

**Outline Application**

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).

Attached to this report are:

Appendix 1 – 15 June 2023 Committee Report

Appendix 2 – 06 July 2017 Committee Report

Appendix 3 – 15 June 2023 Committee Update Sheet

**6. APPLICATION WD/D/16/002852 LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE, ST MICHAELS ESTATE, BRIDPORT, DT6 3TP** 163 - 302

**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)

Attached to this report are the following appendices:

Appendix 1 – 15 June 2023 Committee Report

Appendix 2 – 06 July 2017 Committee Report

Appendix 3 – 15 June 2023 Committee Update Sheet

7. **APPLICATION P/FUL/2024/02884 REDLANDS COMMUNITY SPORTS HUB DORCHESTER ROAD WEYMOUTH DT3 5AW** 303 - 326

Refurbishment of existing floodlit Artificial Grass Pitch & construction of a new floodlit Artificial Grass Pitch. Erection of maintenance building with toilet, spectator area, new pedestrian perimeter path, relocation of practise cricket nets & new cricket match wicket. Construct reinforced grass matting overflow parking area and landscaping works.

8. **APPLICATION P/FUL/2024/04683 BUS SHELTER DORSET MOUNT PLEASANT PARK AND RIDE LINK ROAD TO PARK AND RIDE WEYMOUTH DT3 5GD** 327 - 338

Relocate temporary wooden workshop to allow erection of additional cabin for use as reception/meeting room.

9. **APPLICATION P/FUL/2024/06068 WEYMOUTH BEACH SOUTH WEST OF THE PIER BANDSTAND OPPOSITE THE PRINCE REGENT HOTEL** 339 - 354

Change of use of land for the siting of a mobile wild sauna unit and ancillary shed.

10. **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.

11. **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.**

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## WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 3 OCTOBER 2024

**Present:** Cllrs Dave Bolwell (Chair), Neil Eysenck (Vice-Chair), Belinda Bawden, Louise Bown, Simon Christopher, Craig Monks, David Northam, David Shortell and Kate Wheller

**Apologies:** Cllrs Paul Kimber, Louie O'Leary and Pete Roper

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Susan Hetherington (Engineer (Development Liaison)), Joshua Kennedy (Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), Matthew Pochin-Hawkes (Lead Project Officer), Darren Rogers (Senior Planning Officer), Elaine Tibble (Senior Democratic Services Officer) and Katrina Trevett (Development Management Team Leader)

#### 35. **Declarations of Interest**

Cllr Bown declared an interest in item 5a and spoke as the Ward Member for that application.

Cllr Monks declared an interest in item 5b due to being predetermined and spoke as the Ward Member for that application.

Cllr Northam declared an interest in item 5c due having voted on it at a Weymouth Town Council Planning Committee meeting.

Cllr Bawden declared an interest in item 5d and left the room for the consideration of that application.

#### 36. **Minutes**

The minutes of the meeting held on 05 September 2024 were confirmed and signed.

#### 37. **Planning Applications**

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

38. **Application P/FUL/2023/06930 New Look Site including areas off Chandler Close and Souter Way, Mercery Road, Weymouth, DT3 5FU**

The Lead Project Officer presented the application for the construction of a Class E(a) retail unit. The application site was shown on a map and it was noted that it was located just under 2km away from Weymouth Town Centre. An aerial photograph of the site was provided and nearby points of interest and occupiers of the surrounding business units were detailed.

It was explained that the main constraint of the application was that the site was designated as a key employment site and identified for Class-B employment use, however the site had not received interest from any potential occupiers. The applicant had carried out a marketing exercise which concluded that the site was not viable in the current market under Class-B employment use, the Dorset and BCP Land Employment Study corroborated the findings of the applicant.

The proposed plan consisted of one retail unit and the Lead Project Officer provided details around the design and scale of the building and associated ground works and landscaping. It was explained that the applicant had altered the design of the building following advice, to make it less imposing on the landscape.

It was considered that the proposal had several benefits, including the creation of 104 permanent full time and part time jobs and temporary jobs from the construction of the unit.

Public representation was received from Mr Newns, the agent for the application and Mr Marsden, representing the potential occupier of the unit, who spoke in support of the application. They noted the need to fill the space on the business park and the economic benefits that this would bring.

Public representation was also received from Cllr Bown, who spoke as the Ward Member for the item. She explained that there were significant concerns from local residents about increasing the strain on the sewage system and worsening flooding by building on the vacant site.

Cllr Bown left the Council Chamber at 10:43.

In response to public speakers, the Lead Project Officer explained that Wessex Water had been consulted about the application and they had confirmed that there was capacity within the system to support the proposed unit, however a sewer would have to be diverted and this was included in the conditions should the application be approved.

The Lead Project Officer provided the following responses to questions from members:

- An assessment was carried out to identify the level of harm that the proposal would have on Weymouth town centre and other nearby towns and the harm was not considered significant enough to warrant refusal of the application.
- Wessex Water had been consulted about the application and had said there was capacity in the system to support the unit.

- The site was first advertised in February 2018, so had been marketed for over 5 years without any developer showing interest in the site.

Having had the chance to debate the merits of the application, members considered that the proposal would provide a positive economic boost the area and provide a number of jobs.

The Lead Project Officer provided assurance that the sewer diversion condition was robust and that details of the work would be required prior to commencement of construction.

Proposed by Cllr Wheller and seconded by Cllr Bawden.

Decision:

- A) That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission, subject to the Secretary of State notifying the authority that he does not intend to issue a direction under Section 77 of the Town and Country Planning Act 1990 and 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 Head of Legal Services to secure:
- Sustainable transport measures in the form of 10 e-bike spaces and two 2-bikes.

And subject to the planning conditions detailed in the appendix to these minutes.

- B) Refuse permission for the reasons set out in the appendix to these minutes if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 3 April 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

**39. Application P/RES/2022/04434 Land to the north and west of Cockroad Lane Beaminster**

Cllr Bown returned to the Council Chamber at 11:20.

With the aid of a visual presentation the Senior Planning Officer outlined the details of the application. He showed the location of the application site within Beaminster and explained that the adjacent site had permission for 100 dwellings. The layout plan of the site was shown and the entrance to the site highlighted, as well as the attenuation basin, LEAP and landscaping.

Images of the proposed streetscape were provided, to give members an indication of the scale, design and materials of the proposed dwellings. Photographs of the site were also provided, showing the access to the site and the view of the site from nearby roads.

Public representation was received from Ms Yeates and Mr Sharpe who spoke on behalf of the applicant and noted the intention to deliver the scheme as 100% affordable housing and the renewable energy technology that would be used on the dwellings, including air source heat pumps and electric vehicle charging points.

Cllr Monks, as the Ward Member, spoke in support of the application, noting that it was a well thought out scheme that incorporated important environmental considerations. However, there were concerns raised by residents about the increased traffic as a result of the development.

Cllr Gillings, representing Beaminster Town Council, spoke in opposition to the application. He expressed that the Town Council believed that the development was uninspired and would not stand the test of time.

Cllr Monks left the Council Chamber at 11:42.

In response to the public speakers, the Senior Planning Officer explained that the access point to the site couldn't be changed to alleviate traffic concerns, as the adjacent site was under different ownership.

Having had the opportunity to debate the merits of the application, members expressed that the application was acceptable and commented specifically on the environmental measures that were included in the proposal.

Proposed by Cllr Northam and seconded by Cllr Christopher.

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

40. **Application P/FUL/2023/07313 528 Littlemoor Road Weymouth Dorset DT3 5PA**

Cllr Monks returned to the Council Chamber 11:56.

Cllr Northam left the Council Chamber 11:56.

The Senior Planning Officer presented the application for two new dwellings and the conversion of an existing coach house into holiday accommodation. The location of the site was shown and it was explained that the site consisted of a detached dwelling with an ancillary coach house and that the application had come to the committee for determination because Dorset Council owned a small part of the land on the application site.

The details of the application were provided by the Senior Planning Officer, as well as a site plan of the proposal, elevations and floor plans of the two new dwellings and holiday accommodation. Photographs were provided of the site showing the existing dwelling and coach house and the trees located within the site, some of which were proposed to be removed.



It was explained that Dorset Council's Tree Officers had visited the site following the application being submitted and had put a tree preservation order on the site and the Senior Planning Officer detailed on the site plan, which trees fell under the TPO.

Although the application was considered acceptable in terms of scale, design and the principle of the development, it was considered that the impact on the trees on the site was unacceptable and the biodiversity team at Dorset Council also remained unsatisfied with ecological matters.

Public representation was received from Mr Coyne, who spoke in objection to the application as he had concerns with the converted coach house which would share an adjoining wall to his property, so raised points around excess noise and potential damp issues.

Ms Sibeth spoke in support of the application, as one of the owners of the site, she explained that they wished to retain the character of the property and didn't want to sell the land to a developer. She believed that the benefits of creating two dwellings on the plot and the holiday accommodation outweighed the loss of the trees and that any trees lost were intended to be replaced on a like for like basis.

Members expressed concerns with the application around the TPO that had been issued and hoped that the applicant would work with Dorset Council to make the proposal acceptable in the future.

Proposed by Cllr Monks and seconded by Cllr Christopher.

Decision: That the application be refused for the reason set out in the appendix to these minutes.

**41. Application P/FUL/2024/04204 Highlands Greenway Lyme Regis DT7 3EY**

Cllr Northam returned to the Council Chamber 12:21.

Cllr Bawden left the Council Chamber 12:21.

The Development Management Team Leader showed members the location of the application site and provided details of the proposal, which was to erect a new dwelling and car port on the site.

The floorplan of the proposed dwelling was provided, along with the elevations and rendered images, which gave an indication of the design and scale of the dwelling. A through section, showing the proximity of the dwelling to neighbouring properties was shown and it was considered that the dwelling was an appropriate distance away to avoid issues around overlooking and noise.

Photographs were shown of existing modern developments within Lyme Regis, as well as photographs of the site from various different points. It was explained that a surface water drainage scheme would be secured by condition to ensure that the development of the site did not have an adverse impact on surface water flooding.

In response to members questions the Development Management Team Leader provided the following responses:

- The access to the site would be from the turning point at the end of the road.
- The applicant had expressed their intention to use locally sourced materials in the construction of the building but hadn't referenced the Dorset Council Climate Emergency document specifically.
- The trees on site would remain in place and be protected.
- Water drainage on the site would be addressed by the surface water drainage scheme which would include the consideration of calculations.

Proposed by Cllr Wheller and seconded by Cllr Monks.

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

**42. Urgent items**

There were no urgent items.

**43. Exempt Business**

There was no exempt business.

**Decision List**

**Duration of meeting:** 10.00 am - 12.48 pm

**Chairman**

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<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>            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. Bridget Bolwell, Cllr. Dave Bolwell and Cllr. Sarah Williams

## 1.0 Reason for Planning Committee Consideration

1.1 This application is being re-reported to planning committee following suggested changes to planning conditions since Members resolved to approve the development subject to planning conditions and a Section 106 legal agreement at the 15 June 2023 Western and Southern Area Planning Committee.

## 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 7 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 12th June 2025 (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 Background**

3.1 At the 15 June 2023 Western and Southern Area Planning Committee Members resolved to grant planning permission subject to planning conditions and the completion of a Section 106 legal agreement in accordance with the officer's recommendation. The earlier Committee Report and Update Sheet is included at **Appendix 2**.

3.2 Following the 15 June 2023 planning committee a draft Section 106 Agreement was prepared and signed by the applicant. It was sent to the Council in March 2024 but was not completed due to publication of the Dorset Council Level 1 Strategic Flood Risk Assessment (2024). Given the document updates the understanding of flooding across Dorset, it has been necessary to undertake re-consultation with the Environment Agency and Lead Local Flood Authority to ensure that the proposed flood-related planning conditions remained appropriate and the development aligns with flood-related planning policies. This has been necessary given the location of the development within Flood Zones 2 and 3 in an area which is reliant on flood defences.

3.3 Since the 15 June 2023 Western and Southern Area Planning Committee, the former Department for Levelling Up, Housing and Communities has also published a revised version of the National Planning Policy Framework (NPPF). Associated 2022 Housing Delivery Test (HDT) figures and Planning Practice Guidance (PPG) has been published and the statutory duty for areas of outstanding natural beauty (AONB) set out within the Countryside and Rights of Way Act 2000 has been amended.

3.4 Given these constitute revised material planning considerations since the resolution to grant planning permission it has been necessary for officers to consider the implications of them.

3.5 This report: identifies the revised material considerations, summarises the further consultation responses received, provides an officer opinion on the effect of the new material considerations, including revised planning conditions, and sets out a revised recommendation with updated planning conditions.

3.6 All matters set out in the 15 June 2023 Committee Report and Update Sheet relating to: the description of the site, proposed development, planning history,

constraints, relevant policies, human rights, public sector equalities duty, benefits and environmental implications remain unchanged. The report and Update Sheet are provided at **Appendix 2** for ease of reference.

## **4.0 Consultations**

4.1 This section summarises the further consultation responses that have been received since the 15 June 2023 Western and Southern Area Planning Committee. Consultation responses received prior to the committee are summarised in the 15 June 2023 Committee Report (**Appendix 2**). All consultee responses can be viewed in full on the website.

### **Environment Agency**

4.2 The Environment Agency initially raised initial objections to the development on the basis that the applicant had not sufficiently demonstrated that the development would be safe for its lifetime in light of updated flood modelling.

4.3 Following review of the Flood Risk Assessment Addendum (dated 28 October 2024) produced by the applicant's flood risk consultant, the Environment Agency confirmed it is satisfied that potential increases in fluvial flood risk, including allowing for the impacts of climate change, have been sufficiently tested in line with present day planning policy requirements. The Environment Agency therefore raises no objection subject to updated planning conditions and informatives.

### **Lead Local Flood Authority**

4.4 The Flood Risk Management Team (Lead Local Flood Authority) has provided suggested amended planning condition wording in respect of surface water drainage. The revised wording clarifies that the final scheme shall not include the pumping of surface water.

### **Representations Received**

4.5 No further third-party representations have been received.

## **5.0 Planning assessment of new material planning considerations**

### ***Flood Risk***

#### *Level 1 Strategic Flood Risk Assessment*

5.1 The Level 1 Strategic Flood Risk Assessment (SFRA) was published by Dorset Council in March 2024. It updates understanding of flood risk across Dorset, including in respect of the site, which lies within Flood Zones 2 and 3 and is affected by areas of medium flood risk (1 in 100/year).

5.2 Through updated modelling, the applicant has demonstrated to the satisfaction of the Environment Agency and Lead Local Flood Authority (LLFA) that the development would be safe for its lifetime taking account of climate change subject to amended planning conditions. With the recommended planning conditions

imposed, the proposed development would be acceptable in respect of flood risk in accordance with Policy ENV5 of the adopted local plan and NPPF.

#### *Sequential test*

5.3 The National Planning Practice Guidance (PPG) confirms that the sequential test will not be required at the planning application stage where a site has been allocated at the plan making stage and subject to the sequential test at the plan making stage. This is provided the development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

5.4 The proposed development is consistent with the uses allocated within the Local Plan. However, the Council has since published the Level 1 SFRA (in March 2024), so consideration needs to be given to whether the sequential test needs to be re-applied.

5.5 Given the applicant has demonstrated that the updated flood modelling contained in the Level 1 SFRA does not materially affect the site, it is concluded that the assessment would not have affected the outcome of the sequential test undertaken at the plan-making stage. For this reason, the sequential test does not need to be re-applied for the site.

#### *Exceptions test*

5.6 The National Planning Practice Guidance (Para. 7-035-20220825) confirms that where a development proposal is in accordance with an allocation made in a plan following the application of the sequential and exception test, it should not be necessary to repeat aspects of the exceptions test unless the understanding of current or future flood risk has changed significantly.

5.7 In this case, it is considered that the understanding of flood risk has not changed significantly since the Level 1 SFRA was published. Accordingly, it is not necessary to re-apply the exceptions.

5.8 Overall, in respect of flood risk, the proposed development would be acceptable in accordance with Policy ENV5 of the adopted local plan and the NPPF subject to planning conditions.

#### ***Revised NPPF, PPG and new HDT Figures***

5.9 Appendix 1 identifies where the revised NPPF, PPG and new HDT results affect the assessment and conclusions set out in the previous Committee Report.

5.10 Overall, officers consider that the revised NPPF, PPG and new Housing Delivery Test results would not have materially affected the decision-making process nor the planning conditions which were previously recommended.

#### ***Changes in Affordable Housing Need***

5.11 It is relevant to note the increasing need for affordable housing since the time of the previous planning committee. Since the 15 June 2023 planning committee, the number of active applications on the Council's Housing Register which identify Bridport as the preferred area of housing need has increased by almost 80% from

211 applications in June 2023 to 379 applications at the time of writing (26 November 2024).

5.12 Officers consider that the increased housing need would add further positive weight to the 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided by the proposed development.

5.13 Given the viability position reported in the June 2023 Committee Report, officers consider that it appropriate to rely on the conclusions of the previous viability review exercise and it is not necessary to re-assess the viability of the development now.

### ***Revised NPPF and amended statutory duty related to AONBs***

5.14 Amendments to Section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.

5.15 Appendix 1 identifies where the revised NPPF and the amended statutory duty related to AONBs affect the assessment and conclusions set out in the previous Committee Report.

5.16 Officers are satisfied that the amended statutory duty is satisfied and the changes to the NPPF do not materially affect the assessment and conclusions of the earlier Committee Reports.

### ***Biodiversity Net Gain and ecology***

5.17 As the application was made before mandatory biodiversity net gain (BNG) came into force in February 2024, the development is exempt from BNG. A BNG exemption informative is proposed for completeness.

5.18 The Environment Agency also recommends planning conditions in respect of water voles, protected species and landscaping along the river. Subject to these recommended conditions, and other conditions previously proposed, the development is considered to be acceptable in respect of ecology.

## **6.0 Summary of planning issues**

6.1 This report has considered new material considerations and consultation responses since Members resolved to grant planning permission in June 2023.

6.2 There are no material considerations which would warrant refusal of the application and the application is recommended for approval subject to revised planning conditions (updated to reflect the latest comments from the Environment Agency and the LLFA) and a Section 106 Agreement securing on site affordable housing provision and refurbishment of existing buildings.

## 7.0 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 following planning conditions:

Note: For ease of reference, the key recommended changes to the planning conditions resolved at the 15 June 2023 Western and Southern Area Planning Committee are shown in **bold and underlined**.

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.

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 Rev A

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).

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. **Evidence that the contract has been entered into shall be submitted to and approved in writing by the Local Planning Authority prior to demolition of the Stover Building.**

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.

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 relocation shall proceed in accordance with such scheme and timetable as is approved.

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

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 shall predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied shall be clearly shown. Where appropriate, the report must 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.

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 phase, 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.

12. 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.

- 13. Prior to the commencement of development a plan including a timetable for the protection and/or mitigation of damage to populations of water voles, a protected species under Wildlife and Countryside Act 1981, or associated habitat during construction works and once the development is complete shall be submitted to and approved in writing by the Local Planning Authority. The water vole protection plan shall be carried out in accordance with the timetable for implementation as approved.**

**Reason: This condition is necessary to protect the water vole and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site.**

- 14. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese knotweed, Himalayan balsam and Giant Hogweed which may be present shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed, Himalayan balsam and Giant Hogweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981.**

**Development shall proceed in accordance with the approved method statement.**

**REASON: Japanese knotweed, Himalayan balsam and Giant Hogweed are invasive plants, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.**

15. 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 **and the Environment Agency Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the Flood Risk Assessment (Such Salinger Peters, Second Issue, Rev A - May 2017).** 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 **and ensure the integrity of and access to the Environment Agency Flood Alleviation Scheme thereby reducing flooding.**

16. **As part of any relevant reserved matter application a scheme for the provision and management of a buffer zone alongside the Rivers Brit and Asker shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:**

- a) **plans showing the extent and layout of the buffer zone**
- b) **details of the planting scheme (for example, native species)**
- c) **details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term**
- d) **details of any footpaths, fencing, lighting and other minor artifacts**
- e) **timetable for implementation**

**Thereafter the development of the relevant phase shall be carried out in accordance with the approved scheme.**

**Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article**

**10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.**

17. 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.

18. **As part of any reserved matter application, a scheme to incorporate flood resistance and resilience measures into the proposed development in accordance with the approved Flood Risk Assessment (Such Salinger Peters, Second Issue, Rev A - May 2017), Flood Risk Assessment Addendum (Such Salinger Peters 27th June 2017) and Flood Risk Assessment Addendum (Such Salinger Peters, 28th October 2024) will be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented prior to occupation and subsequently maintained thereafter throughout the lifetime of the development.**

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

19. The development hereby permitted shall not be commenced until such time as a scheme to ensure:

a) the finished ground floor levels of all new buildings are set at least 300mm above the adjacent / corresponding present day 1 in 100 year flood level **plus an appropriate allowance for climate change** has been submitted to, and approved in writing by, the local planning authority. **The proposed new Stover Building finished ground floor should be set no lower than 7.40mAOD as set out in the Flood Risk Assessment Addendum (Such Salinger Peters 27th June 2017).**

**b) As proposed under the Flood Risk Assessment (Such Salinger Peters, Second Issue, Rev A - May 2017) and subsequent two Flood Risk**

**Assessment Addendums (Such Salinger Peters 27th June 2017 and 28th October 2024), the ground floors of the new Stover Building and all proposed refurbished existing buildings shall be restricted to non-residential use only.**

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.

20. 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.

21. 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 **Flood Risk Assessment (Such Salinger Peters, Second Issue, Rev A - May 2017), addressing all phases of 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 ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

22. 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 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.

23. 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 **the hydrological and hydrogeological context of the development and include clarification of how surface water is to be managed during construction for each phase. The detailed surface water management scheme shall not include the pumping of surface water unless specifically approved in writing by the Local Planning Authority.** 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.

24. 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 shall 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.

25. 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.

26. Prior to the first occupation or use of a relevant phase of development a verification report demonstrating **the completion of works set out in the approved remediation strategy and the effectiveness of the remediation** for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. **The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.**

Reason: To ensure potential land contamination is addressed **and to protect controlled waters.**

27. 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. **Remediation shall then be carried out in accordance with the approved scheme and 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.

28. 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. 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.

29. 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.

30. 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.

31. 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.

32. 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% 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.

33. 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. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [## ##] relating to affordable housing and implementation of an Employment Buildings Refurbishment Scheme.

3. Informative: 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.

4. Informative: 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).

5. Informative: 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.

6. Informative: 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>.

#### 7. Informative: 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.environmentagency.gov.uk/subjects/waste/](http://www.environmentagency.gov.uk/subjects/waste/).

#### 8. Informative: 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>

#### 9. Informative - 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.

#### **10. Informative – Surface Water**

**If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements**

## **11. Informative – EA Permit**

**The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:**

- **on or within 8 metres of a main river (16 metres if tidal)**
- **on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)**
- **on or within 16 metres of a sea defence**
- **involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert**
- **in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission**

**For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk)**

**The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity**

**12. Informative: Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan. The application for planning permission was made before 12 February 2024.**

**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 12 June 2025 (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:

- 2) 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.



## Appendix 1 – Consideration of revised material considerations

Topic	Extract from Committee Report / Update Sheet	Officer Comments
<b>15 June 2023 Outline Committee Report</b>		
<b>Principle of Development</b>	<p>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).</p> <p>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 <i>“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</i></p>	<p>N/A. No relevant updates to renumbered Paras. 123-124.</p> <p>Paras 47 and 123-124 (previously Paras. 119-120) remain unchanged.</p>



	<i>above service yards, car parks, lock-ups and railway infrastructure)."</i>	
<b>Affordable Housing Provision</b>	15.6.3 Paragraph 58 of the NPPF states that <i>"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..."</i> .	N/A. Para. 58 has not changed.
<b>Heritage</b>	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.	N/A. No changes have been made to Section 16 of the NPPF.

<p><b>AONB / National Landscape</b></p>	<p>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.</p>	<p>N/A. No relevant updates to renumbered Paras. 183.</p> <p>Amendments to section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “<b>seek to</b> further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.</p> <p>The Dorset AONB designation washes over Bridport and the application site. Due to this, the site plays a limited role in supporting the special qualities of the AONB and contributing to its natural beauty. As noted within the Committee Report, the proposal would “preserve and enhance the natural beauty of the AONB through development of the site with an appropriate layout and scale...”. This meets the revised statutory duty.</p>
<p><b>Design (Layout and Scale)</b></p>	<p>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).</p>	<p>N/A The updates to Section 12 of the NPPF do not materially affect the conclusions of the Committee Report.</p> <p>Para. 140 notes LPAs should ensure relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate. Given appearance is a reserved matter, the requirement for this visual clarity is not necessary at the outline stage.</p>

	<p>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.</p>	
<b>Residential Amenity</b>	<p>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.</p> <p>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</p>	<p>N/A no relevant updates have been made to Section 15 of the NPPF or the agent of change principle (now Para. 193).</p>

	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.	
<b>Flood Risk and Drainage</b>	15.12.2 ... 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.	N/A. No relevant updates have been made to Section 14 of the NPPF in respect of flood risk and drainage.
<b>Biodiversity</b>	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.	N/A. Section 15 of the NPPF has not been materially amended (other than in respect of agricultural land). The site is not required to deliver a 10% Biodiversity Net Gain.

**Appendix 2 – Officer Report to 15 June 2023 Western and Southern Area Planning Committee and Update Sheet (including historic committee reports)**

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<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>	<b>Outline Application</b> 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).
<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
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<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 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 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**

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

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**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

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

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**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

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

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**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

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**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>
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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

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<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*

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<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."*

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<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>

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<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

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<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 be 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**

- 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.
- 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.

## 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.

<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>	<b>Application for Full Planning Permission</b>  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)
<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 for Planning Committee Consideration

1.1 This application is being re-reported to planning committee following suggested changes to planning conditions since Members resolved to approve the development subject to planning conditions and a Section 106 legal agreement at the 15 June 2023 Western and Southern Area Planning Committee.

## 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 7 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 12th June 2025 (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 Background

3.1 At the 15 June 2023 Western and Southern Area Planning Committee Members resolved to grant planning permission subject to planning conditions and a Section 106 legal agreement in accordance with the officer's recommendation. The earlier Committee Report and Update Sheet is included at **Appendix 2**.

3.2 Following the 15 June 2023 planning committee a draft Section 106 Agreement was prepared and signed by the applicant. It was sent to the Council in March 2024 but was not completed due to publication of the Dorset Council Level 1 Strategic Flood Risk Assessment (2024). Given the document updates the understanding of flooding across Dorset, it has been necessary to undertake re-consultation with the Environment Agency and Lead Local Flood Authority to ensure that the proposed flood-related planning conditions remained appropriate and the development aligns with flood-related planning policies. This has been necessary given the location of the development within Flood Zones 2 and 3 in an area which is reliant on flood defences.

3.3 Since the 15 June 2023 Western and Southern Area Planning Committee, the former Department for Levelling Up, Housing and Communities has also published a revised version of the National Planning Policy Framework (NPPF). Associated 2022 Housing Delivery Test (HDT) figures and Planning Practice Guidance (PPG) has been published and the statutory duty for areas of outstanding natural beauty (AONB) set out within the Countryside and Rights of Way Act 2000 has been amended.

3.4 Given these constitute revised material planning considerations since it was resolved to grant planning permission it has been necessary for officers to consider the implications of them.

3.5 This report: identifies the revised material considerations, summarises the further consultation responses received, provides an officer opinion on the effect of the new material considerations, including revised planning conditions, and sets out a revised recommendation with updated planning conditions.

3.6 All matters set out in the 15 June 2023 Committee Report and Update Sheet relating to: the description of the site, proposed development, planning history, constraints, relevant policies, human rights, public sector equalities duty, benefits and environmental implications remain unchanged. The report and Update Sheet are provided at **Appendix 2** for ease of reference.

## 4.0 Consultations

4.1 This section summarises the further consultation responses that have been received since the 15 June 2023 Western and Southern Area Planning Committee. Consultation responses received prior to the committee are summarised in the previous Committee Report (**Appendix 2**). All consultee responses can be viewed in full on the website.

### **Environment Agency**

4.2 The Environment Agency initially raised initial objections to the development on the basis that the applicant had not sufficiently demonstrated that the development would be safe for its lifetime in light of updated flood modelling.

4.3 Following review of the Flood Risk Assessment Addendum (dated 28 October 2024) produced by the applicant's flood risk consultant, the Environment Agency confirmed it is satisfied that potential increases in fluvial flood risk, including allowing for the impacts of climate change, have been sufficiently tested in line with present day planning policy requirements. The Environment Agency therefore raises no objection subject to updated planning conditions and informatives.

### **Lead Local Flood Authority**

4.4 The Flood Risk Management Team (Lead Local Flood Authority) raises no objection subject to surface water management being secured within the associated outline application site. The LLFA has provided suggested amended planning condition wording in respect of surface water drainage. The revised wording clarifies that the final scheme shall not include the pumping of surface water.

4.5 As this application for full planning permission is reliant on the surface water management scheme to be provided within the outline element of the associated outline planning application (W/D/11/002012), the LLFA would raise an objection if the associated application for outline planning permission is not approved. To overcome this objection a site specific surface water management scheme would need to be produced.

### **Representations Received**

4.6 No further third-party representations have been received.

## 5.0 Planning assessment of new material planning considerations

### ***Flood Risk***

#### *Level 1 Strategic Flood Risk Assessment*

5.1 The Level 1 Strategic Flood Risk Assessment (SFRA) was published by Dorset Council in March 2024. It updates understanding of flood risk across Dorset, including in respect of the site, which lies within Flood Zones 2 and 3 and is affected by areas of medium flood risk (1 in 100/year).

5.2 Through updated modelling, the applicant has demonstrated to the satisfaction of the Environment Agency and Lead Local Flood Authority (LLFA) that the development would be safe for its lifetime taking account of climate change subject to amended planning conditions. With the recommended planning conditions imposed, the proposed development would be acceptable in respect of flood risk in accordance with Policy ENV5 and NPPF.

#### *Sequential test*

5.3 The National Planning Practice Guidance (PPG) confirms that the sequential test will not be required where a site has been allocated at the plan making stage and subject to the test at the plan making stage. This is provided the development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

5.4 The proposed development is consistent with the uses allocated within the Local Plan. However, the Council has since published the Level 1 SFRA (in March 2024), so consideration needs to be given to whether the sequential test needs to be re-applied.

5.5 Given the applicant has demonstrated that the updated flood modelling contained in the Level 1 SFRA does not materially affect the site, it is concluded that the assessment would not have affected the outcome of the sequential test undertaken at the plan-making stage. For this reason, the sequential test does not need to be re-applied for the site.

#### *Exceptions test*

5.6 The National Planning Practice Guidance (Para. 7-035-20220825) confirms that where a development proposal is in accordance with an allocation made in a plan following the application of the sequential and exception test, it should not be necessary to repeat aspects of the exceptions test unless the understanding of current or future flood risk has changed significantly.

5.7 In this case, it is considered that the understanding of flood risk has not changed significantly since the Level 1 SFRA was published. Accordingly, it is not necessary to re-apply the exceptions.

5.8 Overall, in respect of flood risk, the proposed development would be acceptable in accordance with Policy ENV5 and NPPF subject to planning conditions.

#### ***Revised NPPF, PPG and new HDT Figures***

5.9 Appendix 1 identifies where the revised NPPF, PPG and new HDT results affect the assessment and conclusions set out in previous Committee Report.

5.10 Overall, officers consider that the revised NPPF, PPG and new Housing Delivery Test results would not have materially affected the decision-making process nor the planning conditions which were previously recommended.

#### ***Changes in Affordable Housing Need***

5.11 It is relevant to note the increasing need for affordable housing since the time of the previous planning committee. Since the 15 June 2023 planning committee the number of active applications on the council's Housing Register which identify

Bridport as the preferred area of housing need has increased by almost 80% from 211 applications in June 2023 to 379 applications at the time of writing (26 November 2024).

5.12 Officers consider that the increased housing need would add further positive weight to the 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided by the associated and linked outline planning application.

5.13 Given the viability position reported in the June 2023 Committee Report, officers consider that it appropriate to rely on the conclusions of the previous viability review exercise and it is not necessary to re-assess the viability of the development now.

### ***Revised NPPF and amended statutory duty related to AONBs***

5.14 Amendments to Section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.

5.15 Appendix 1 identifies where the revised NPPF and the amended statutory duty related to AONBs affect the assessment and conclusions set out in previous Committee Report.

5.16 Officers are satisfied that the amended statutory duty is satisfied and the changes to the NPPF do not materially affect the assessment and conclusions of the earlier Committee Reports.

### ***Biodiversity Net Gain and ecology***

5.17 As the application was made before mandatory biodiversity net gain (BNG) came into force in February 2024, the development is exempt from BNG. A BNG exemption informative is proposed for completeness.

## **6.0 Summary of planning issues**

6.1 This report has considered new material considerations and consultations responses since Members resolved to grant planning permission in June 2023.

6.2 There are no material considerations which would warrant refusal of the application and the application is recommended for approval subject to revised planning conditions (updated to reflect the latest comments from the Environment Agency and the LLFA) and a Section 106 Agreement securing on site affordable housing provision and refurbishment of existing buildings.

## **7.0 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 following planning conditions:

Note: For ease of reference, the key recommended changes to planning conditions resolved at the 15 June 2023 Western and Southern Area Planning Committee are shown in **bold and underlined**.

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.

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

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



3. 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.

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 Class B1 (Business) (and not other uses falling within Class E) 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 shall predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report must 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.

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 coarse 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.

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), FRA Addendum (Such Salinger Peters 27th June 2017) **and Flood Risk Assessment Addendum (Such Salinger Peters, 28th October 2024)** has been submitted to, and approved in writing by, the Local Planning Authority. As detailed within the FRA and FRA Addendums, 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.

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 **the hydrological and hydrogeological context of the development and include clarification of how surface water is to be managed during construction for each phase. The detailed surface water management scheme shall not include the pumping of surface water unless specifically approved in writing by the Local Planning Authority.** 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 shall 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.

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 demonstrating **the completion of works set out in the approved remediation strategy and the effectiveness of the remediation** for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. **The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.**

REASON: To ensure potential land contamination is addressed **and to protect controlled waters.**

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. Remediation shall then be carried out in accordance with the approved scheme and 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.

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.

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 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.

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. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. 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.

3. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [## ##] relating to affordable housing and implementation of an Employment Buildings Refurbishment Scheme.

#### 4. 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.

#### 5. 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).

6. 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.

7. 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>.

8. 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.environmentagency.gov.uk/subjects/waste/](http://www.environmentagency.gov.uk/subjects/waste/)

9. 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>

#### 10. 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.

#### **11. Informative – Surface Water**

**If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements**

#### **12. Informative – EA Permit**

**The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:**

- **on or within 8 metres of a main river (16 metres if tidal)**
- **on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)**
- **on or within 16 metres of a sea defence**
- **involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert**
- **in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission**

**For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk)**

**The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity**

**13. Informative: Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan. The application for planning permission was made before 12 February 2024.**

**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 12 June 2025 (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:

- 2) 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.

Appendix 1 – Consideration of revised material considerations

Topic	Extract from Committee Report / Update Sheet	Officer Comments
<b>15 June 2023 Detailed Committee Report</b>		
<b>Principle of development</b>	<p>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).</p> <p>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 <i>“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</i></p>	<p>N/A. No relevant updates to renumbered Paras. 123-124.</p> <p>Paras 47 and 123-124 (previously Paras. 119-120) remain unchanged.</p>

	<i>above service yards, car parks, lock-ups and railway infrastructure)."</i>	
<b>Affordable Housing Provision</b>	15.6.3 Paragraph 58 of the NPPF states that <i>"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..."</i> .	N/A. Para. 58 has not changed.
<b>Heritage</b>	<p>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.</p> <p>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</p>	N/A. No changes have been made to Section 16 of the NPPF.

	special attention to the desirability of preserving or enhancing the character of the Bridport Conservation Area have applied.	
<b>AONB</b>	<p>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.</p> <p>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.</p>	<p>N/A. No relevant updates to renumbered Paras. 183.</p> <p>Amendments to section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “<b>seek to</b> further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.</p> <p>The Dorset AONB designation washes over Bridport and the application site. Due to this, the site plays a limited role in supporting the special qualities of the AONB and contributing to its natural beauty. The proposal would preserve and enhance the natural beauty of the AONB through development of the site with an appropriate layout and scale. This meets the revised statutory duty.</p>
<b>Design</b>	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	<p>N/A The updates to Section 12 of the NPPF do not materially affect the conclusions of the Committee Report.</p> <p>Para. 140 notes LPAs should ensure relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the</p>

	Local Plan and accords with the relevant policies of the BANP.	approved use of materials where appropriate. The proposed plans provide this visual clarity and appropriate planning conditions are proposed in respect of external materials.
<b>Residential Amenity</b>	<p>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).</p> <p>15.10.8... 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.</p>	N/A no relevant updates have been made to Section 15 of the NPPF or the agent of change principle (now Para. 193).
<b>Flood Risk and Drainage</b>	15.11.2 ... 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.	N/A. No relevant updates have been made to Section 14 of the NPPF in respect of flood risk and drainage.

<b>Biodiversity</b>	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.	N/A. Section 15 of the NPPF has not been materially amended (other than in respect of agricultural land). The site is not required to deliver a 10% Biodiversity Net Gain.

**Appendix 2 – Officer Report to 15 June 2023 Western and Southern Area Planning Committee and Update Sheet (including historic committee reports)**



<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>	<b>Application for Full Planning Permission</b> 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)
<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.

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<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 of 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.

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

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

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**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

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

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**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

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

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**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

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**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>
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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

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<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*

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<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."*

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<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>

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<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

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<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 be 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.

## 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.

# Agenda Item 7

<b>Application Number:</b>	P/FUL/2024/02884
<b>Webpage:</b>	<a href="https://www.dorsetforyou.com">Planning application: P/FUL/2024/02884 - dorsetforyou.com</a>
<b>Site address:</b>	Redlands Community Sports Hub Dorchester Road Weymouth DT3 5AW
<b>Proposal:</b>	Refurbishment of existing floodlit Artificial Grass Pitch & construction of a new floodlit Artificial Grass Pitch. Erection of maintenance building with toilet, spectator area, new pedestrian perimeter path, relocation of practise cricket nets & new cricket match wicket. Construct reinforced grass matting overflow parking area and landscaping works.
<b>Applicant name:</b>	Active Dorset
<b>Case Officer:</b>	James Lytton-Trevers
<b>Ward Member(s):</b>	Cllr Northam

## 1.0 Reason for committee determination

The land the subject of the application is owned by Dorset Council.

## 2.0 Summary of recommendation:

GRANT subject to conditions.

## 3.0 Reason for the recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

## 4.0 Key planning issues

<b>Issue</b>	<b>Conclusion</b>
Principle of development.	The proposals would be compatible with the existing use of the site and bring enhancement to sport provision.
Character and appearance of the area.	The proposal would have limited intrusion in this location amongst existing similar facilities.
Amenity of neighbouring properties.	The design of the floodlighting and car park would be acceptable.

Flood risk and drainage.	Adequate methods would be provided to deal with drainage.
Highway safety, access and parking.	The proposal would not give rise to danger to road users.
Trees and landscape.	There would be suitable hard and soft landscaping within the development.
Biodiversity.	Suitable BNG can be provided and protected species would not be adversely affected.

## 5.0 Description of Site

5.1 The site is approximately 2 miles to the north of Weymouth and occupies a site of approximately 13.5 hectares, of which a substantial proportion is playing field. There are a number of buildings of which the largest is the Sports Centre containing two indoor sports halls, squash courts, several activity rooms, creche, café and changing rooms spread over two floors. Other small buildings located adjacent to the Sports Centre are used for storage and maintenance. There are two artificial grass pitches (AGP), one a hockey pitch located adjacent to the access road and the other a sports pitch located immediately north of the hockey pitch. There are two car parks, one located adjacent to the Sports Centre and the other adjacent to the existing artificial grass hockey pitch. These can accommodate 80 cars with 4 disabled spaces. The site is accessed from the Dorchester Road (B3159) via a single, two way access with pavement and which enters the main car park and then passes the Sports Centre to reach the second car park. There is also a large electricity substation in a cordoned area adjacent to the access road. There are currently 14 outdoor pitches for a variety of different sporting activity of which 2 are artificial grass.

5.2 The land is almost flat with a nominal fall of 1m across the entire site and almost entirely laid to grass with a few standard trees lining the access road and the remaining boundaries are either unmanaged scrub, woodland or fencing. A line of tall conifers lies next to the electricity substation.

5.3 The site is mainly surrounded by residential properties to the south and west with The Wey Valley Academy to the north and railway line to the eastern boundary, which runs parallel to the Weymouth Relief Road (A354), with Lorton Meadows Nature Reserve on the opposite side of this, to the east. The nearest residential property is to the south on Greenway Road.

## 6.0 Description of Development

6.1 The proposals fall into four parts:

- The existing Artificial Grass Pitch (AGP) north of the hockey pitch would be refurbished and a spectator area added on the west side.
- A new artificial grass pitch on the existing playing field adjacent to the access road, to the east of the Sports Centre and next to the existing artificial grass hockey pitch. It would be floodlit by 6 sports light columns arranged equally on



the perimeter of the pitch. A spectator hard standing would be located on the west side and a storage and toilet block on the east side.

- An overflow car park would be constructed immediately east of the Sports Centre and along the access road on an area of border grass and a small, redundant activity zone. It would have 120 spaces and be constructed from reinforced grass matting. It would have a one way system where vehicles would enter at the west end and leave at the east end. Additional standard trees would be added in the gaps between the existing standard trees.
- A new 2.5m wide asphalt path would start at the Sports Centre and circumvent the entire site connecting the Sports Centre, car parks, pitches (both grass and artificial grass) and link with an existing pedestrian access to the Wey Valley Academy. It would follow the existing boundaries and create a complete loop.

6.2 As a consequence of the above proposals, the 14 existing pitches including the cricket pitch would be re-arranged bringing the total number to 16 pitches for a variety of different sporting activity, of which 3 would be artificial grass.

6.3 The application was accompanied by comprehensive plans and the following supporting documents:

Arboricultural Impact Assessment;  
Tree Data Schedule;  
Construction Environmental Management Plan (CEMP);  
Flood risk assessment;  
Noise Management Plan;  
Environmental Noise Assessment;  
Proposed flood lighting;  
Lighting impact report & overspill readings;  
Design and access statement;  
Sustainability Statement;  
Biodiversity net gain Statement Updated;  
Transport Assessment;  
Travel Plan; and,  
Preliminary Ecological Appraisal Updated.

## 7.0 Relevant Planning History

88/01046/REM - Decision: GRANT - Decision Date: 10/08/1989  
Demolition of existing outbuildings and erection of new sports hall changing rooms and store

87/00470/OUT - Decision: GRANT - Decision Date: 18/03/1988  
Erection of extension to provide sports hall sports room and ancillary facilities

97/00558/FUL - Decision: GRANT - Decision Date: 10/12/1997  
Construction of all-weather sports pitch with fencing and floodlighting (revised proposal)

03/00218/COU - Decision: GRANT - Decision Date: 07/05/2003  
Change of use of sports hall 3 to creche

03/00029/FUL - Decision: GRANT - Decision Date: 07/03/2003  
Erection of garage (for use as store room)

09/00753/FUL - Decision: GRANT - Decision Date: 10/03/2010  
Construction of indoor tennis centre and relocation of existing floodlights

09/00165/FULM - Decision: GRANT - Decision Date: 24/06/2009  
Construct full size synthetic turf pitch (STP), 3 no. multi use games areas (MUGA), new car park, enhancement to access road, provision of changing rooms, lighting, drainage and other enabling and ancillary development, including realignment of existing grass pitches

10/00682/RELA - Decision: GRANT - Decision Date: 14/10/2010  
Construction of indoor tennis centre and relocation of existing floodlights without compliance with condition 8 of previous planning permission ref 09/753/FUL- increase the maximum average illuminance level to 415 lux

12/00230/FUL - Decision: GRANT - Decision Date: 17/05/2012  
Partial re-roofing and re-cladding of existing sports hall building

## 8.0 List of Constraints

TPO (WPBC/244)

Legal Agreements S106

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Risk of Surface Water Flooding

Minerals and Waste Safeguarding Area

## 9.0 Consultations

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

### Consultees

9.1 Sport England – No objection, conditional of:

- The design and layout of infill containment measures (i.e. to prevent infill such as the base layer leaching outside) for the refurbished artificial grass pitch;
- A community use agreement for outdoor sports facilities, changing and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review; and,
- A management and maintenance schedule and a mechanism for replacement of the pitch and testing to comply with FIFA Quality certification.

9.2 Wessex Water – No reply

9.3 Dorset Police Architectural Liaison Officer – No reply

9.4 Natural Environment Team – Comment

- More information from the lighting survey is required to provide a more detailed description to assess impacts on bats.

9.5 Rights of Way Officer – No reply

9.6 Highways – No objection, conditional of:

- Turning/manoeuvring and parking construction;
- Cycle parking scheme to be submitted;
- Travel Plan to be implemented; and,
- Compliance with Construction Environmental Management Plan.

9.7 Ramblers – No reply

9.8 Flood Risk Management – No objection, conditional of:

- Surface water management during construction; and,
- Maintenance and management of the surface water drainage scheme

9.9 Env. Services – Protection – No comment.

9.10 Arboricultural Team – No objection, conditional of:

- Works undertaken in accordance with the Arboricultural Impact Appraisal and Method Statement.

9.11 Asset & Property– No reply

9.12 Dorset Fire & Rescue Service - No reply

9.13 Dorset Wildlife Trust – No reply

9.14 Minerals & Waste Policy – No objection.

9.15 Woodland Trust – No reply

9.16 SGN (Southern Gas Networks) – No reply

9.17 Weymouth Town Council – No objection.

**Representations received**

Total - Objections	Total - No Objections	Total - Comments
1	0	0

Petitions Objecting	Petitions Supporting
0	0

**Summary of comments of objections:**

- Noise nuisance
- Light nuisance.
- Possible effect on bats.

**10.0 Duties**

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

**11.0 Relevant Policies**

Development Plan

**West Dorset, Weymouth & Portland Local Plan 2015-2031**

- INT 1. PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- ENV 1. LANDSCAPE, SEASCAPE AND SITES OF GEOLOGICAL INTEREST
- ENV 2. WILDLIFE AND HABITATS
- ENV 5. FLOOD RISK
- ENV 10. THE LANDSCAPE AND TOWNSCAPE SETTING
- ENV 12. THE DESIGN AND POSITIONING OF BUILDINGS
- ENV 16. AMENITY
- 
- COM 2. NEW OR IMPROVED LOCAL COMMUNITY BUILDINGS AND STRUCTURES
- COM 4. NEW OR IMPROVED LOCAL RECREATIONAL FACILITIES
- COM 5. THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES
- COM 7. CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK
- COM 9. PARKING STANDARDS IN NEW DEVELOPMENT
- SUS 2. DISTRIBUTION OF DEVELOPMENT

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 draft Dorset Council Local Plan**

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

### **Emerging Neighbourhood Plans**

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

### **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 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 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## **National Planning Practice Guidance**

### **Supplementary Planning Document/Guidance**

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

#### Supplementary Planning Documents/Guidance:

Weymouth & Portland Urban Design (2002)  
Landscape Character Assessment (Weymouth & Portland)

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **13.0 Public Sector Equalities Duty**

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

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

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

- People with disabilities, mobility impairments or pushing buggies would be accommodated with the new footpath around the site connecting the Sports Centre with the pitches and car parks.

- The proposal would utilise the existing disabled parking provision and appropriate access routes.
- The proposed new path/hard standing areas around the proposed 3G AGP and existing 3G AGP would be compliant with the Disability Discrimination Act (DDA) regulations and Sport England's Technical Design Guidance Note 'Accessible Sports Facilities 2010'.

**14.0 Financial benefits** – none.

## **15.0 Environmental Implications**

15.1 Photovoltaic panels are being installed on the Sports Centre roof. Most materials used to construct 3G sports pitches can now be re-used, recycled, repurposed, and recovered.

15.2 Green infrastructure, soft landscaping and planting, will be provided by the proposed biodiversity enhancements for the development.

15.3 A sustainable drainage strategy is proposed for the development.

15.4 A Site Waste Management Plan will be prepared alongside a construction phase plan, in preparation for the construction stage of this project.

15.5 Mixed recycling bins would be provided within both 3G sports pitches for players to deposit litter into.

15.6 The proposed maintenance building with toilet is a simple structure and does not contain any renewable energy generation features. Instead, eight roof lights would be incorporated into the clad roof to provide natural daylight into the building when it is used. As such, the energy consumption of the building is limited to simple lighting only – a light to the pedestrian entrance to the maintenance workshop area and a light to the accessible toilet. As a consequence, the carbon emissions would be negligible.

15.7 Measures to reduce embodied carbon emissions could be applied to this development, including:

Reuse materials like stabilising and performance infill materials within 3G artificial turf pitch surfacing and base and foundation aggregates.

Use recycled materials like containment barriers installed fence enclosure of each 3G sports pitch. These containment barriers will be manufactured using 100% recycled materials, with the majority content from recycled artificial and synthetic turf pitches.

Use low-carbon concrete mixes within poured foundations for lighting masts, fence posts, and the slab foundation for the maintenance building.

Use fewer finishings like the maintenance building which is designed as a functional structure with vital cladding and door finishes only.

## **16.0 Planning Assessment**

### **Principle of development**

16.1 The proposals have been brought about owing to the need to improve the facilities at the Redlands Community Hub. The Dorset Playing Pitch Strategy and Local Football Facility Plan currently highlights a need for an additional 1.5 artificial grass pitches (AGPs) in the Weymouth/Portland Sub Area. Redlands Community Hub falls within this Sub Area and therefore would support the strategic need locally.

16.2 The proposal includes a refurbishment of the existing 100m x 64m AGP which is in a state of disrepair and no longer meets the performance standards required for affiliated match play. The refurbishment includes technical improvements to ensure the AGP is aligned with current FA/FF 3G technical specifications.

16.3 The proposed new AGP would be 91m x 55m which would accommodate all community football including adult matches, apart from National League System (NLS) clubs and above from Grade 6 of The FA Ground Grading (which is not proposed on this site). The AGP would replace a natural turf pitch of a smaller size, therefore, offering more formats of football as well as a training need.

16.4 The applicant, Active Dorset and Dorset FA have carried out comprehensive community/user engagement to devise a programme of use for the proposed facility. Currently Ridgeway FC, Weymouth Cougars FC and Chickerell FC are aligned to the developing programme of use for affiliated matches where a 91m x 55m AGP is a sufficient size to cater for this provision. All other proposed provision on the AGPs is to cater for football training needs and/or to host recreational football initiatives, where there are no set requirements on dimensions. The project leads are engaged with the Football Foundation and the project is currently aligned to The FF procurement framework for delivery. Therefore, the AGPs would meet all technical specifications including LED lighting and infill containment considerations.

16.5 The proposed pedestrian paths and overflow car parking would have no impact on sport pitches and would enhance the infrastructure of the site. These would either occupy left over land between or around the pitches and would not result in the loss of a playing pitch or open space for use as recreation (save for a small redundant activity area).

16.6 In view of the above, the proposals would lead to the enhancement of local, open space and recreational facilities and be acceptable in principle in compliance with local plan policies COM2, COM4 and COM5.

### **Character and appearance of the area**

16.7 The Sports Centre and the playing fields are not clearly visible from surrounding roads or railway owing to the lie of the land and intervening buildings and/or vegetation. Within the site the only prominent features are the Sports Centre and the substation, as the pitches, including the existing two AGPs, have little if any vertical elements above ground level excepting for goal posts, fencing and floodlighting columns. Therefore, the appearance of the existing site is of a very large area of



mown grass contained by trees and scrub with the large Sports Centre building and car park the only notable features.

16.8 The proposals would introduce few entirely new vertical elements as the AGPs are for the most part flat. The main visible features would be the few vertical elements. The new AGP would be enclosed by 4.5m high perimeter fencing and gates. The existing AGP fencing would be replaced by 4.5m high perimeter fencing and gates. There would be 6 no.15m high sports light columns mounted with LED luminaires on the new AGP. The existing AGP lighting would be replaced with 6 no.15m high sports lights columns mounted with LED luminaires. There would also be 4no. 6m high amenity street lights to the access path between the existing changing block and both AGPs. The height of the maintenance building between the AGPs would be 4.56m above ground level. The spectator area would have a 1.2m high twin bar fence. A 3m high retractable divide net has been incorporated to allow cross court pitches to be used independently and prevent disturbance to the adjacent playing area. The overflow car park would be fenced. The new paths would be porous asphalt with 50mm wide concrete edging kerbs generally.

16.9 With the few entirely new vertical elements proposed, given that some of the proposal is to replace existing fencing and lighting and the containment of the site by trees/scrub and buildings it would have little additional visual impact on the wider locality. Within the site, the new AGP would be seen next to the two existing AGPs and with this grouping would reduce the visual impact. The new building would be modest and having a utilitarian appearance would not appear out of context with the surroundings. The overflow car park would have some visual intrusion when in use, but it would be screened by the Sports Centre and by existing and proposed trees on two sides. This screening would soften the visual impact of parked cars.

16.10 In view of the above, the proposals would not cause harm to the character and appearance of the area in compliance with local plan policies ENV1, ENV10 and, ENV12.

### **Amenity of neighbouring properties**

16.11 The main amenity issues relate potentially to light pollution from the proposed floodlighting or noise from the use of the overflow car park and to a lesser extent the additional activities on the new AGP.

16.12 The proposed Artificial Grass Pitch (AGP) requires an artificial sports light system (floodlighting) to satisfy the necessary usage for community participation. The proposed sports light system would be operated within the hours of 08:00 to 22:00. The proposed sports light system would comprise 6no.15m high steel masts, finished galvanised (Z275) self-coloured to both the new AGP and refurbished AGP (Total 12 no. columns). The following criteria are relevant:

- The proposed sports lighting is specifically designed to fulfil sports lighting requirements and is particularly suited to applications where low light pollution is essential.

- A 15m high mounting height to the AGP provides the most efficient solution and the proposed masts would offer a slim-line profile, which would minimise daytime impact.
- The proposed lamp would be a down lighting luminaire that would provide the optimum sports lighting solution, ensuring that light reaches the sports surface and not into the sky or polluting the environment.
- Light intrusion to the closest residential properties 70 metres away would be below the threshold for the environmental zone and as such, would not create an unacceptable impact by way of artificial lighting.
- Luminaire intensity created whilst sports lights are in operation would be below the threshold for the environmental zone location and as such; does not create an unacceptable impact by way of artificial lighting.
- All luminaires would have a zero upward light ration to limit overspill.
- Upward waste light would also be minimized, achieving full cut-off with 0% projected into the atmosphere. This satisfies the recommendations by The British Astronomical Association's Campaign for Dark Skies.
- Use of the artificial sports lighting system within permitted times would be controlled by a photocell detector and timer switch to ensure that any lighting does not adversely impact neighbouring residential amenity.
- Control switches and time clocks would be installed to the sports lights to ensure they do not remain on any later than the permitted curfew hour and therefore mitigate impact to the surrounding environment.
- Time clocks will be set to operate within a pre-programmed time including a seasonal changeover facility for BST and GMT.

16.13 The lighting scheme has been designed to minimise the impact on surrounding areas outside of the AGP. Therefore, it is not considered that the proposed lighting would result an unacceptable impact by way of artificial lighting on residential amenity.

16.14 The overflow car park would accommodate up to 120 cars and utilise an existing access road which already is used to access the furthest, easternmost car park. Much of its use would be as an overflow car park as it is anticipated that the two main car parks would continue to be those with the most usage. The site of the overflow car park is separated from the nearest houses in Greenway Road by rear gardens, trees and scrub on the boundary of the site, by the access road and then by a row of established standard trees with additional trees to be planted in the gaps. In consideration of the degree of separation of around 50m and these intervening features, it is not considered that the periodic use of the car park would lead to noise or light pollution to the residents of adjoining dwellings.

16.15 The new AGP would replace an area which is already in use as a playing field. It is not considered that the use of the AGP would lead to additional noise from persons playing games beyond that of the existing grass playing field.

16.16 In view of the above, the proposals would not lead to harm to amenity in compliance with local plan policy ENV16.

## **Flood risk and drainage**

16.17 The proposal site is within Flood zone 1. As the site area is over 10,000sqm a Flood Risk Assessment (FRA) has been included as part of this application.

16.18 The surface and sub-base for the new pitch, spectator area, path and hardstanding areas are porous with surface water from the pitch designed to infiltrate into the ground at formation level.

16.19 The disposal of pitch surface water via the existing surface water drain located to the south of the pitch, would be considered to be the most appropriate drainage strategy.

16.20 There would also be a foul water drain from the Maintenance building toilet facilities which would connect into the existing public foul sewer adjacent to the sports centre.

16.21 The surface water drainage would be managed and disposed of within the site boundary, thus complying with the Planning Practice Guidance for 'Flood Risk and Climate Change' to the National Planning Policy Framework.

16.22 A condition would be needed for the design and layout of infill containment measures (i.e. to prevent infill such as the base layer leaching outside) for the refurbished artificial grass pitch. Conditions for Surface water management during construction; and maintenance and management of the surface water drainage scheme would also be needed.

16.23 In view of the above, the proposals would not lead to flood risk in compliance with local plan policy ENV5.

### **Highway safety, access and parking.**

16.24 On some occasions, particularly at weekends, the existing car park reaches capacity which leads to car parking overspilling either along the access road into the site or adjoining residential roads as there is no parking in Dorchester Road owing to the existing cycle lanes. This can also lead to vehicles slowing down in Dorchester Road as cars enter and exit the Sports Centre car park.

16.25 It is to be expected that there will be occasional disruption to road users on Dorchester Road during peak times, the proposals would not necessarily lead to significant additional use of the playing fields (as no new playing field area is created by this application). However, the proposal does include improvements to the current situation as below.

16.26 The applicant has submitted a Transport Assessment (TA), which has looked at the likely residual and cumulative impact of the proposal on the adjacent and surrounding highway network. A car parking accumulation study was undertaken and the main vehicular access from Dorchester Road has been modelled, predicting to operate within capacity. Whilst there are existing parking restrictions along the private access road served off Dorchester Road, the applicant is proposing to

provide bollards along the northern footway to prevent indiscriminate parking and improve access. The positioning of bollards should not compromise access for users, particularly pedestrians (those vulnerable), cyclists and must be placed within the applicant's own land.

16.27 The proposed overflow car park layout would have EV charging bays and accessible spaces. The applicant may consider adding prominent signage on site to direct drivers to these areas. The applicant is retaining existing cycle parking provision. The additional overflow car park would ease the current congestion within the existing car park and access road.

16.28 The applicant conducted a safety audit of the internal site layout and as such there will be minor adjustments to provide safe and suitable access for all users. Paragraph 8.6 of the TA details a new 2.5m pedestrian footpath within the site area.

16.29 The main points submitted within the Travel Plan are as follows:

#### Travel Plan Aim

The overall aim of the Leisure Travel Plan is: "To reduce the dependency of users on single occupancy car journeys by promoting increased use of more sustainable forms of transport." Having a quantifiable aim will make it easier to assess the impact of the Travel Plan.

#### Monitoring Strategy

The Travel Plan should be accessible for all users and advertised so users are aware of it.

#### Monitoring Period

The Framework Travel Plan suggests a three-year monitoring period from completion of development.

16.30 It is considered that the submitted Transport Assessment is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 114 and 115 of the National Planning Policy Framework (NPPF). Conditions would be needed for the construction of turning/manoeuvring and parking, cycle parking and for the Travel Plan to be implemented.

16.31 In view of the above, the proposals would not lead to danger to users of the highway in compliance with local plan policies COM7 and COM9.

### **Trees and landscape**

16.32 A landscaping plan shows the main hard landscaping which would comprise the AGPs, new path and overflow car park. Soft landscaping that is proposed would comprise additional tree planting on the north, east and west boundaries and additional standard trees planted along the southern edge of the proposed car park to fill gaps between existing standard trees.

16.33 Conditions for works undertaken in accordance with the Arboricultural Impact Appraisal and Method Statement and landscaping would be needed.

16.34 In view of the above, the proposals would not lead to the loss of trees and would have adequate landscaping in compliance with local plan policy ENV1.

## **Biodiversity**

16.35 A preliminary ecological appraisal and Biodiversity Net Gain (BNG) assessment were provided by the applicant.

16.36 The development would be required to achieve an overall biodiversity net gain (BNG) assessed via the Statutory Biodiversity Metric. This would comprise an area of woodland to the east of the site which would be retained and protected. As part of the proposed habitats to be created on-site post-development, the 0.5ha of BNG proposed could be interpreted as a 'significant on-site enhancement', due to the size of the habitat area in relation to the site and delivering 3.35 out of a 6.35 habitat units total uplift, suggesting that this habitat is essential to the delivery of BNG as part of the project.

16.37 The new and refurbished AGPs would include floodlighting. The sensitive lighting regime proposed has shown that light spill onto habitats of value to bats would be reduced when compared to the existing lighting regime, representing an overall net benefit to bats utilising the site. The Institution of Lighting Professionals (ILP) has partnered with the Bat Conservation Trust (BCT) and ecological consultants on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats with which this proposal would comply. The proposed future external lighting scheme (plan hls8708-rev3) would create less light spill than the current situation (plan HLS8708-current spill rev 1) which demonstrates substantial betterment.

16.38 In view of the above, the proposals would lead to the enhancement of biodiversity in compliance with local plan policy ENV2.

## **Other matters**

16.39 As a result of consultation with Sport England, a condition is required to be imposed for a Community Use Agreement. The reason for this request is because the overflow car parking would be located on a small area of an existing sports pitch and would also result in the loss of an activity area. Sport England also identify that there is a strategic need for the proposed artificial grass pitch and as such given that need the community use of the pitch must be secured. The Community Use Agreement would apply to the proposed outdoor sports facilities, changing and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review.

16.40 The proposals would comply with paragraph 103 of the National Planning Policy Framework as the small loss of playing field for the overflow parking would be

replaced by equivalent or better provision in terms of quantity and quality in a suitable location. For this reason, the requirement for a Community Use Agreement is justified.

## 17.0 Conclusion

17.1 It is considered that the proposed development would have an acceptable impact, subject to conditions on residential amenity, visual amenity, highway safety, flood risk and biodiversity. The development would enhance sports and recreational provision at the site for the use of the community. The development is considered to accord with the development plan and there are no material considerations indicating that permission should be refused.

## 18.0 Recommendation: Grant subject to the following conditions:

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

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

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

SCS-MUK3169-06 B Location plan

700 Tree Constraints Plan

2D & 3D Illustration

SCS-MUK3169-01 F Proposed layout with aerial image

SCS-MUK3169-02 K Proposed site plan with Grass Pitches

SCS-MUK3169-04 C Proposed block plan

SCS-MUK3169-09 B New 3G pitch plan

SCS-MUK3169-10 A Floodlight & fence Elevations

SCS-MUK3169-11 Line marking plan new 3G pitch

SCS-MUK3169-13 B Proposed landscape plan

SCS-MUK3169-14 B Proposed fence layout

SCS-MUK3169-16 Proposed 3G pitch spectator area kerb detail

SCS-MUK3169-17 Maintenance building floor plan

SCS-MUK3169-18 Line marking plan refurbished 3G pitch

SCS-MUK3169-20 Proposed 3G Pitch Path Kerb Detail

SCS-MUK3169-23 Proposed 3G pitch Kerb detail

SCS-MUK3169-24 Proposed 3G pitch to spectator area kerb detail

SCS-MUK3169-25 Proposed 3G pitch infill mitigation entrance grate

SCN2626 01 Base plan

SCN2626 02 Roof plan

SCN2626 03 Gable elevations

SCN2626 04 Front and back elevations  
SCN2626 05 Cross Section  
SCN2626 06 Front and back elevations  
SCN2626 07 Gable elevations

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

3. All hard and soft landscaping shall be carried out in accordance with the approved landscaping plan SCS-MUK3169-13 dated 2 April 2024. The works shall be carried out prior to first use of any part of the proposed development and in accordance with a programme (to include maintenance) which shall have first been submitted to and agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

4. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and a timetable for implementation, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details and timetable for implementation.

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

5. Prior to first use of the development, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall 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.

6. Before the development hereby approved is first utilised the turning/manoeuvring and parking shown on Drawing Number TA01 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.

7. The development hereby permitted must not be first utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved by the Planning Authority.. The approved scheme must be constructed before the development is first used 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.

8. Before the development hereby approved is first utilised, the submitted Travel Plan must be implemented and operational.

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.

9. Development shall proceed in accordance with the Construction Environmental Management Plan S23-316 03 dated 13/05/2024 and the plan shall be adhered to throughout the construction period for the development to the satisfaction of the Local Planning Authority.

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

10. Prior to first use of the replacement and proposed artificial grass pitch a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This shall include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's specified period. It should also include the required testing to comply with FIFA Quality certification. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G artificial grass pitch and thereafter the artificial grass pitches shall be managed, maintained and replaced in accordance with the approved scheme.



Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose and sustainable and to ensure sufficient benefit of the development to sport.

11. Prior to first use of the additional artificial grass pitch and the new overflow car park area, a community use agreement for the new and replacement facilities shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The agreement shall apply to the proposed outdoor sports facilities, changing and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. Thereafter the development shall not be used otherwise than in accordance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport.

12. No development shall commence until details of the design and layout of infill containment measures for the refurbished artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority. The refurbishment of the artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable.

13. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement JSL5055\_770 Redlands Leisure Park, Weymouth AIA V1 dated April 2024 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

14. The development shall be completed in accordance with approved materials for the 3G pitch dated 13 November 2023.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality.

15. The floodlights shall be angled and shielded so as not to cause glare, each light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical in accordance with BE EN 12193:2007, shall be in accordance with the Preliminary Ecological Appraisal

Updated November 2024 and thereafter shall be retained as such.

Reason: To protect the amenity of neighbouring properties, reduce the visual impact upon surrounding areas and safeguard biodiversity.

16. The floodlighting shall not be operated outside the hours of 08:00 to 22:00 daily. In any event, the floodlights shall be turned off within 15 minutes of the end of the activities on the floodlit pitch.

Reason: In the interests of the amenity of adjacent residents.

17. The existing floodlighting surrounding the existing artificial grass sports pitch shall be upgraded and shrouded to meet BS EN 12193:2007 and shall be in accordance with the Preliminary Ecological Appraisal Updated November 2024 and thereafter shall be retained as such.

Reason: To protect the amenity of neighbouring properties, reduce the visual impact upon surrounding areas and safeguard biodiversity.

#### **Informative Notes:**

1. Informative: Travel Plan monitoring

The applicant is advised that as part of the continued monitoring of the Travel Plan, they are required to regularly liaise, at regular time periods to be agreed, with Dorset Council's Travel Plan team ([emma.andre@dorsetcouncil.gov.uk](mailto:emma.andre@dorsetcouncil.gov.uk)) for the lifespan of the Travel Plan. The Travel Plan surveys, and other pertinent information should be submitted to Dorset Council to ensure that continued progress is being made to meet the targets of the Travel Plan.

2. Informative: Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

3. Informative: Biodiversity Net Gain

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

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

4. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan
  1. The application for planning permission was made before 12 February 2024.
  2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
  3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
    - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
    - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
  4. Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  5. Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
  - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
6. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
7. Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
8. Self and Custom Build Development, meaning development which:
- i) consists of no more than 9 dwellings;
  - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
  - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
9. Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.
- \* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

5. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

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# Agenda Item 8

<b>Application number:</b>	P/FUL/2024/04683
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Bus Shelter Dorset Mount Pleasant Park And Ride Link Road To Park And Ride Weymouth DT3 5GD
<b>Proposal:</b>	Relocate temporary wooden workshop to allow erection of additional cabin for use as reception/meeting room.
<b>Applicant name:</b>	Mr David Stone
<b>Case officer:</b>	Steve Tapscott
<b>Ward members:</b>	Cllr Bell and Cllr Bown

1. In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council is the landowner.

**2. Summary of recommendation:**

2.1 GRANT, subject to conditions.

**3. Reason for the recommendation:**

- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The site already benefits from a temporary consent for the use. This development would ensure a more efficient use of the site.
- There are no material considerations that would warrant refusal of this application.

**4. Key planning issues**

Issue	Conclusion
Principle of development	Acceptable on grounds that the timeframes for the development would tie into the existing temporary consent.
Scale, design, impact on character and appearance	The development would relate to existing structures on the site, such that, subject to a temporary consent, no material harm is identified.
Impact on the living conditions of the occupants and neighbouring properties	No harm is identified.
Highway impacts, safety, access and parking	No objections are raised by the Local Highway Authority.
Ecology, Biodiversity Net Gain and impacts on Chesil and the Fleet SAC.	No objections are raised by the Natural Environment Team. BNG is not applicable because the amount of development is below

Issue	Conclusion
	the de minimis threshold. No recreational pressures on the SAC would arise because no additional overnight accommodation is proposed.
Contaminated land	Risks are considered to be acceptable.

## 5. Description of site

- 5.1 The Mount Pleasant Park and Ride carpark is situated on the edge of Weymouth's defined development boundary, to the east of the Mount Pleasant Business Park and to the north of playing fields at Weymouth Rugby Club. The Lorton Valley Nature Park lies to the north and east.
- 5.2 Vehicular access to the park and ride is via Mercery Road, which connects to the A354 Weymouth Relief Road. Mercery Road also provides access to the Mount Pleasant Business Park.
- 5.3 The carpark measures approximately 1.3ha in size, and there is also a gravelled overflow parking area of approximately 1.6ha to the south. The application site lies to the west of the gravelled area.
- 5.4 At its nearest point, the application site is approximately 25m from the Jurassic Cycle Trail, approximately 90m from Mount Pleasant Business Park, approximately 120m from the Lorton Valley Nature Park and approximately 140m from the playing fields. The nearest residential properties are more than 300m away.

## 6. Description of development

- 6.1 In February 2021, temporary planning permission was granted to station mobile accommodation units for rough sleepers at the site, along with associated facilities, including a kitchen, workshop, learning centre and social space.
- 6.2 This application seeks temporary consent to extend the site boundary by 1m to the east and install a new reception cabin. An existing workshop, converted bus (used for storage and breakout space), bins and cycle storage would be relocated.
- 6.3 A temporary planning permission is sought, to tie in with the extant consent.

## 7. Relevant planning history

- 7.1 Planning permission was granted in February 2021 under ref. WP/20/00814/FUL for the '*temporary use of land for the stationing of mobile accommodation units for rough sleepers and associated facilities with subsequent reversion to use of site for park and ride parking.*' The committee report details how the principle of development was accepted on the basis of Policy HOUS2 (Affordable Housing Exception Sites) of the local plan. The approved plans show development within the northern 2/3 of the site, labelled as phase 1. The southern 1/3 is marked on the plans as phase 2 for additional micro studio flats, which the committee report noted would come forward, subject to funding.



- 7.2 The permission is time limited until 31<sup>st</sup> January 2028, whereupon condition 5 says the use shall cease. Condition 6 then requires the site to be cleared within three months of the use ceasing.
- 7.3 Other relevant conditions include requiring the physical layout of the site to align to the approved site plan and for no accommodation unit or other facility to be stacked on top of another. This was on grounds of visual amenity.
- 7.4 A pre-commencement planning condition required the submission of a landfill gas investigation and assessment report. This condition was discharged in September 2021.
- 7.5 A further condition required the implementation of biodiversity mitigation and net gain measures, as set out in an approved biodiversity plan.
- 7.6 In September 2021, application ref. P/NMA/2021/02984 to change the orientation of the units and amalgamate lounge and kitchen areas was approved. The amended layout reflects the existing site plan submitted with this current, live application. Of note is that it includes a pumping station and electricity cabinet within a soft landscaping area to the north of the site, with connections being undergrounded along the adjacent service road. Whilst that application was approved, this pumping station, cabinet and connections are outside the red line of the application site and are on third-party land, which is part of the identified ecological network.
- 7.7 Most recently, a further non-material amendment was approved in May 2024 under ref. P/NMA/2024/02014. This has allowed for the reconfiguration of the five units of accommodation in phase 2 of the original temporary planning permission.

## **8. Constraints**

- 8.1 The site lies beyond, but adjacent to, Weymouth's Defined Development Boundary. It is therefore washed over by the countryside for planning purposes.
- 8.2 The site itself is not covered by any nature conservation constraints, but Lodmoor nature reserve to the north and east is a SSSI, and all the land surrounding the park and ride is recognised by the Dorset Environmental Records Centre as an existing ecological network. The site is also within the Chesil and Fleet SAC 5km recreational buffer.
- 8.3 The park and ride is part of a former landfill site, and constraints mapping lists a radon risk of class 2: 1 - 3%.

## **9. Consultations**

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

### **Consultees**

**Wessex Water:** no comments received.

**Dorset Wildlife Trust:** no comments received.

**Highways:** initial comment to defer, as the plans did not show any proposed staff parking or cycle parking. This was revised to no objection, following the receipt of revised plans.

**Env. Services – Protection:** comment that the application should be referred to the Council's contaminated land consultant for review.

**Asset & Property:** no comments received.

**Natural Environment Team:** *'no comment.'*

**Building Control Weymouth Team:** comments that the works are exempt from Building Regulations, and control instead falls under Licencing.

**Weymouth Town Council:** no objection.

**Cllr Matt Bell:** no comments received.

**Cllr Louise Bown:** no comments received.

### **Representations received**

9.2 None.

## **10. Duties**

10.1 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.

## **11. Relevant policies**

### **Development plan**

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

- INT1: Presumption in Favour of Sustainable Development
- ENV1: Landscape, Seascape and Sites of Other Geological Interest
- ENV2: Wildlife and Habitats
- ENV9: Pollution and Contaminated Land
- ENV10: The Landscape and Townscape Setting
- ENV12: The Design and Positioning of Buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS2: Distribution of Development
- COM7: Creating a Safe and Efficient Transport Network
- COM9: Parking Provision

#### **Material considerations**

### **Emerging Dorset Local Plan**

11.1 In accordance with paragraph 48 of the NPPF, this emerging plan is at too early a stage to carry any weight in decision making.

### **Emerging Weymouth Neighbourhood Plan**

11.2 In accordance with paragraph 48 of the NPPF, this emerging plan is at too early a stage to carry any weight in decision making.

### **National Planning Policy Framework**

11.3 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.

#### 11.4 Other relevant NPPF sections include:

- Section 4: ‘Decision making’: paragraph 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 11: ‘making effective use of land.’
- Section 12: ‘achieving well designed and beautiful places’: indicates that all development should be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, paragraphs 131 – 141 advise that:

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

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

- Section 14: ‘meeting the challenges of climate change, flooding and coastal change.’
- Paragraphs 185-188 set out how biodiversity is to be protected and net gains for biodiversity are encouraged.

#### Other material considerations

- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction (December 2023).
- Dorset Council Homelessness and Rough Sleeping Strategy 2021 to 2026 (2021).

## 12. 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.

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

## 13. Public Sector Equalities Duty

- 13.1 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.
- 13.2 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. This application would not directly affect anyone with protected characteristics.

#### **14. Financial benefits**

- 14.1 For the purposes of section 70(4) of the Town and Country Planning Act 1990, a 'local finance consideration' means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 14.2 The application proposes a use of land rather than the erection or alteration of a building, such that the proposal is not subject to the Community Infrastructure Levy.
- 14.3 The committee report relating to the original temporary planning permission explains that, although accessed by Dorset Council, the Government funding available through the Next Steps Accommodation Programme was awarded to the applicant, not a relevant authority, so this did not constitute a local finance consideration for the purpose of section 70.

#### **15. Environmental implications**

- 15.1 The workshop proposed for repositioning and the proposed new reception room are unlikely to be highly energy efficient. However, that is the nature of these structures and this is an application for temporary consent.

#### **16. Planning assessment**

##### Principle of development

- 16.1 The application site is located beyond Weymouth's defined development boundary, meaning it is in the countryside for planning purposes. As set out in the case officer's report relating to the extant temporary consent, policies SUS2 and HOUS2 of the local plan allow for small-scale exception sites to meet identified housing needs. This proposed development would tie in with the current use of the site.
- 16.2 The development would fall largely within the existing consented site area, apart from a c.1m enlargement of the site in an easterly direction. This

enlargement would use an existing area of hardstanding and would constitute a minimal change in the context of this substantial wider park and ride site.

- 16.3 The applicant has confirmed that they seek consent for the proposals on a temporary basis, to reflect the timeframes of the current permission, i.e. until 31<sup>st</sup> January 2028. A planning condition could reasonably ensure the use ceases by this point in time, along with a condition requiring the return of the land to its pre-development state. This would be consistent with the original consent. In addition, a further condition would be reasonable to ensure that the proposed new reception building is only used for that purpose, rather than as additional habitable accommodation, for example.
- 16.4 Taking the above in the round, whilst this would not ordinarily be an acceptable location for development relating to a residential use of land, its temporary nature to tie in with the existing consent and the fact it would improve the living conditions of the occupants weigh in its favour and the principle of development is accepted. The proposal thus aligns to policies SUS2 and HOUS2 of the local plan.

#### Scale, design, impact on character and appearance

- 16.5 The development would involve a minor reconfiguration of the current layout, with the bus and laundry block moving less than 1m further north and east (into the extended area of the site) and the new reception cabin placed to the north. This reception cabin would have the appearance of a small mobile home, around 9.3m long, 2.8m wide and 2.8m high. This would be smaller than the adjacent bus and living accommodation, such that it would assimilate with the scale of development in the complex. The horizontal plastic cladding in grey would also be acceptable for the context.
- 16.6 The existing workshop would be repositioned to the north as part of the proposals. Again, this low-key building of around 5m long, 2m wide and 2.6m high gives no cause for concern in terms of its scale or design.
- 16.7 Overall, the proposed plans show little discernible difference compared with the existing appearance of the site. The c.1m extension to the site area would be barely detectable, given the substantial size of the wider park and ride.
- 16.8 In light of the above, and the fact the development would be temporary, no adverse impacts on local character are identified. The proposal therefore accords with policies ENV1, ENV10 and ENV12 of the local plan.

#### Impact on the living conditions of the occupants and neighbouring properties

- 16.9 The substantial distance from the nearest residential properties is sufficient to mitigate against any amenity impacts.
- 16.10 No material changes would arise in terms of the living conditions of occupiers of the site.
- 16.11 Dorset Police's architectural liaison officer was not consulted as part of this application, as it would not result in any further intensification of the use of the site. It is worth noting that Dorset Police raised no objections when consulted as part of the extant consent.
- 16.12 The proposal therefore accords with Policy ENV16 of the local plan.

### Highway impacts, safety, access and parking

- 16.13 The small extension to the site would encroach slightly on an existing area of hardstanding. However, it would not impact on the adjacent service road, and it would not prejudice the wider use of the park and ride site. No objections are raised from Highways in terms of safety, access or parking.
- 16.14 The proposal therefore accords with Policy COM7 of the local plan.

### Ecology, Biodiversity Net Gain and impacts on Chesil and the Fleet

- 16.15 The Natural Environment Team has supplied a 'no comment' response to the application, making it implicit that there are no ecological concerns.
- 16.16 Nevertheless, given how the existing site is included within the application red line, a condition requiring the continued compliance with the previously approved biodiversity mitigation and net gain measures is reasonable.
- 16.17 The proposal falls within the *de minimis* definition in respect of Biodiversity Net Gain, such that it does not apply.
- 16.18 The development would not intensify the amount of overnight accommodation beyond the existing temporary consent, such that recreational impacts on the Chesil and the Fleet are not relevant to this application.
- 16.19 The proposal therefore accords with Policy ENV2 of the local plan.

### Contaminated land

- 16.20 Policy ENV9 of the local plan says that:

*'Planning permission for development on or adjoining land that is suspected to be contaminated will not be granted unless it can be demonstrated that there is no unacceptable risk to future occupiers of the development.'*

- 16.21 At the national level, paragraph 189 of the NPPF requires a site to be suitable for its proposed use, taking account of *'any risks arising from... contamination.'* Paragraph 190 goes on to confirm that where a site is affected by contamination, the *'responsibility for securing a safe development rests with the developer and/or landowner.'*
- 16.22 A condition attached to the extant temporary consent required the submission of a contaminated land report. This was submitted to the Council and was accepted under the discharge of conditions process. It concluded that the development was acceptable.
- 16.23 The applicant has approached the report's author in respect of this fresh proposal. They have stated that the proposal is acceptable, *'provided the structure is demountable and invasive works to the ground are minimal and unlikely to disturb underlying historic waste strata.'*
- 16.24 The author represents a firm called WPA Consulting, which is coincidentally the same firm the Council uses to assess contaminated land issues associated with planning applications. Therefore, a degree of caution must be taken with this comment because of the potential conflict of interest. However, from a pragmatic standpoint, it must be borne in mind how the proposal represents a minor land take, along with the crucial fact that the applicant has confirmed in writing that the temporary buildings would be demountable and no groundworks at all would occur. Everything would therefore sit on top of

the existing hard surfacing, and there would be no ground penetration to risk breaking the seal over the former landfill site.

- 16.25 The Council's Public Protection team has declined to confirm whether this is acceptable, maintaining that the situation needs to be reviewed by a contaminated land consultant.
- 16.26 Bearing in mind the policy requirement for the Council, in its role as the Local Planning Authority, to be satisfied there is '*no unacceptable risk*,' there are several material factors pointing towards that being the case:
- The former contaminated land report provides a strong degree of comfort, as it concluded that the use of the land is acceptable on the rest of the application site;
  - The proposed site extension is very minor, affecting just a metre-wide strip of land;
  - The proposal is temporary in nature; and
  - It is within the Council's gift to add a planning condition to prohibit any groundworks.
- 16.27 In light of these factors, notwithstanding Public Protection's position, the risk is not considered to be unacceptable.
- 16.28 Given how the existing site is included within the application red line, a condition requiring the continued compliance with the approved Contaminated Land & Ground Gas Risk Assessment is reasonable.
- 16.29 The proposal therefore accords with Policy ENV9 of the local plan.

## **17. Conclusion**

- 17.1 The proposed development complies with the development plan as a whole and there are no material considerations indicating that planning permission should be refused.

## **18. Recommendation**

- 18.1 **Grant**, subject to the following conditions:

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

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

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

- Location plan dated 04/09/24
- Proposed site plan Sheet 2B
- East elevations Sheet 3A
- North elevations Sheet 4A
- West elevations Sheet 5A
- South elevations Sheet 6A

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

3. The use of the land and structures shall be as shown on the approved site plan, and there shall be no additional overnight accommodation beyond that approved under permission WP/20/00814/FUL. No accommodation unit or other facility shall be stationed on top of another accommodation unit or facility.

Reason: In accordance with the application proposal; to regulate the use of the application site in the interests of visual amenity; and to ensure no net increase in overnight accommodation, as a net increase may require Chesil and the Fleet SAC recreation mitigation.

4. The occupation of the site shall continue to be in accordance with the Tier 1 & 2 Contaminated Land & Ground Gas Risk Assessment V1, dated May 2021 and discharged under condition 3 of planning permission ref. WP/20/00814/FUL.

Reason: To ensure that appropriate risk mitigation and avoidance measures are implemented and maintained.

5. The development shall be undertaken in accordance with the agreed biodiversity mitigation and net gain measures under condition 4 of planning permission ref. WP/20/00814/FUL.

Reason: To ensure the delivery of biodiversity mitigation and net gain measures.

6. Unless permitted to remain under a further grant of planning permission, use of the application site for the stationing of mobile accommodation units and associated ancillary facilities shall cease no later than 31st January 2028.

Reason: To reflect the terms of consent ref. WP/20/00814/FUL.

7. Within 3 months of the permanent cessation of use of the application site, the application site shall be cleared of all structures and associated facilities.

Reason: In the interest of visual amenity and to reflect the terms of consent ref. WP/20/00814/FUL.

## **Informatives**

1. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. Biodiversity Net Gain



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

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

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

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

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

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

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# Agenda Item 9

<b>Application Number:</b>	P/FUL/2024/06068
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Weymouth Beach South West of The Pier Bandstand Opposite The Prince Regent Hotel
<b>Proposal:</b>	Change of use of land for the siting of a mobile wild sauna unit and ancillary shed.
<b>Applicant name:</b>	Weymouth Town Council
<b>Case Officer:</b>	Rob Piggot
<b>Ward Member(s):</b>	Cllr Orrell

**1.0** This application is brought to committee as part of the application site is on Dorset Council owned land.

**2.0 Summary of recommendation:**

Grant subject to conditions.

**3.0 Reason for the recommendation:**

- The proposal is a continuation of a seasonal use of the application site, being in a sustainable location, being of wider economic and community benefit and complimentary to existing adjacent uses.
- The proposal is acceptable in its design, general visual impact, and impact on heritage assets.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is not considered to be any significant flood risk issues.
- There are no material considerations which would warrant refusal of this application

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable, being located in Weymouth Town Centre, in a sustainable location, not conflicting with any existing adjacent uses, and diversifying the commercial offering along the waterfront at Weymouth.
Scale, design, impact on character and appearance	Acceptable, diminutive and complimentary in form, being a continuation of use of the site from existing shepherds hut during the summer months, and appropriate alongside other existing waterfront attractions, offerings.

Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Impact on landscape and heritage assets	Acceptable, no harm to wider Conservation Area or settings of listed buildings, appearing reminiscent of similar historical buildings associated with bathing along the waterfront.
Flood risk and drainage	Acceptable, development would be water compatible in nature, with the sauna being located on top of a trailer and thus mobile. Users would be able to access safe routes of evacuation given the location of the sauna.
Highway impacts, safety, access and parking	Acceptable, sustainable location, with close proximity to active modes of transport, public transport, and car parking.

## 5.0 Description of Site

5.1 The application site is located on a small area of Weymouth Beach, approximately 3.4m wide x 5m long, to the immediate southwest of the Pier Bandstand. The site is directly adjacent to, and accessed from, Weymouth Esplanade/Southwest Coast Path.

5.2 The site is within the Weymouth Conservation Area, with Weymouth Cenotaph (Grade II) located immediately to the southwest, promenade shelter 135 (Grade II) to the south, and Prince Regent Hotel (Grade II) and Victoria Terrace (Grade II) located to the west of the site on the western side of The Esplanade/B3155.

5.3 The site is currently utilised to site an accessible beach hut (WP/19/00239/FUL) over the summer months – from 1<sup>st</sup> March to 31<sup>st</sup> October, with the site being unoccupied over winter months. Over summer months seasonal beach huts are located on the thin margin of beach to the southwest of the application site, with watercraft hire beyond this. The neighbouring pier bandstand to the northeast provides various entertainment and refreshments, along with public toilets. There is a mix of tourist accommodation, retail and residential properties in the built-up historical areas to the north and west.

## 6.0 Description of Development

6.1 The proposed development is the change of use of land for the siting of a mobile wild sauna unit and ancillary shed. The sauna unit is designed and built on a trailer which includes the sauna itself to seat up to 8 people and a small changing area. The trailer can be towed and delivered to the site like a caravan and so remains “mobile”. The dimensions are – total height (including trailer) 2800mm, width 1981mm and sauna length 3988mm (including trailer 5617mm). A small shed would be positioned adjacent to the sauna to provide shelter for staff.

6.2 The sauna has a half-glazed front/end elevation allowing exceptional views of the beach, the glass is tinted to protect the privacy of users and not disturb passers-by. The sauna uses a traditional wood stove to provide heat with volcanic stones to pour water over.

6.3 The sauna is built from Thermo Wood, which is highly sustainable with a far greater lifespan than untreated wood. In addition, it does not shrink or swell when subjected to large temperature differences or moisture. This means that it retains exceptional insulating properties ensuring that very little fuel is needed. Both the sauna and shed would have a timber finish stained to a walnut colour.

## 7.0 Relevant Planning History

WP/19/00239/FUL - Decision: GRA - Decision Date: 04/06/2019  
Siting of shepherds hut with wheelchair access and terrace (between March to October) for daytime recreational use only by families with children who are disabled

WP/13/00208/FUL - Decision: GRA - Decision Date: 19/05/2013  
Siting of shepherds hut and base

## 8.0 List of Constraints

### General

WEY 1; Weymouth Town Centre Strategy; Weymouth Town Centre  
SUS2; Defined Development Boundary; Weymouth  
Wessex Water Treatment Works Catchment  
Dorset Council Land (Freehold): DT355789 - Reference FH004434  
Dorset Council Land (Freehold): DT376773 - Reference FH004439  
Site of Special Scientific Interest (SSSI) impact risk zone

### Flooding

Flood Zone 2  
Flood Zone 3  
Flood Risk Zone 3a  
EA - Spatial Flood Defences

### Heritage Assets

Weymouth Cenotaph (Grade II) located immediately to the southwest - List ID 1393111  
Promenade Shelter 135 (Grade II) - List ID 1328298  
Prince Regent Hotel (Grade II) – List ID 1365882  
Victoria Terrace (Grade II) – List ID 1365870  
Within Weymouth Town Centre Conservation Area  
*(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)*

## 9.0 Consultations

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

### Consultees

#### 1. Highways

The promenade is wide with opportunities to be accessed via various active travel options, as well as sustainable transportation. The applicant should have due regard for Inclusive Mobility to comply with Equalities Act. The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

#### 3. Conservation Officers

Upon consideration of the submitted documentation it is considered that the proposal, albeit located within close proximity to many Listed buildings along the Esplanade and within the Weymouth Town Centre Conservation Area, would not be out of keeping with the various existing seafront facilities. Furthermore, by way of its design and scale, would not be considered detrimental to the significance of the Listed buildings nor the special character and local distinctiveness of the Conservation Area. There is no objection to this application.

#### 4. Environment Agency

No comment, subject to Local Flood Risk Assessment.

#### 5. Lead Local Flood Authority (LLFA) & Coastal Flood Team – Dorset Council

No objection. Scheme is considered acceptable from the perspective of the Local Lead Flood Authority (LLFA) given that the sauna would not provide for residential use/accommodation, would be mobile/transportable, with access to areas of low flood risk in close proximity.

Specific Advice from Coastal Flood Team: To sign up for the Environment Agency Flood Alerts. The waves can overtop at that location. And to advise them to have a plan for moving the sauna if there is a Flood Warning/Severe Flood Warning for large waves.

#### 6. Env. Services – Protection

The smoke produced from the burning of fuel at this beach location should be dissipated so as not to cause nuisance. However, if Environmental Health receive complaints, there is a statutory duty to investigate the matter, and take action, if necessary.

A condition prohibiting the use of the site during the Cenotaph Service would seem respectful.

**7. Weymouth Town Council**

Support the application, raises no objection.

**8. Melcombe Regis Ward**

No comments received.

**9. Building Control**

No comment.

**10. Wessex Water**

No comments received.

**11. Asset & Property**

No comments received.

**12. Dorset Fire & Rescue Service**

No comments received.

**Representations received**

Total – Support: 16 representations have been received.

Total – Objections: None received.

Weymouth Civic Society - We are writing in support of the proposed siting of a sauna on Weymouth Beach in the same location and footprint as the shepherd's hut style beach hut for children with disabilities. This appears to us to be a valuable facility, in keeping with the seasonal summer use of the site, and a suitable winter use for the space. We also note the design, which is rather reminiscent of the earlier bathing machines which would have been seen on the beach.

General Comments from public representations –

- Mental and physical health benefits.
- Site provides for level, easy access, thus more accessible than other sauna sites in close proximity to Weymouth.
- Sauna/swim experience may build a community, being particularly beneficial with those who work from home.

- Generate revenue for a well-established and reputable local business and will benefit and create revenue for surrounding businesses in town, such as cafes, etc.
- Benefits in terms of heating/warmth at an individual level, during winter months.
- A valued addition to the suite of saunas already on offer in wider Dorset area.
- Will be an attraction for tourists, and could be used in conjunction with swimming events, which have been proven to be successful, e.g. Water Fest (2024).
- Would not conflict with other uses of the beachfront and will be a welcome addition for the local sea swimming community.
- Accessible by foot or cycle, and easy access to carparking nearby.

## 10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## 11.0 Relevant Policies

### Development Plan

#### **Adopted West Dorset and Weymouth & Portland Local Plan:**

COM4	- New or improved local recreational facilities
COM7	- Creating a safe & efficient transport network
ECON5	- Tourism Attractions and Facilities
ENV1	- Landscape, seascape & sites of other geological interest
ENV4	- Heritage assets
ENV5	- Flood Risk
ENV10	- The landscape and townscape setting
ENV12	- The design and positioning of buildings
ENV13	- Achieving High Levels of Environmental Performance
ENV16	- Amenity
INT1	- Presumption in favour of Sustainable Development



## 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 Draft Dorset Council Local Plan**

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

### **Emerging Neighbourhood Plans**

Weymouth Neighbourhood Plan (DRAFT)

### **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 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed beautiful 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 14 'Meeting the challenges of climate change, flooding and coastal change'
- 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 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

#### Other material considerations

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **13.0 Public Sector Equalities Duty**

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

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

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

This proposal is considered to impact upon persons with protected characteristics, by virtue of it not being fully accessible, where some form of mobility would be required to use the facility. Alongside the fact that the design and size of the sauna would limit accessibility, it will be accessed by steps from the beach, with door

thresholds to be stepped over to access the main sauna area. Handrails to the steps will be provided to ensure those some accessibility needs are catered for.

The above notwithstanding, the benefits of the scheme, these relating to economic benefits, the provisions of a community facility and the potential for benefits to health and wellbeing, are considered to outweigh the lack of accessibility for some users.

#### **14.0 Financial benefits - None**

#### **15.0 Environmental Implications**

The proposal will contribute to additional CO2 emissions from the construction materials and build stage. Furthermore, the use of a small wood burning stove, for heat generation, will contribute to CO2 emissions. However, the sauna would be directly accessible by foot, cycle or public transport, being located centrally on the Esplanade, with several bus stops in close proximity. Additionally, the sauna would be constructed from thermally treated Scandinavian spruce, being a renewable material, where treating would lengthen the durability and thus life of the wood, with it being more stable to temperature changes, having improved insulating qualities and thus ensuring the sauna itself is more energy efficient.

Furthermore, the logs used in the stove would be locally sourced, being 100% sustainably sourced and kiln dried, being certified under Woodsure Ready to Burn certification. Alongside this, it has been confirmed that the stove to be installed in the sauna would be new and thus would need to comply with various industry and Government standards associated with efficiency and cleanliness, such as HETAS and DEFRA.

Lastly, it should be noted that the scale of the operation is such that it would represent a small amount of overall emissions, potentially no more than a single residential log burning stove, over which planning legislation has limited or indeed no control.

#### **16.0 Planning Assessment**

##### **Principle of Development**

16.1 Policy COM4 of the West Dorset, Weymouth & Portland Local Plan (2015) supports schemes for new or improved local recreational facilities subject to a number of criteria.

16.2 It is considered that the sauna does fall within this policy consideration as a recreational facility. It does not undermine the commercial viability of any adjacent community facilities (Pier Bandstand food and retail outlets); it is considered likely that users of the sauna may frequent these more as a result. Furthermore, the sauna unit is not intrusive within the landscape which is explained further herein nor is it detrimental to amenities. It will not significantly intensify vehicle movements, given it can be accessed by the adjacent footpath, cycleway and by public transport. As such

it is considered that the proposed development accords with Policy COM4 of the adopted local plan.

16.3 Policy ECON5 is relevant, being that the development would contribute to the overall offering of facilities to visitors.

*ECON5. TOURISM ATTRACTIONS AND FACILITIES*

*i) Proposals for new, or extensions to, tourism attractions and facilities will be encouraged and supported, particularly where they would:*

- enhance an existing attraction or facility; or*
- provide wider environmental benefits, such as helping maintain an historic building; or*
- provide wider community benefits, such as a new recreational facility that will be used by the local community as well as visitors; or*
- increase the quality and diversity of the tourism offer in the local area and benefit the local economy.*

*ii) Development should, where possible and practicable, be located within or close to established settlements, or make use of existing or replacement buildings.*

*iii) Major tourism attractions should preferably be located within the towns and will be expected to provide adequate visitor facilities, such as parking and toilets, rather than relying on community facilities in the area*

16.4 It is considered that the sauna would enhance the existing waterfront and potentially act as a facilitator for wider revenue generation where patrons may use surrounding businesses, such as accommodation, cafes, etc. Furthermore, it is considered to provide wider community wellbeing benefits, by encouraging physical activity and supporting local swim groups, e.g. Bluetits of Weymouth Bay, etc. It is considered to also increase the diversity of the tourist offering along the Esplanade. Lastly, it is considered to be well located in terms of being in Weymouth Town Centre, near to existing facilities, and accessible by all forms of transport, there being active, private and public transport modes within close proximity. Accordingly, officers consider that the proposal complies with policies COM4 and ECON5.

**Impact on visual amenity**

16.5 The sauna is considered to be a modest addition to the waterfront where it would be in a similar functional and utilitarian form as the shepherds hut sited in summer months, being read alongside existing facilities – notably the Pier Bandstand. The ancillary shed, to also be constructed from timber and to sit

alongside the sauna for use by staff, is considered to be diminutive and modest in scale and form.

16.6 The development is considered to accord with Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015).

### **Heritage Impact**

16.7 As noted by the Conservation Officer, the sauna would not be out of keeping with existing seafront facilities, and, by virtue of its design and scale, it would not be considered to harm the setting of nearby listed buildings, nor the special character and distinctiveness of the Conservation Area.

16.8 The development is considered to accord with Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (2015) and Section 16 of the NPPF.

### **Impact on Residential Amenity and Environmental Health**

16.9 Given the minor scale of the sauna, being located in an already busy area of the waterfront, the main focus of assessment in terms of residential amenity is the operation of a wood burning stove, as the source of energy/heat for the sauna.

16.10 The Council's Environmental Protection Team have reviewed the application, having no objections, stating that the smoke produced by the sauna 'should be dissipated so as to not cause nuisance'. It should be noted that the nearest buildings, mainly consisting of hotel/tourist accommodation use, are approximately 43m to the west and 60m to the north.

16.11 No neighbour objections were received to the application. Many homes within Weymouth will have log burners fitted and therefore the impacts are little different to a residential property using such a means of heating on a regular basis. Furthermore, the stove being installed would still need to comply with British Standards and HETAS Guidance on efficiency and emissions, although this is not a planning requirement.

16.12 It is therefore considered that there would no adverse impact on residential amenity arising from the development but should there be complaints regarding emissions from the stove at a future date the Environmental Protection Team would investigate and take action if necessary.

16.13 The development is considered to accord with Policy ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015).

### **Impact on Highway Safety**

16.14 It is not considered that there would be any impact to highway safety given that there is adequate public parking nearby, in front of the Pier Bandstand – approximately 13m to the northwest, with the sauna being directly accessible by foot, cycle and public transport – approximately 52m to the bus stop to the southwest and

100m to a bus stop to th3 north. There has been no objection raised by the Council's Highways Team.

16.15 As such the development accords with Policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015).

## **Flooding**

16.16 The application site is identified as being within Flood Zones 2, 3 and 3a, being subject to coastal flooding. Given the nature of the development the Environment Agency has screened it out of their consultation list and have noted that the Local Flood Risk Standing Advice applies. Accordingly, a Flood Risk Assessment has been submitted to support this application.

16.17 The proposed development would fall under what is defined within Annex 3: Flood Risk Vulnerability Classification of the NPPF as 'Water-compatible Development', being associated with 'Water-based recreation', where the use would not involve either residential use or the facilitation of sleeping accommodation. On this basis, in accordance with Section 14, Footnote 60 of the NPPF, this assessment would also not require a Sequential Test, given that the proposal is not for a change of use to a caravan, camping or chalet site, nor mobile home or park home site.

16.18 The Flood Risk Assessment provided indicates that the site would be subject to coastal flooding, with an estimated tide level for a 1 in 200-year event at 3.6 – 4.4m AOD (2133). A cumulative risk figure of 1.21m has been applied (2000 - 2125), and where the trailer would be sited approximately 975mm above beach level. It is noted that it would not be possible to raise the trailer higher. Notwithstanding the fact that the trailer unit would be potentially subject to flooding, importantly the unit is raised and thus water can pass under it, however, more importantly, it is also mobile and could be removed prior to a flooding event. Similar, when a flood warning/alert is in place the operator of the site has control over the use of the sauna such that a responsible operator would be expected to advise people who had booked a sauna session not to travel to the sauna. Were flooding to occur when in use, any users of the sauna could evacuate the unit being directly adjacent to areas in front of Prince Regent Hotel which are not designated as high-risk flood zones.

16.19 The Lead Local Flood Authority has confirmed it has no objections to the scheme, on the basis that the applicant signs up to EA Flood Alerts – which it has indicated it will do - and a plan is put in place for moving the sauna if there is a Flood Warning/Severe Flood Warning for large waves. An Emergency Flooding Plan will be required as a pre-commencement condition, to be approved by the Local Planning Authority, which should provide detail of how a flooding event will be managed, this will include a commitment to sign up to the EA Flood Warning and any procedures involved with the removal of the sauna in a flood event.

16.20 It is understood that over time, flood levels will increase and the need to monitor the usage of the site (in the interests of safety) from flooding is required. A condition limiting the permission to a period of 10 years is therefore proposed and has been agreed with the applicant

16.21 The proposal is considered to be in accordance with policy ENV5 of the of the West Dorset, Weymouth and Portland Local Plan (2015) and Section 14 of the NPPF.

### **Operational Use**

16.22 It is not proposed to restrict the hours of operation given that the use is limited in size and extent and is in a publicly accessible area 24 hours a day and not sited immediately adjacent to any residential properties. However, the siting of the sauna and shed is proposed to be restricted to the 1<sup>st</sup> November to 28<sup>th</sup> February, thus not conflicting with the use of the site for an all access Shepherds Hut, from the months of 1<sup>st</sup> March to the 31<sup>st</sup> October.

## **17.0 Conclusion**

17.1 The proposal, to use the application site for the siting of a sauna and timber structure for part of the year is considered to be acceptable in principle, being in a sustainable location in Weymouth Town Centre, where it would be of wider economic and community benefit.

17.2 The sauna and ancillary shed would not be visually intrusive, sitting alongside other waterfront attractions and commercial outlets, nor would it harm the wider historic setting given its diminutive form, being reminiscent of historical waterfront facilities. It would have an acceptable impact on residential amenity and it would be acceptable in terms of flood risk, given that the sauna would not be used as accommodation and could be removed, given it is on a trailer and therefore mobile. The proposal is therefore considered acceptable and to accord with the development plan.

## **18.0 Recommendation**

18.1 Grant subject to the following conditions:

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

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

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

Location Plan (submitted on 18/10/2024)

Block Plan (submitted on 18/10/2024)

Plans and Elevations (submitted on 26/11/2024)

Site Plan (submitted on 26/11/2024)

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

3. An Emergency Flood Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the siting of the sauna at the site. It shall include details of how, in the event of a flood occurrence/flood warning happening whilst the sauna and shed are positioned on the site, the sauna and shed shall be managed or removed in such an event. Following the written approval from the Local Planning Authority of the Emergency Flood Plan the development hereby approved shall be undertaken in accordance with the approved Plan and shall do so for each period in which the sauna is operational on the site hereby approved.

Reason: To ensure the safe operation of the sauna in respect to any flood risk.

4. The Sauna unit and ancillary shed hereby approved shall be used as a recreational Sauna only and not for any form of residential use including holiday accommodation; it shall appear in scale and design as approved on the submitted Elevation and Block Plans submitted on 18 October 2024, with only one Sauna unit being permitted by this approval. Furthermore, and notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent revisions to that Order), no other temporary structures/units/caravans/food outlets are permitted within the red line shown on the approved Location Plan, Submitted on 18 October 2024.

Reason: To prevent the Sauna from becoming an unrestricted residential unit and to safeguard amenities within the Heritage Coast/Dorset National

5. The Sauna unit hereby approved shall be removed and the land restored to its former condition on or before 10 years from the date of this permission.

Reason: To enable the ongoing monitoring of flooding/coastal recession/instability issues and to ensure safety of users of the sauna.

6. The sauna and ancillary shed hereby approved shall only remain on the site from 1 November to 28th February in any one calendar year.

Reason: To ensure that other uses of the site are not in conflict.

7. No 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.

8. No additional paving, decking, verandahs, or other features not shown on the approved plans shall be erected around or on the hut.

Reason: These features would be detrimental to the character and appearance of the conservation area in accordance with policy ENV4 of the West Dorset, Weymouth and Portland Local Plan 2015.

**Informative Notes:**

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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

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