

<b>Application Number:</b>	P/FUL/2021/04548
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Waitrose and Partners 42-44 West Street Bridport DT6 3QP
<b>Proposal:</b>	Removal of existing boundary and internal walls, and creation of 6 no. parking spaces for home delivery vans and associated electric charging points, 2 no. customer collection parking spaces and 2 no. taxi waiting spaces. Erection of free standing canopy in loading bay area, replacement trolley and staff shelters and associated development including boundary treatments and access.
<b>Applicant name:</b>	Waitrose Ltd
<b>Case Officer:</b>	Tim Marsh
<b>Ward Member(s):</b>	Cllr Bolwell; Cllr Clayton; Cllr Williams

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

**2.0 Summary of recommendation:**

REFUSE for the following reason:

Contrary to Policy ENV4 of the West Dorset Weymouth and Portland Local Plan 2015 and Section 16 (Paragraphs 199, 200 & 202) of the National Planning Policy Framework 2021 the proposed development would result in less than substantial harm to the character, appearance and significance of the Bridport Conservation Area that is not outweighed by any public benefit owing to the unnecessary and excessive use of close boarded fencing, which appears overly tall, basic/utilitarian in its finishing material and as a fortifying modern enclosure overall. It will result in the loss of existing historic walls that mark the boundaries of burgage plots identified in the Conservation Area Appraisal for Bridport as historically significant. The proposed development would detract from the local character, neither preserving or enhancing the Bridport Conservation Area and for the reasons above adversely impact on the public realm contrary to Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015), the National Planning Policy Framework (2021) and Policies HT2 and D8 of the Bridport Neighbourhood Plan (2020).

**3.0 Reason for the recommendation:**

The proposal would result in less than substantial harm to the character and appearance of the Bridport Conservation Area, which would not be outweighed by any public benefit.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposed development is supported in principle under relevant planning policies that encourage development of previously developed land in sustainable locations, particularly those that support the role of town centres.
Character, appearance and impact on heritage assets	The potential public benefits of the proposal do not outweigh the harm that it would cause to the Conservation Area, particularly when it would be possible to reduce that harm to a potentially acceptable level by removing all proposed close boarded fencing and retaining more of the historic burgage wall.
Amenity	The proposals would have an acceptable impact on the living conditions of neighbours subject to management and mitigation measures that could be conditioned to ensure that potential disturbances from the proposed development are kept to acceptable levels.
Economic benefits	The proposals would improve the viability of an anchor store / business in Bridport Town centre.
Access and Parking	The application is supported by an acceptable Transport Statement and the Highway officer has no objection and as such the proposals are acceptable in terms of highway safety.

#### 5.0 Description of Site

- The site is flat, approximately 350 sqm in size and falls within Bridport Town Centre and its Conservation Area. The site is also within the DDB.
- The site comprises of an existing rear service yard to the Waitrose food store including a partly walled area of land owned by Dorset Council formerly used as a car park, and part of the adopted highway.
- Access is currently obtained via Rope Walks, accessed from West Street via Tannery Road and St Michael's Lane. The food store is immediately to the north with its main customer entrance on West Street.

- A customer pedestrian route links to the Rope Walks public car park which forms the site's southern boundary.
- An unnamed road runs along its western boundary northwards and provides access to the rear of existing retail premises on West Street. The site's eastern boundary is adjacent to unnamed road that provides access to the rear of existing commercial premises.
- There is a mix of surrounding uses including retail, commercial, community, and residential and car parks and a variety of built form, including several listed buildings.

## **6.0 Description of Development**

Full planning permission is sought for:

- Demolition of existing brick/stone walls in the centre of the site to accommodate 6no. home delivery van spaces and 2no. associated electric charging points and Armco safety barrier.
- A new free-standing polycarbonate canopy to provide cover in the loading area.
- Replacement of an existing trolley shelter along the eastern boundary with polycarbonate panels and powder coated metal framework, and new paving to match existing in addition to a replacement staff shelter.
- A range of boundary works/treatments including railing removal and installation of new close boarded timber fencing to provide screening along the eastern, western, and southern boundaries, and removal of /replacement of bollards.
- Along the southern boundary, the creation of 2no. customer collection spaces and 2no. taxi waiting spaces accessed from Rope Walks.
- Dropped/flush kerbs, road markings, and a new footpath running to the rear of the taxi/customer spaces to link up to the existing pedestrian route to the Waitrose food store.

## **7.0 Relevant Planning History**

The following applications to upgrade and extend the store have been approved since 1984:

- 1984 - "Erect extension to supermarket. Make alterations to shopfront" (LPA Ref: 1/W/84/751).
- 1992 - "Erect new canopy and entrance screen" (LPA Ref: 1/W/92/000032).
- 1997 - "Retention of 1no. louvered extractor unit and 2 roof mounted fans serving the existing plantroom" (LPA Ref: 1/W/97/127).
- 1999 - "Internal refurbishment of store, replace refrigeration plant on roof and erect new store building and plant room to rear of store" (LPA Ref: 1/W/1999/405).
- 2003 - "Erect canopies above side entrance" (LPA Ref: 1/W03/001410).
- 2007 - "Install ATM" (LPA Ref: 1/W/07/001075).

- 2009 – “New mechanical & refrigeration plant on roof including 2 condensing units & 1 heat pump & 1 AC unit” (LPA Ref: 1/D/09/000334). Later that year, permission was also granted for “Block up side doorways. Replace entry doors. New trolley bay. New roof access ladder & guard rail. Replace fascia & shop fronts” (LPA Ref: 1/D/09/000344).

## **8.0 List of Constraints**

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

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

NE - SSSI (5km buffer): West Dorset Coast ;

NE - SSSI (5km buffer): Burton Bradstock ;

NE - SSSI (5km buffer): Peashill Quarry ;

## **9.0 Consultations**

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

### **Consultees**

#### **1. Highways**

In reference to the amended plan submission received 4th April 2022, following the requested amendments, 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 subject to a manoeuvring, parking and loading areas condition.

#### **2. Conservation Officers**

- The proposal to erect a 2.4m close boarded fence around the majority of the site is fundamentally at odds with the historic character of Bridport town centre. Close boarded fencing is an inferior boundary treatment, most commonly suited and found in suburban settings/housing estates. Furthermore, the height of the fencing, taken with its substandard appearance will create a highly negative and prominent impact in an otherwise open area within a historic market town.

- The nature of this development would not establish a sense of safety for the community. High fencing such as this would create an austere and unforgiving impact, reducing visibility and creating a more oppressive feel to the area. The use of standard commercial security lighting would not overcome this impact in dark evenings/winter months.
- The visual harm to the historic environment would also be compounded by the extent of polycarbonate roofing and panels that would also be visible across the public realm. The use of such poor quality materials in such an open and prominent site within the Conservation Area will create significant harm, this contravenes the NPPF Paragraphs 190 and 206. The implications of erecting attractive low boundary walls with more suitable fencing above, would not be so extreme as to warrant the development unviable.
- The loss of all historic burgage plot walls, the inability to plan the site around these walls or enable the demarking of the locations in situ to be plotted in such a way as to be publicly visible, is an issue of concern that has been raised from the outset. No plans have been provided showing how or where the demarking is to be carried out and with what materials. Furthermore, the request that more superior materials be used for pedestrian/taxi/parking areas appears to have been discounted. Substandard surfacing materials still seem to be proposed.
- Historic brickwork and stone could be salvaged and incorporated within new boundary structures. Good quality brick and lime mortar could be used to greatly enhance the character of the area and shield the more utilitarian services and vehicles. Whilst the agreed public notice board has been one concession of the applicants, this in itself does not overcome the degree of harm that this development would create.
- The lack of any proper investment to the site will exacerbate the negative impact of the car park. The materials, being substandard will age poorly and require regular maintenance and upkeep or be left to further erode the quality of the conservation area and setting of heritage assets. The use of attractive, natural and quality materials would enable durability and less maintenance in the future, also enabling the site to settle well and enhance the area for the future.
- Extensive comments and suggestions have been offered to the applicants over the term of this application. These should have been given at a pre-application stage, but it appears that a standard commercial approach is fixed. 'Public gain' may be considered to outweigh any adverse impact to the historic environment, however we would argue that the 'public gain' in terms of parking and home deliveries is *not* considered superior to the public realm and community's sense of safety, place and provenance. The historic environment offers a different but

important 'public gain'. It effects people's appreciation of the past, their sense of place, how they relate to that space and also people's sense of well-being. It is therefore argued that the development would create a significant public loss in that regard.

### **3. Bridport Town Council**

- Support, subject to the recommendation of the Highway Authority being incorporated.

Further comments were received from the Town Council:

- The Conservation Officer's assessment appears to focus in fine detail on heritage issues, with little or no consideration of the wider public benefits that might accrue. The only references to public gain are in terms of parking and home delivery, and with no mention of EV charging, 'click and collect' facilities, the generally improved condition of the area, the heritage interpretation offered, and securing the future viability of Bridport town centre. In more detail:
  - Whilst the NPPF is quoted in objection by the CO, NPPF paras 38, 81, and 86, all supporting economic viability, are not considered.
  - The applicant's reference to the future viability of Waitrose in Bridport (para 1.5 of the Planning & Heritage Statement), and the significant wider implications for Bridport town centre, are not referenced at all.
  - The importance of 'click and collect' to the viability of retail outlets is not considered.
  - Nor is there any acknowledgement of the proposed EV charging points and their (limited but nonetheless important) contribution to addressing future charging capacity and the climate crisis.
  - There is no consideration of the viability of retaining the heritage assets identified.
  - The CO offers an alternative location in Rope Walks Car Park, with no recognition of the practical viability of this idea, its failure to incorporate all of the proposals made in the application, and the fact that this site is currently identified as a town centre expansion site in the Local Plan.
  - The positive impact of providing taxi facilities at the rear of Waitrose to reduce pressure on West Street is not mentioned.

The Town Council considers that the lengthy heritage analysis should be accompanied by a similarly detailed assessment of these aspects, in order for the matter to be resolved in a balanced way.

### **4. Environmental Health**

- No objections to this application.

### **Representations received**

None

## 10.0 Relevant Policies

### Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV4 - Heritage assets
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 16 - Amenity
- SUS2 - Distribution of development
- ECON 4 - Retail and Town Centre Development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

Adopted Bridport Area Neighbourhood Plan:

- Policy CC2 - Energy and Carbon Emissions
- Policy AM1 - Promotion of Active Travel Modes
- Policy AM2 - Managing Vehicular Traffic
- Policy HT1 – Non-Designated Heritage Assets
- Policy HT2 - Public Realm
- Policy COB1 - Development in the Centre of Bridport
- Policy D5 - Efficient Use of Land
- Policy D8 – Contributing to the Local Character

## Material Considerations

### National Planning Policy Framework (2021):

Paragraph 11 - presumption in favour of sustainable development.

Paragraph 38 - Local planning authorities should 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'.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places'. In particular, and amongst other things, Paragraphs 126 – 136 which advise that: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'
- 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**

WDDC Design & Sustainable Development Planning Guidelines (2009)

Bridport Conservation Area Appraisal adopted January 2003

## **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 as follows: the proposed increased provision for home delivery services is likely to be beneficial to those who are unable to undertake their weekly shop in store; new flush kerbs are proposed as part of the new tarmac pavement and customer collection area at the rear of the



store which includes tactile paving. These measures should enhance access to the store for members of the public with visual and mobility impairments.

### **13.0 Financial benefits**

To provide physical improvements to the service yard of an existing food store to improve the efficiency of its operation and service to its customers.

### **14.0 Climate Implications**

The provision of 2 new charging points for electric vehicles will make a small contribution towards addressing the adverse impacts of climate change by facilitating greater use of zero emission vehicles.

### **15.0 Planning Assessment**

#### Principle of development

The site falls within the defined development boundary of Bridport where Local Plan policy SUS2 states that development proposals will normally be permitted, subject to consideration against other Local Plan policies. Local Plan policy ECON4 i) states that development proposals for retail and town centre development should be appropriate in type and scale to the particular centre and its catchment population. As a development that would improve an existing retail facility in a town centre location the proposals are considered to be in general accordance with these requirements. In seeking to optimise the use of an existing previously developed site for a supermarket that serves the needs of the local community they also accord in principle with Local Plan Policy ENV15 and Neighbourhood Plan policy D5 which both seek to ensure efficient and appropriate use of land, and paragraph 86 of the NPPF which encourages development that supports the role of town centres.

However, there are key requirements of other policies as set out below that need to be taken into account in establishing the overall acceptability of the proposals.

#### Character, appearance and impact on heritage assets

Local Plan policy ENV4 states, inter alia, that development should conserve and where appropriate enhance the significance of designated Heritage Assets and that any harm to the significance of a designated or non-designated heritage asset must be justified with applications being weighed against the public benefits of a 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.

The part of the Conservation Area in which the site is situated is currently blighted by a mass of parking provision, utilitarian service buildings and structures. However existing historic walls on the application site mark the boundaries of burgage plots identified in the Conservation Area Appraisal for Bridport as historically significant. Several other masonry walls in the area similarly mark the presence of historic burgage plots and whilst they may not be in good condition or complete in their form/length, the Conservation Officer has confirmed that they are heritage assets worthy of protection. Whilst the walls are not specifically listed within the Bridport Area Neighbourhood Plan Locally Valued Non Designated Heritage Assets List or are formerly listed, they are clearly of some heritage value that identifies the historic plot/settlement pattern (again as mentioned within the Bridport Conservation Area Appraisal as an element where development needs to be controlled or sensitively enhanced).

In terms of potential public benefits, the applicant asserts that the development will enable Waitrose to provide a more efficient offer, providing space for 6 no. home delivery vehicles, electrical charging points and associated covered loading area in conjunction with existing servicing arrangements, and that the increased provision of home delivery van parking will have the principal benefit to Waitrose of reducing the amount of customers using cars to access the store while still retaining their custom. They also suggest that the uplift in home delivery service provided by the increase in van parking offsets the demand for customers to use the main car park and reflects the current online shopping trend.

The application proposals include the removal of all the historic walls on the site and although these are in a poor state of repair, it does not follow that their loss is outweighed by the potential benefits of the scheme. On the contrary in accordance with the provisions of Policy ENV4 and Section 16 of the NPPF and related policies in the Neighbourhood Plan, provision should be made to incorporate and retain as much of them as possible to ensure that their contribution to the Conservation Area is maintained and that opportunities are taken to enhance their heritage value.

From the outset of consideration of the application concerns were raised regarding the adverse impact of the proposed close boarded fencing on the street scene and the Conservation Area. This change is one of the following four issues that the applicant has been advised need to be addressed in order for the proposal to be supported at officer level:

1. All proposed close boarded fencing on-site needs to be replaced with low brick wall in traditional material, including utilising the existing inner brick walls where feasible.
2. Inclusion of a signage plaque denoting the history of the site, alongside the demarcation of the original burgage plot.
3. 'Making good' the site's far eastern boundary wall adjacent to the pedestrian route.
4. Full details including demolition works, material samples, and the scale/finish/method of fixing for the proposed plaque (which could be addressed by means of a suitably worded planning condition).

With regards to these requirements the applicant has set out their position to each of the above points as follows:

**Point 1**

*The client team has now undertaken an extensive internal review of the feasibility of replacing all the proposed close boarded fencing on-site with low brick walls in traditional material, including utilising where possible, the existing inner central brick walls. This review includes a site inspection of the inner walls by Hurst Peirce + Malcolm LLP to determine their suitability for reuse. Accordingly, due to their existing state and condition, there is unfortunately unlikely to be an insufficient amount of reusable brick for the proposals to meaningfully utilise and it will be hard to match other material to make up the shortfall. Together with the financial costs of implementing the construction methods required for the new traditional walls, this request therefore presents a significant challenge and does not allow for a deliverable project (that as you know is also subject to a separate commercial deal with Dorset Council's Estates Team).*

**Point 2**

*The proposals shall include an on-site signage plaque to inform the community and visitors to Bridport of the history of the area and the site's former buildings and function, alongside demarcating the original burgage plot.*

**Point 3**

*Whilst it was hoped that the far eastern boundary wall adjacent to the pedestrian route could be restored, it has subsequently been confirmed that this wall falls beyond the Applicant's site ownership. These boundary works are therefore not possible to undertake.*

**Point 4**

*Pre-commencement planning conditions are suggested for: Demolition Works, External Material Use, Boundary Enclosures, and a Heritage Notice Plaque and Plot Linings.*

*As far as it has been possible, our client has now sought to fully address these four remaining heritage related requests. To ensure Waitrose is able to continue meeting both operator and customer requirements and demand, the proposed works to the rear of the store however continue to remain necessary, with the substantial wider public benefits still considered to weigh positively in favour of the works, taking into account any considered substantial/ less than substantial harm on Bridport Conservation Area and listed buildings within the vicinity. This includes, but is not limited to, immediately delivering an improved public realm environment, and enabling the Waitrose store in the longer term to remain a key anchor in supporting the vitality and viability of Bridport Town Centre as well as the local community, including facilitating linked trips and support for other shops and services as*

*envisaged by the planning policy. When considered against the alternative context of the 'Do Nothing' approach, these public benefits in our view remain an important key planning material consideration.*

The Conservation Officer has responded to the above as follows:

*Setting aside the issue of demolishing all that remains of the burgage plot walls, the concerns raised at the outset over the expanse of close boarded fencing proposed have still not been addressed and overcome.*

*It was previously agreed by the agent that the extent of close boarding fence would be reduced. The proposal to erect a 2.4m close boarded fence around the majority of the site is fundamentally at odds with the historic character of Bridport town centre. Close boarded fencing is an inferior boundary treatment, most commonly suited and found in suburban settings/housing estates. Furthermore, the height of the fencing, taken with its substandard appearance will create a highly negative and prominent impact in an otherwise open area within a historic market town. The nature of this development would not establish a sense of safety for the community. High fencing such as this would create an austere and unforgiving impact, reducing visibility and creating a more oppressive feel to the area. The use of standard commercial security lighting would not overcome this impact in dark evenings/winter months. The visual harm to the historic environment would also be compounded by the extent of polycarbonate roofing and panels that would also be visible across the public realm.*

*The use of such poor quality materials in such an open and prominent site within the Conservation Area will create significant harm, this contravenes the NPPF Policy 190 specifically:*

*C) the desirability of new development making a positive contribution to local character and distinctiveness (reinforced in Policy 197); and d) opportunities to draw on the contribution made by the historic environment to the character of a place.*

*Policy 206 further adds:*

*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

*This policy therefore suggests that proposals that do not preserve or better reveal the significance of the area should not be supported.*

*The NPPF is also clear that where proposed development would cause significant harm to a designated heritage asset, the application should be refused – unless significant public benefits would justify that harm or loss. In Conservation terms, the harm that would be created is not outweighed by any public benefit. There is a substantial car park located to the rear of Waitrose*

*with plenty of customer/taxi parking provided meaning that the extent of new parking required could be significantly reduced and the evidence of historic burgage plots significantly enhanced.*

*The cost implications of erecting attractive low boundary walls with more suitable fencing above, would not be so extreme as to warrant the development unviable. Waitrose is a successful nationwide supermarket specialising in high end goods. The designated historic settings of some of their premises necessitates a higher quality of material and design. Budgets should therefore reflect these requirements when new stores are established.*

*The loss of all historic burgage plot walls, the inability to plan the site around these walls or enable to the demarking of the locations in situ to be plotted in such a way as to be publicly visible, is an issue of concern that has been raised from the outset. No plans have been provided showing how or where the demarking is to be carried out and with what materials. Furthermore, the request that more superior materials be used for pedestrian/taxi/parking areas appears to have been discounted. Substandard surfacing materials still seem to be proposed.*

*Historic brickwork and stone could be salvaged and incorporated within new boundary structures. Good quality brick and lime mortar could be used to greatly enhance the character of the area and shield the more utilitarian services and vehicles. Whilst the agreed public notice board has been one concession of the applicants, this in itself does not overcome the degree of harm that this development would create. The lack of any proper investment to the site will exacerbate the negative impact of the car park. The materials, being substandard will age poorly and require regular maintenance and upkeep or be left to further erode the quality of the conservation area and setting of heritage assets. The use of attractive, natural and quality materials would enable durability and less maintenance in the future, also enabling the site to settle well and enhance the area for the future.*

### Conclusion

*Extensive comments and suggestions have been offered to the applicants over the term of this application. These should have been given at a pre-application stage, but it appears that a standard commercial approach is fixed. 'Public gain' may be considered to outweigh any adverse impact to the historic environment, however we would argue that the 'public gain' in terms of parking and home deliveries is not considered superior to the public realm and community's sense of safety, place and provenance. The historic environment offers a different but important 'public gain'. It effects people's appreciation of the past, their sense of place, how they relate to that space and also people's sense of well-being. It is therefore argued that the development would create a significant public loss in that regard.*

NPPF paragraph 199 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 conservation, irrespective of the level of harm to that significance. Paragraph 200 adds that any harm to that significance should require clear and convincing justification. Paragraph 202 requires that 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, where appropriate, securing its optimum viable use.

The proposals have been assessed thoroughly under the provisions of Local Plan Policy ENV 4 and Section 16 of the NPPF accordingly and the planning officer agreed with the Conservation Officer that the height of the fencing, taken with its substandard appearance would create a highly negative and prominent impact in an otherwise open area within a historic market town and that there is no clear and convincing justification for the harm that the proposal would have on the character and appearance of the Conservation Area. In particular the potential public benefits of the proposal do not outweigh the harm that it would cause to the Conservation Area when it would be possible to reduce that harm to a potentially acceptable level by removing all proposed close boarded fencing and retaining more of the historic burgage wall.

#### Impact on amenity

Local Plan Policy ENV16 requires that development should not have a significant adverse effect on living conditions, generate levels of activity that would detract significantly from the character and amenity of the area, or result in unacceptable level of pollution.

With regards to these requirements the applicant states that there would be no increase in the number or frequency of HGV movements, with home delivery operations continuing to occur between the hours of 0700 and 2200 Monday to Sunday. It is also stated that there would be no significant adverse effect on the privacy and daylight/sunlight levels of neighbouring properties owing to preventative measures that include: the service area being located further away from existing residential properties, with the new service route to comprise smooth tarmac reducing rolling noise from dollies used to manoeuvre stock, and because existing close boarded timber fencing and gardens already provide screening along its boundaries such that there would be no significant adverse effect on the privacy and daylight/sunlight levels within these properties as a result of the proposals.

The application is also supported by a Noise Impact Assessment, and the Environmental Protection Officer has not raised any concerns, although this is on the basis that new close boarded timber fencing is provided along the site's boundaries, which for the reasons set out above is considered to be unacceptable on heritage / design grounds.

Notwithstanding this should the application be approved, management and mitigation measures detailed in the application could be conditioned to ensure that noise from activities taking place within the proposed development would be kept to acceptable levels.

## Access and Parking

The application is supported by a Transport Statement, key points of which are: the increase in home delivery van movements would be offset by a reduction in demand from customers using the Rope Walks car park; vehicle tracking confirms that the proposals will operate effectively; a Stage 1 Road Safety Audit has not raised any significant concerns relating to highway safety; loading and unloading of vehicles associated with the food store would continue to take place within its curtilage, and not from the adjoining public highway; the proposals provide an opportunity to formalise the store's on-site parking within a currently restricted service yard area, in turn improving the efficiency and safety of vehicle, pedestrian and goods movements; sufficient on-site parking provision for home delivery vans, customer collections, and taxi waiting spaces would avoid potential overspill parking on the highway/within the public car park opposite; new footpaths, dropped kerbs and tactile paving would result in improved accessibility and connectivity for all users; electric charging points on-site to serve Waitrose's home delivery vans would reduce carbon emissions, home delivery service taking multiple deliveries on each journey would be likely to reduce the number of customer vehicles visiting the store during peak hours.

Following revisions to the scheme the Highway officer has no objection subject to a manoeuvring, parking and loading areas condition. In light of the above the proposals are considered to be acceptable in terms of highway safety and to accord with the relevant provisions of Local Plan policies COM7 and COM9.

## **16.0 Conclusion**

The potential "public" benefits of the proposal do not outweigh the harm that it would cause to the Conservation Area, particularly when it would be possible to reduce that harm to a potentially acceptable level by removing all proposed close boarded fencing and retaining more of the historic burgage wall.

## **17.0 Recommendation**

Refuse permission for the reason set out below:

Contrary to Policy ENV4 of the West Dorset Weymouth and Portland Local Plan 2015 and Section 16 (Paragraphs 199, 200 & 202) of the National Planning Policy Framework 2021 the proposed development would result in less than substantial harm to the character, appearance and significance of the Bridport Conservation Area that is not outweighed by any public benefit owing to the unnecessary and excessive use of close boarded fencing, which appears overly tall, basic/utilitarian in its finishing material and as a fortifying modern enclosure overall. It will result in the loss of existing historic walls that mark the boundaries of burgage plots identified in the Conservation Area Appraisal for Bridport as historically significant. The proposed development would detract from the local character, neither preserving or enhancing the Bridport Conservation Area and for the reasons above adversely impact on the public realm contrary to Policies ENV10 and ENV12 of the West

Dorset, Weymouth and Portland Local Plan (2015), the National Planning Policy Framework (2021) and Policies HT2 and D8 of the Bridport Neighbourhood Plan (2020).