

## **1. Application Details**

Reference: [P/FUL/2021/00148](#)

Site Location: West Rivers House, 13 West Allington, Bridport, Dorset, DT6 5BJ

Proposal: Conversion of existing 4no. flats into 8no. flats

Applicant: Dorset Council

Case Officer: Huw Williams

Ward Members: Councillor Dave Bolwell (Bridport Ward)

Councillor Kelvin Clayton (Bridport Ward)

Councillor Sarah Williams (Bridport Ward)

The application, the plans and further information about the application may be inspected via the application webpages accessible by entering the application reference at <https://planning.dorsetcouncil.gov.uk/>.

The application is made by Dorset Council and is reported to Committee in accordance with Dorset Council's constitution.

## **2. Recommendation**

- 2.1 That the Committee resolve that it is minded to grant the application subject to the conditions set out in paragraph 13.1 below and recommends that the Head of Planning determines the application accordingly.

## **3. Reason for Recommendation**

- 3.1 The recommendation has been made after consideration of:

- (i) the submitted application and further information submitted in support of the application;
- (ii) the development plan;
- (iii) national planning policy and guidance;
- (iv) supplementary planning documents;
- (v) consultation responses; and
- (vi) other material planning considerations set out in this report.

- 3.2 The application was duly made and has been subject to appropriate publicity and consultation. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 3.3 The application site is not subject to any development plan land use allocation or any site-specific policies or proposals but constitutes previously developed land that is located mostly within the defined development boundary for Bridport wherein residential, employment and other development to meet the needs of the local area is normally permitted. Although not entirely in accordance with nationally described space standards for housing, it is considered that the proposal provides for an

acceptable form of specialist housing that is broadly in accordance with the development plan. As Dorset Council cannot demonstrate a five year housing land supply for the West Dorset area and having regard to the circumstances of the Application Site and the nature of the intended use of the proposed flats, divergence from the nationally described Technical Standards for housing is permissible. In the absence of any social, environmental, economic or other considerations either warranting or necessitating the determination of the application other than in accordance with the development plan, conditional planning permission can and should be granted.

#### **4. Summary of Main Issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of Development	The application proposal provides for an appropriate and acceptable use of previously developed land to which there is no in principle land use policy objection.
Impact on Designated Assets	<p>The proposed development:</p> <ul style="list-style-type: none"> <li>(i) would not detract from either the character or the appearance of the Dorset Area of Outstanding Natural Beauty;</li> <li>(ii) would not detract from either the character or the appearance of the Bridport Conservation Area; and</li> <li>(iii) would neither harm the setting nor detract from the heritage significance of any listed buildings.</li> </ul> <p>Subject to the submission, approval and implementation of a landscaping scheme sufficient to achieve both visual and ecological enhancement in accordance with policy objectives and requirements, impact will be slight/minor beneficial.</p>
Climate Change and Flood Risk	The implications of the proposal for flood risk and the provision made in relation to climate change are acceptable.
Design, Access and Standard of Accommodation	Design and access arrangements are acceptable. Although not fully compliant with development plan requirements, the proposal is considered to provide a satisfactory standard of accommodation better suited to its intended purpose than the existing building arrangement.
Impact on Amenity	The proposed development would not have an unacceptable impact on residential amenity.

Equalities	The proposed development would help to advance equality of opportunity and assist in fostering good relations.
Human Rights	<p>The proposed development should not:</p> <ul style="list-style-type: none"> <li>(i) impact on the right to live one's personal life without unjustified interference such that Article 8 would be engaged; nor</li> <li>(ii) unreasonably deprive any person of either their right to the peaceful enjoyment of their possessions or of their right to their possessions.</li> </ul>

## 5. The Application Site

- 5.1 The planning application site (hereafter referred to as 'the Application Site') comprises approximately 1,550 sqm of land situated to the south of the B3162 (West Allington) close to the centre of Bridport that includes a three-storey building (West Rivers House) with associated parking and amenity areas and a single-storey storage building.
- 5.2 West Rivers House is also known as Boldwood House and is in mixed use with the Oh Crumbs community café and office accommodation on the ground floor and multiple-occupancy residential dwellings (flats) on the first and second floors. As currently configured, the flats provide a total of 17 bedrooms (1 two-bedroom flat, 1 three-bedroom flat and 2 six-bedroom flats).
- 5.3 Residential properties are located either side of the Application Site whilst to south (rear) is the Plottingham pay and display car park and the River Brit.
- 5.4 Pedestrian and vehicular access to the Application Site is available from West Allington with pedestrian access additionally available through the pay and display car park from the adjoining Plottingham Playing Fields recreation ground.
- 5.5 Vehicular access to the pay and display car park is through the Application Site. Buildings and facilities used by Bridport Town Council, the 1<sup>st</sup> Bridport Scout Group and the Bridport Sea Cadets are also accessed from the car park.
- 5.6 The office space and storage building within the Application Site are occupied by Magna Housing Limited (Magna). Magna is a not-for profit community-based housing association, a registered charity and a registered social housing provider.
- 5.7 It is understood that the existing residential accommodation within West Rivers House has been managed by Magna and has previously been used to provide accommodation for homeless people and people at risk of homelessness but is currently unoccupied.

## 6. The Proposed Development

- 6.1 Planning permission is sought for the conversion (change of use) of the 4no. existing multi-occupancy flats into 8no. self-contained flats.

- 6.2 In addition to the requisite forms, certificate, fee and site location plan, the application includes:
- (i) existing and proposed floor plans;
  - (ii) a Design and Access Statement; and
  - (iii) a Flood Risk Assessment.
- 6.3 The proposed internal arrangement provides for:
- (i) 2no. studio flats, with lounge/kitchen and bathroom;
  - (ii) 2no. one-bedroom flats, with kitchen/lounge and bathroom;
  - (iii) 2no. two-bedroom flats, with kitchen, lounge and bathroom; and
  - (iv) 2no. three-bedroom flats, with kitchen, lounge and bathroom.
- 6.4 Accordingly, as proposed, West Rivers House would contain a total 14 bedrooms, 3 fewer than the current arrangement.
- 6.5 The submitted Design and Access Statement notes that:

“The Planning Application is for the internal alterations to the first and second floor levels of a mixed-use Building.

The proposal is to create self-contained flats within the existing units, with similar previous use, which will allow a more suitable accommodation for homeless people and reduce the number of people occupying any one unit, with more efficient spaces, more control, privacy and a better distribution of internal areas.

The property lies within an urban area of Bridport, within a varied urban and residential area with commercial, leisure, retail and residential features.  
Situated in a convenient location from the town centre, and within walking distance of local amenities.”

- 6.6 Following the submission of the application, a revised Site Location Plan (Drawing No. A010 Revision P1) was submitted indicating a “Parking area allocated to flats” marked with 9 parking spaces.
- 6.7 The application form indicates that the flats are proposed as affordable housing.

## **7. Relevant Planning History**

- 7.1 Submission of the application followed informal pre-application discussions regarding the proposal.
- 7.2 Planning permission has previously been granted for a range of developments within the Application Site. Most recently, planning permission WD/D/16/000061 granted on 13 July 2016 authorised the change of use of the ground floor of West Rivers House (excluding the cafe) from meeting room, computer room and ancillary accommodation to office/reception space and ancillary accommodation (Use Class B1) and associated alterations.

## **8. Designations, Designated Assets and Constraints**

- 8.1 The Application Site is located:

- (i) entirely within the designated Dorset Area of Outstanding Natural Beauty;
- (ii) partly within and partly outside of the designated Bridport Conservation Area;
- (iii) partly within and partly outside the development boundary for Bridport defined in the adopted West Dorset, Weymouth and Portland Local Plan 2015;
- (iv) adjacent to (but outside) the area defined as 'the Centre of Bridport' in the made Bridport Area Neighbourhood Plan 2020-2036;
- (v) entirely within an area classified as Flood Zone 3 (High Probability) on the Environment Agency's Flood Risk Map for Planning;
- (vi) partly within an area mapped as being at medium risk of surface water flooding;
- (vii) adjacent to a main river (the River Brit);
- (viii) entirely within an area identified by the Environment Agency as benefitting from flood defence; and
- (ix) partly within an area mapped by the Dorset Nature Partnership as having Higher Ecological Potential.

8.2 No 15 West Allington to the west of the application Site is a Grade II listed building and forms part of a group of Grade II listed buildings located along West Allington.

## **9. Policy Framework**

- 9.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application,
  - (b) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (c) any local finance considerations, so far as material to the application, and
  - (d) any other material considerations.
- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### The Development Plan

- 9.3 The development plan includes:
- (i) the adopted West Dorset, Weymouth and Portland Local Plan 2015 ('the Adopted Local Plan'); and
  - (ii) the made Bridport Area Neighbourhood Plan 2020–2036 ('the Made Neighbourhood Plan').
- 9.4 The Adopted Local Plan addresses the period to 2031 providing a vision for the plan area as well as both strategic and more detailed development management policies including site specific policies and allocations.
- 9.5 The Application Site is not subject to any site specific policies or to any land use allocations shown on the Proposals Map of the Adopted Local Plan but is located partly within and partly outside the defined development boundary for Bridport, West Rivers House being within the boundary and the amenity space to the rear of the

building being outside the boundary. The development boundary also defines the extent of the Bridport Conservation Area, West Rivers House again being inside the Conservation Area and the amenity areas to the rear being outside the designated area.

- 9.6 Having regard to the location of the Application Site and to the nature of the proposed development, the most relevant policies of the Adopted Local Plan are:
- INT1 – Presumption in Favour of Sustainable Development;
  - SUS2 – Distribution of Development;
  - ENV1 – Landscape, Seascape and Sites of Geological Interest;
  - ENV2 – Wildlife and Habitats;
  - ENV4 – Heritage Assets;
  - ENV5 – Flood Risk;
  - ENV10 – The Landscape and Townscape Setting;
  - ENV11 – The Pattern of Streets and Spaces;
  - ENV12 – The Design and Positioning of Buildings;
  - ENV13 – Achieving High Levels of Environmental Performance;
  - ENV15 – Efficient and Appropriate Use of Land;
  - ENV16 – Amenity;
  - HOUS4 – Development of Flats, Hostels and Houses in Multiple Occupation;
  - COM7 – Creating a Safe and Efficient Transport Network; and
  - COM9 – Parking Standards in New Development.
- 9.7 The Made Neighbourhood Plan supports the strategic policies contained in the Adopted Local Plan and sets out a vision for Bridport for the period to 2036 that is supported by policies and a series of specific projects. The Application Site is not subject to any site specific policies or allocations with the most relevant policies of the Made Neighbourhood Plan being:
- Policy CC1 Publicising Carbon Footprint;
  - Policy CC2 Energy and Carbon emissions;
  - Policy CC3 Energy Generation;
  - Policy L1 Green Corridors, Footpaths, Surrounding Hills & Skylines;
  - Policy L2 Biodiversity;
  - Policy L5 Enhancement of the Environment;
  - Policy D1 Harmonising with the Site; and
  - Policy D5 Efficient Use of Land.
- 9.8 Policy compliance is considered in section 12 of this report.
- Local Finance Considerations
- 9.9 For the purposes of section 70(2) the term ‘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.
- 9.10 It is understood that the proposed development may be part funded by means of government grant payable to Dorset Council. The development would also generate receipts under the New Homes Bonus. However, national planning practice

guidance indicates that whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms and further states that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body (NPPG, ID: 21b-011-20140612). On this basis, neither the potential grant funding nor any other potential financial assistance is a material consideration in this instance.

- 9.11 The Community Infrastructure Levy (CIL) applies in Bridport but not all development is liable to pay the levy and some forms of development that are liable are ‘zero rated’ (i.e. the amount levied would be nil) and some development may be eligible for relief or exemption from the levy. The proposed development is CIL liable but will likely be entitled to relief from the levy.
- 9.12 Having regard to the former use of the property and to the nature of the proposed development, it is not considered that payment of the levy or any other sum is necessary to make the proposed development acceptable in planning terms. Accordingly, it is considered that there are no local finance considerations that are material to the determination of the application.

#### Other Material Considerations

- 9.13 The term “any other material consideration” is broad in scope, a material consideration being any planning matter relevant to making the decision in question. In relation to planning policy, the term encompasses national planning policy and guidance; supplementary planning documents and guidance; and emerging planning policy. Within the Dorset Area of Outstanding Natural Beauty, the Dorset ANOB Management Plan 2019-2024 is also material.

#### *National Planning Policy and Guidance*

- 9.14 Government planning policy set out in the National Planning Policy Framework ('the NPPF') is material to the determination of all applications for planning permission in England.
- 9.15 The NPPF sets out policy on a range of relevant matters including:
  - Achieving sustainable development – paragraphs 7-14;
  - Decision making – paragraphs 38-58;
  - Delivering a sufficient supply of homes – paragraphs 59-79;
  - Promoting healthy and safe communities – paragraphs 91-101;
  - Promoting sustainable transport – paragraphs 102-111;
  - Making effective use of land – paragraphs 117-123;
  - Achieving well-designed places – paragraphs 124-132;
  - Meeting the challenge of climate change, flooding and coastal change – paragraphs 148-169;
  - Conserving and enhancing the natural environment – paragraphs 170-183; and
  - Conserving and enhancing the historic environment – paragraphs 184-202.
- 9.16 Additional government policy addressing planning for waste management is set out in National Planning Policy for Waste ('the NPPW').

- 9.17 National Planning Practice Guidance ('the NPPG') adds further context to the government's planning policies and it is intended that the policies set out in the NPPF and the NPPW are read together with the NPPG.
- 9.18 The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (paragraph 8).
- 9.19 So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision making, paragraph 11 of the NPPF provides that the presumption in favour of sustainable development means:
- approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - (i) the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or
    - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.20 As Dorset Council cannot at present demonstrate a five year housing land supply for the West Dorset area, the most relevant development plan policies are out-of-date such that the tilted balance in favour of development is engaged.
- 9.21 Paragraph 38 of the NPPF provides that local planning authorities should approach decisions on proposed development in a positive and creative way, using the full range of planning tools available and working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and further provides that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 9.22 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 9.23 Compliance with national policy is considered in section 12 of this report.
- Supplementary Planning Policy and Guidance
- 9.24 Further pertinent policy and/or guidance is provided in:

- (i) the [Dorset AONB Management Plan 2019-2024](#) which identifies the many special qualities of the Dorset AONB and sets out objectives and related policies to help guide decision making;
- (ii) the 2010 revised [Bridport Conservation Area Appraisal](#) which provides an in-depth analysis of the special interest and significance of the Conservation Area;
- (iii) West Dorset District Council's 2009 Supplementary Planning Document [Design and Sustainable Development Guidelines](#) which encourage high standards of design in keeping with local character and promotes the use of more sustainable construction methods; and
- (iv) the 2011 [Bournemouth, Poole and Dorset Residential Parking Study](#) which describes parking standards for new residential development throughout Dorset and seeks to ensure that residential parking provision is designed to meet expected demand in such a way as to ensure the most efficient use of space and the best urban design.

#### Emerging Planning Policy

- 9.25 The Dorset Council Local Plan Options Consultation took place between January and March 2021.
- 9.26 To be sound, development plans must be prepared positively, must be justified, must be effective and must be consistent with national policy (NPPF, paragraph 35).
- 9.27 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:
- “a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
- 9.28 Being at a very early stage of preparation, the Consultation Draft Local Plan should be accorded very limited weight in decision making.

### **10. Consultation Response**

#### 10.1 Dorset Council Ward Members

No response received.

#### 10.2 Bridport Town Council

Responded on 23 March 2021 stating:

"Strongly support. This development provides much needed support in the community."

#### 10.3 Dorset Council Transport Development Liaison Engineer

Respond on 02 March 2021 indicating no objection subject to the imposition of a condition requiring the construction and maintenance of vehicular turning and parking in accordance with the details shown on the submitted Site Location Plan.

#### 10.4 Environment Agency

Responded on 21 April 2024 noting that the proposal is for a change of use, with the current residential nature being maintained, such that there will be no increase in flood risk vulnerability from 'more vulnerable'. Further noted that residential development will be contained to the first floor upwards, with the ground floor remaining as current 'less vulnerable' use and that the residential uses will be above the flood level. Also commented that as the alterations are purely internal, do not have an issue with the proximity to the river or flood defences. Raise no objection but offer advice to the applicant regarding flood warning, emergency response and flood resilience.

#### 10.5 Dorset Council Technical Services (Flood Risk & Coastal Management)

Responded on 26 February 2021 noting no objection in principle but commenting that site is located with Flood Zones 2 and 3 and in bank-top consultation area such that the Environment Agency should be consulted. Further commented that as the building is within an area that benefits from flood defences and the proposals primarily involve internal alterations to the existing property at first and second floor levels, the proposed alterations should not exacerbate the prevailing flood risk. Advise that the applicant should still consider any possible flood mitigation measures as part of any changes at ground floor level and ensure that the occupants or the 'property' are signed up to the Environment Agency's flood warning service.

### **11. Publicity and Other Representations**

11.1 The application was advertised by site notice displayed on 05 May 2021 and notification letters were sent to the owners/occupiers of 7 properties in the near vicinity of the Application Site. At the time of writing (17 May 2021), save for the consultation responses noted above, no other representations have been received relating to the proposed development. Any further representations received will be reported at Committee.

### **12. Appraisal**

12.1 The main issues in the determination of the application relate to:

- (i) the adequacy of the information submitted in support of the application;
- (ii) the acceptability in principle of the proposed development;
- (iii) impact on the character and appearance of the Dorset AONB and the Bridport Conservation Area and on the setting of No. 15 West Allington and other nearby listed buildings;
- (iv) climate change and biodiversity;

- (v) the acceptability of the design proposals and the standard of accommodation to be provided;
- (vi) impact on the amenities of neighbouring occupiers; and
- (vii) equality and human rights.

#### Adequacy of Information Submitted in Support of Application

- 12.2 Paragraph 43 of the NPPF is clear that the right information is crucial to good decision-making, particularly where formal assessments are required, but national practice guidance is equally clear that planning authorities should take a proportionate approach to the information requested in support of applications (NPPG, Reference ID: 14-038-201403060).
- 12.3 As submitted, the application included a brief Design and Access Statement and detailed floor plans but has since been supplemented by the submission of a Flood Risk Assessment and further information about the proposed development and intended use.
- 12.4 Environmental impact assessment (EIA) pursuant to the EIA Regulations has not been undertaken but has not been deemed necessary.
- 12.5 All concerns raised in representations and/or during the processing of the application regarding the content of the application have been addressed adequately and there are no unresolved objections to the application. Moreover, it is considered that such further details and actions as may be necessary to secure a satisfactory level of compliance with the development plan may reasonably be secured by means of planning condition.
- 12.6 Recommended conditions are set out in section 13.1 below. The applicant's agent has been advised about the content of the proposed conditions and no objection to their imposition has been raised.
- 12.7 Accordingly, subject to imposition of the recommended conditions, I am satisfied that adequate information has been provided for the application to be determined and for planning permission to be granted.

#### Principle of Development

- 12.8 Although predating the current version of the NPPF, Policy INT1 of the Adopted Local Plan provides that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area and that where relevant policies are out of date at the time of making the decision, the following matters will be taken into account:
  - (i) the extent to which the proposal positively contributes to the strategic objectives of the local plan;
  - (ii) whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and
  - (iii) whether the adverse impacts of granting permission could significantly outweigh the benefits.

- 12.9 The Application Site comprises previously developed land that is located partly within and partly outside the development boundary for Bridport and which has a history of mixed residential and commercial use.
- 12.10 Policy SUS2 of the Adopted Local Plan provides:
- (i) that within the defined development boundaries residential, employment and other development to meet the needs of the local area will normally be permitted; and
  - (ii) that outside the defined development boundaries development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, with such development restricted to specified forms of development identified to include, amongst others, alterations and extensions to existing buildings in line with their current lawful use, including their subdivision or replacement.
- 12.11 As West Rivers House is located entirely within the defined development boundary for Bridport and no operational development nor any change of use is proposed in those parts of the Application Site that are located outside the development boundary, the application proposal does not conflict with Policy SUS2 of the Adopted Local Plan.
- 12.12 Amongst other matters:
- (i) paragraph 118 of the NPPF provides that planning decisions:
    - should encourage multiple benefits from urban land;
    - should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and
    - should promote and support 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; and
  - (ii) Policy D5 of the Made Neighbourhood Plan states that applications for residential development above commercial ground floors will be supported.
- 12.13 The submitted Design and Access Statement explains that the proposal is to create self-contained flats within the existing residential floorspace with similar previous use but with fewer people occupying any one unit, more efficient spaces, more control, greater privacy and a better distribution of internal areas, thereby providing more suitable accommodation to be provided.
- 12.14 If implemented, the proposal would perpetuate the mixed-use use of West Rivers House with commercial use on the ground floor and residential use on the upper floors, with both carrying out of the proposed development and the continued use of the building being to the benefit of the economic, social and environmental conditions of the locality.
- 12.15 The proposal therefore provides for an appropriate and acceptable use of previously developed land to which there is no in principle land use policy objection.

## Impact on Designated Assets

- 12.16 An Area of Outstanding Natural Beauty (AONB) is a designated exceptional landscape whose distinctive character and natural beauty are precious enough to be safeguarded in the national interest. In exercising or performing any functions in relation to, or so as to affect, land in an AONB, public bodies are required to have regard to the purpose of conserving and enhancing the natural beauty of the area.
- 12.17 The Dorset AONB extends across 1,129 square kilometres and has many special qualities including an exceptional undeveloped coastline, uninterrupted panoramic views and a sense of tranquillity and remoteness. Bridport is one of several market towns located entirely within the designated area.
- 12.18 Conservation Areas are designated on account of their special architectural or historic interest, the character and appearance of which it is desirable to preserve and enhance. In exercising planning control with respect to any building or land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 12.19 The Bridport Conservation Area Appraisal provides a detailed analysis of the special interest and significance of the designated area, noting the presence of over 500 listed buildings and 9 distinct character areas or sub-areas. West Rivers House is shown to be in the West Allington sub-area described as containing a mixture of elegant early Victorian villas, two older detached stone houses, humbler terraces and more modern detached properties and wherein safeguarding the setting of Allington Hill is identified as a key objective. More generally, the Appraisal notes the objective or retaining and respecting the identities of each of the sub-areas.
- 12.20 Buildings and/or structure are listed on account of special architectural and/or historic interest, with grade II buildings being of special interest, grade II\* buildings being of more than special interest and grade I buildings being of exceptional interest. No additional consent is required to alter the setting of any heritage asset but in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 12.21 The heritage significance of No 15 West Allington and other nearby listed buildings derives from both their architectural (aesthetic) and historic (evidential) interest.
- 12.22 Paragraph 172 of the NPPF provides that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONBs), and that conservation and enhancement of wildlife and cultural heritage are also important considerations in AONBs.
- 12.23 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 of the NPPF notes that any harm to, or loss of, the

significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 12.24 Policy ENV1 of the Adopted Local Plan provides that the plan area's exceptional landscapes and seascapes and geological interest will be protected, taking into account the objectives of the Dorset AONB Management Plan and that development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character.
- 12.25 Policy L1 of the Made Neighbourhood Plan provides that proposals must preserve and enhance the natural beauty of the Dorset AONB by:
- "a) Being located on sites that do not adversely affect the wider landscape setting.
  - b) Being designed in such a way as to positively exploit the site features using form, scale materials and an architectural approach appropriate to the site context."
- 12.26 It is further stated that proposals that do not preserve and enhance the AONB will be refused.
- 12.27 Policy ENV2 of the Adopt Local Plan provides that opportunities to incorporate and enhance biodiversity in and around developments will be encouraged and Policy L2 of the Made Neighbourhood Plan provides that development proposals will be expected to demonstrate how they will provide a net gain in biodiversity and, where feasible, habitats and species, on the site, over and above the existing biodiversity situation.
- 12.28 Policy ENV4 of the Adopted Local Plan provides that 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, and that development should conserve and where appropriate enhance the significance.
- 12.29 Amongst other matters, Policy ENV10 of the Adopted Local Plan provides that:
- all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness;
  - development should only be permitted where it provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area; and
  - opportunities to incorporate features that would enhance local character, including public art, or that relate to the historical, ecological or geological interest of a site, should be taken where appropriate.
- 12.30 Proposed works to the exterior of West Rivers House are very limited and would not materially impact on either the external appearance of the building or the character of the surrounding area.
- 12.31 Proposed change within the external areas of the Application Site is limited to the repurposing of a hard surfaced area that is currently used for vehicle manoeuvring as additional parking space.

- 12.32 I am satisfied that the proposed development is compatible with the character of the West Allington area and:
- (i) would not detract from either the character or the appearance of the Dorset AONB;
  - (ii) would not detract from either the character or the appearance of the Bridport Conservation Area; and
  - (iii) would neither harm the setting nor detract from the heritage significance of any listed buildings.

12.33 No landscaping has been proposed within the Application Site but the submission, approval and implementation of a landscaping scheme sufficient to achieve both visual and ecological enhancement in accordance with policy objectives and requirements can be secured by means of planning condition, such that the character and appearance of both the Dorset AONB and the Bridport Conservation Area would be enhanced.

12.34 In relation to impact on designated assets, subject to the imposition of a condition securing the submission, approval and implementation of a landscaping scheme, development would be beneficial and in accordance with policy requirements.

#### Climate Change and Flood Risk

- 12.35 Paragraph 149 of the NPPF provides that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and can help to reduce greenhouse gas emissions.
- 12.36 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 12.37 Policy ENV5 provides that new development should be planned to avoid risk of flooding (from surface water run-off, groundwater, fluvial and coastal sources) where possible and that the risk of flooding will be minimised by:
- (i) steering development towards the areas of lowest risk and avoiding inappropriate development in the higher flood risk zones;
  - (ii) ensuring development will not generate flooding through surface water runoff and/or exacerbate flooding elsewhere.
- 12.38 Whilst located entirely within Flood Zone 3, adjacent to a main river and partly in an area mapped as being partly at risk of surface water flooding, the submitted Flood Risk Assessment demonstrates:
- (i) that the development would not result in a material increase in flood risk within or beyond the Application Site;
  - (ii) that adequate measures to mitigate flood risk and ensure potential occupants will be safe can be secured by means of planning condition; and
  - (iii) that the proposed arrangements for access to and escape from the building are satisfactory.
- 12.39 The requirements of Policy ENV5 of the Adopted Local Plan are therefore met.

- 12.40 Policy ENV13 of the Adopted Local Plan provides that new buildings and alterations / extensions to existing buildings are expected to achieve high standards of environmental performance and Policy CC1 of the Made Neighbourhood Plan provides that applicants should seek to minimise the carbon footprint of development proposals and are encouraged to submit a statement setting out the anticipated carbon emissions of the proposed development.
- 12.41 Policy CC2 of the Made Neighbourhood Plan provides that new development should aim to meet a high level of energy efficiency where achievable, by:
- a) exceeding the target emission rate of Building Regulations Part L 2013 for dwellings; and
  - b) meeting the relevant design category of Buildings Research Establishment BREEAM building standard “excellent” for non-residential development.
- 12.42 Policy CC3 of the Made Neighbourhood Plan provides 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.
- 12.43 The application is not supported by a statement setting out anticipated carbon emissions but the applicant’s agent has advised that West Rivers House will be upgraded to meet current Building Regulations standards, with upgraded heating, rewiring and the installation of air source heat pumps that will far exceed the current standard of the building. No electric vehicle charging points are proposed, but the retained and proposed parking spaces are all positioned close the building and/or site boundaries where retrofitting electric vehicle charging facilities when and as need is likely to be straight forward.
- 12.44 The implications of the proposal for flood risk and the provision made in relation to climate change are acceptable.

#### Design, Access and Standard of Accommodation

- 12.45 Paragraph 124 of the NPPF provides that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities.
- 12.46 Amongst other matters, paragraph 127 of the NPPF provides that planning decisions should ensure that developments:
- (i) 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;
  - (ii) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - (iii) 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);
  - (iv) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and

- (v) 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.
- 12.47 Policy D1 of the Made Neighbourhood Plan states that a housing development will be required to respect and work in harmony with:
- the local landform and microclimate
  - the existing pedestrian, cyclists and motorised network
  - existing features that are locally significant or important for local character, historical, ecological or geological reasons
  - neighbouring land uses.
- 12.48 It is further stated that opportunities to incorporate features that would enhance local character, or the historical, ecological or geological interest of a site, should be taken if practical and appropriate.
- 12.49 Amongst other matters, Policy ENV11 of the Adopted Local Plan states that within and adjoining existing settlements, development should ensure that:
- places are designed to be clear and simple for people to find their way around, and not dominated by the road layout and parking; and
  - provision is made for bin stores, recycling facilities, drying areas, cycle parking, mobility scooter storage and private amenity/garden space (and associated storage and composting facilities) appropriate to the uses proposed and character of the area.
- 12.50 Policy ENV12 of the Adopted Local Plan provides that development will achieve a high quality of sustainable and inclusive design and will only be permitted where it complies with national technical standards and where the siting, alignment, design, scale, mass, and materials used complements and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place.
- 12.51 Policy ENV 13 of the Adopted Local Plan states that development should optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character.
- 12.52 Policy D5 of the Made neighbourhood Plan similarly provides that development should make efficient use of land, and layouts that create wasted or leftover land will not be supported. It is further stated that the design and management of outdoor spaces within and adjoining settlements should fully utilise the opportunities for:
- Recreation and social interaction.
  - Dealing with surface water drainage and alleviating flooding.
  - Providing new or enhancing existing wildlife habitats.
  - Incorporating landscape solutions to soften the urbanising impact of new development
- 12.53 Policy L5 of the Made Neighbourhood Plan states that, appropriate to the scale of development, proposals for new housing development should:
- include good quality outdoor space, both private and community gardens, and contribute to providing tree cover and improving biodiversity and
  - make provision for green infrastructure.

- 12.54 Policy HOUS4 of the Adopted Local Plan provides that proposals for flats, hostels and houses in multiple occupation should:
- be compatible with the character of the area;
  - not result in a cramped form of development;
  - 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.
- 12.55 Policy AM5 of the Made Neighbourhood Plan provides that development proposals should, where achievable, include provisions to enable access to public and community transport and provide easy connections to the social, community and retail facilities of the neighbourhood plan area.
- 12.56 Being located close to Bridport Town Centre and being adjacent to the Plottingham Playing Fields, the Application Site provides good access to the local facilities and amenities.
- 12.57 With a reduction in the total number of bedrooms provided within West River House, the proposed development is considered unlikely to generate increased pedestrian and/or vehicular movements.
- 12.58 The existing site arrangement provide for safe and convenient means of access to and egress from the Application Site and the proposed car parking is considered adequate to serve the development. Existing servicing arrangements within the site satisfy the requirements of Policy ENV11 of the Adopted Local Plan and additional landscaping will secure enhancement of external areas in accordance with Policies D1, D5 and L5 of Made Neighbourhood Plan.
- 12.59 In addition to setting minimum overall internal space standards for new dwellings at a defined level of occupancy, the Department for Communities and Local Government's March 2015 publication [Technical housing standards – nationally described space standard](#) ('the Technical Standards for Housing') specify floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The proposed internal arrangements do not entirely accord with the Technical Standards for Housing, with the two studio flats being substantially smaller than the specified requirements for single-storey one-bedroom one-person (1b1p) properties. The application proposal therefore conflicts with the requirement contained in Policy ENV12 of the Adopted Local Plan for compliance with national technical standards. However, the flats are proposed to be used to meet a recognised need for short-term accommodation for people who are homeless or at risk of homelessness for which the single-occupancy units will be especially useful, particularly should residents be required to self-isolate for a period. As the intention is that the units will be used as a specialist form of short-term accommodation and it is apparent that the studio units could be readily combined with the adjacent one-bed flats to create Standard compliant two-bedroom flats in the future, the proposed arrangements are considered to be acceptable. Equally, in circumstances that the proposed development would not have any unacceptable impact on the areas or assets of particular importance referenced in paragraph 11 of the NPPF planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 12.60 Private amenity space within the application site is currently limited to small areas at the rear of the West Rivers House, but all of the flats will benefit from ready access to the Plottingham Playing Fields recreation ground.
- 12.61 Overall, whilst not fully compliant with development plan requirements, the proposal is considered to provide a satisfactory standard of accommodation better suited to its intended purpose than the existing building arrangement. On this basis, the design and access arrangements are considered to be acceptable.

#### Impact on Amenity

- 12.62 Policy ENV16 provides that 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 and that 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.

- 12.63 With no material change to the external appearance of West Rivers House and a reduction in the total number of bedrooms within the building, the continued use of the existing residential accommodation as dwelling houses is unlikely to generate a level of activity or noise that would materially detract from either the character or the amenities of the area or the quiet enjoyment of neighbouring properties. Moreover, having regard to the relative positioning of the existing and proposed habitable rooms, I am content that the proposal would not have an unacceptable impact on residential amenity on account of loss of privacy.

#### Equalities

- 12.64 Section 149 of the Equalities Act 2010 (as amended) provides that in the exercise of its functions a public authority must have due regard to the need to:
- (i) eliminate discrimination, victimisation and any other conduct that is prohibited by or under the Act;
  - (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 12.65 Commonly referred to as ‘the Public Sector Equalities Duty’, the relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.66 As the proposed development is focussed on the provision of specialist accommodation for which there is a recognised need, it is considered that the proposed development would help to advance equality of opportunity and assist in fostering good relations.
- Human Rights
- 12.67 The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:
- (i) Article 6 - Right to a fair and public hearing;
  - (ii) Article 8 - Right to respect for private and family life; and
  - (iii) The First Protocol, Article 1 - Protection of Property.
- 12.68 Rights under Article 6 and 8 are qualified rights, meaning that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 12.69 Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. The term “possessions” may include material possessions, such as property, and also planning permissions and possibly other rights.
- 12.70 Any interference with a Convention right must be proportionate to the intended objective, such that any interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.
- 12.71 European case law suggests that interference with the human rights noted above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant.
- 12.72 For the reasons set out in this report, I am satisfied that the proposed development should not:
- (i) impact on the right to live one’s personal life without unjustified interference such that Article 8 would be engaged; nor
  - (ii) unreasonably deprive any person of either their right to the peaceful enjoyment of their possessions or of their right to their possessions.
- Conclusion
- 12.73 The application site is not subject to any development plan land use allocation or any site-specific policies or proposals but constitutes previously developed land that is located mostly within the defined development boundary for Bridport wherein residential, employment and other development to meet the needs of the local area is normally permitted. Although not entirely in accordance with nationally described

space standards for housing, it is considered that the proposal provides for an acceptable form of specialist housing that is broadly in accordance with the development plan. As Dorset Council cannot demonstrate a five year housing land supply for the West Dorset area and having regard to the circumstances of the Application Site and the nature of the intended use of the proposed flats, divergence from the nationally described Technical Standards for housing is permissible. In the absence of any social, environmental, economic or other considerations either warranting or necessitating the determination of the application other than in accordance with the development plan, conditional planning permission can and should be granted.

### **13. Details for Inclusion in Decision Notice**

#### **13.1 Recommended Planning Conditions**

##### **Time Limit – Commencement of Development**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

##### **Reason**

In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

##### **Development in Accordance with Approved Plans**

2. The development hereby permitted shall be carried out in accordance with the following plans submitted as part of the application:
  - (i) Dorset Property Drawing No. A010 Revision P1 dated March 2020 and titled Site Location Plan;
  - (ii) Dorset Property Drawing No. A303 Revision P4 dated 20.01.21 and titled FIRST FLOOR PLAN Demolition & Spot Items (but showing proposed Ground Floor arrangements);
  - (iii) Dorset Property Drawing No. A304 Revision P4 dated 20.01.21 and titled FIRST FLOOR PLAN Demolition & Spot Items; and
  - (iv) Dorset Property Drawing No. A304 Revision P4 dated 20.01.21 and titled SECOND FLOOR PLAN Demolition & Spot Items.

Reason: In accordance with the application proposal and to regulate the development having regard to Policies ENV1, ENV2, ENV4, ENV10, ENV11, ENV12, ENV13 and ENV16 of the adopted Weymouth and Portland Local Plan 2015 and to Policies AM5, L1, L2, L5 D1 and D5 of the made Bridport Area Neighbourhood Plan 2020–2036.

##### **Flood Risk Resistance and Resilience**

3. Prior to the first residential occupation of any of the flats hereby permitted, arrangements for the implementation and maintenance of flood risk resistance and resilience measures shall be submitted to and approved by the local planning authority. All approved flood risk resistance and resilience measures shall be implemented and maintained in accordance with the arrangements approved under this condition.

**Reason:** To secure the implementation of appropriate flood risk resistance and resilience measures having regard to Policy ENV5 of the adopted Weymouth and Portland Local Plan 2015.

#### Provision and Maintenance of Vehicular Parking and Turning

4. Prior to the first residential occupation of any of the flats hereby permitted, the parking spaces and vehicular manoeuvring areas shown on Dorset Property Drawing No. A010 Revision P1 dated March 2020 and titled Site Location Plan shall be laid out and constructed in accordance with that drawing. Thereafter, these areas:
  - (i) shall be made available for use by the occupants of the flats hereby permitted; and
  - (ii) shall be maintained for the manoeuvring and parking of vehicles; and
  - (iii) shall be kept free from other obstruction.

**Reason:** To ensure adequate provision is made and maintained for vehicular parking in accordance with the application proposal and in the interest of highway safety having regard to Policy COM9 of the adopted Weymouth and Portland Local Plan 2015.

#### Landscape and Ecology Management Plan

5. Prior to the first residential occupation of the any of the flats hereby permitted a site Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include a description and evaluation of features to be managed and a work schedule including planting and maintenance specifications. The approved LEMP shall be implemented in accordance with the approved details and arrangements.

#### Reason

To enhance the character and appearance of the application site, the Bridport Conservation Area and the Dorset Area of Outstanding Natural Beauty and to provide net gain for biodiversity having regard to Policies ENV1, ENV2, ENV4 and ENV10 of the adopted Weymouth and Portland Local Plan 2015 and to Policies L1, L5, D1 and D5 of the made Bridport Area Neighbourhood Plan 2020–2036.

### 13.2 Informative Notes to be Included on Decision Notice

#### Statement of Positive Involvement

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset County Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant's agent in a positive and proactive manner by:
  - (i) providing pre-application advice;
  - (ii) updating the applicant of issues as they arose in the processing of the application; and
  - (iii) providing the applicant with the opportunity to address issues of concern with a view to facilitating a recommendation to grant permission.

### **Flood Risk – Resilience Measures**

2. Having regard to the flood risk context of the application site, in the interest of the safety of future residential occupiers and other users of West Rivers House, it is recommended that the flood resilience measures proposed for approval under condition 3 above should include ensuring that the property and/or its occupants are signed up to the Environment Agency's flood warning service.

### **Further Information**

3. Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorsetcouncil.gov.uk/>.