

<b>Application Number:</b>	P/FUL/2022/03511
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/03511">Planning application: P/FUL/2022/03511 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>
<b>Site address:</b>	Station Yard Car Park, Station Road, West Bay, DT6 4EW
<b>Proposal:</b>	Erection of disabled changing room extension to existing public toilets
<b>Applicant name:</b>	Bridport Town Council
<b>Case Officer:</b>	Robert Parr
<b>Ward Member(s):</b>	Cllr Bolwell, Cllr Clayton and Cllr Williams

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

**2.0 Summary of recommendation:** Grant subject to conditions.

**3.0 Reason for the recommendation:**

- Improvement to Community Facility
- No harm to character and appearance and amenity
- No highway concerns identified
- No adverse impact on Chesil Beach and the Fleet European Protected Site
- There are no material considerations that would warrant refusal of this application

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The proposals are supported in principle as they would enhance a local community building.
Design	The proposed design is supported as the design is in harmony with the existing building and in keeping with the site and area.
Highway Safety	No highway concerns identified
Wildlife and Habitat	Within 5km of Chesil Beach and the Fleet European Protected Site. Proposals are not considered to have an adverse effect on the integrity of the designated site.
Amenity	No adverse impact on amenity.

## 5.0 Description of Site

The application site is an existing public toilet located on the eastern side of the West Bay Road Long Stay Car Park and adjoining the old railway line, which now forms part of the national cycle network. The site is within the Defined Development Boundary, is within the Dorset Area of Outstanding Natural Beauty, is not within a Conservation Area and is not a Listed Building. The site is within Flood Zones 2 & 3 which indicates a high probability of flooding and is within 5km of Chesil Beach and the Fleet European Protected Site.

The existing public toilets are split into two buildings laid out at approximately 100° to each other and the Women's Toilet block is broadly rectangular in planform, whereas the Men's/24hrs/Accessible Toilet block is a trapezium planform. The two buildings are linked by a canopy, which provides covered access to the toilets. The external walls of the existing building are natural stone and untreated timber cladding and have natural slate mono pitched roofs. On the north elevation of the building is an open sided area of cycle stands under a shallow pitched lean to zinc seamed roof. The toilets currently provide two cubicles for men with three urinals, five cubicles for women, a baby changing cubicle, 24-hour toilet and a separate area for disabled users. On the southwest elevation of the building is a partially covered bench seating area and a West Bay information panel.

## 6.0 Description of Development

The proposal is to erect an extension to the existing building that would provide wheelchair accessible WC & shower facilities.

The extension would be approximately 5.1m long and 3.6m deep with natural stone and timber clad walls and slate roof to match existing. On the roof of the proposed extension, six solar panels would be installed, that would face south and with the intention of generating sufficient energy to light the new WC & Shower facilities and power the internal hoist for accessibility. The extension would join into the existing roofs with a similar asymmetrical pitch between the ridge of the women's toilets to the canopy entrance.

The new facility is intended to provide a private space for people limited in their own mobility to use equipment they need, or to enable support from one or two carers, to use the equipment.

## 7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
1/W/05/001841	Erect public conveniences with covered porch.	Granted	09/12/2005

## 8.0 List of Constraints

Defined Development Boundary; Bridport  
Bridport Area Neighbourhood Plan, Adopted: 05/05/2020

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

Flood Zone 2 & 3

Areas Susceptible to Groundwater Flooding; Clearwater and Superficial Deposits Flooding;  $\geq 50\%$   $< 75\%$

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076): Distance: 236m

Site of Special Scientific Interest (SSSI) (400m buffer): Distance: 236m

## 9.0 Consultations

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

### Consultees

1. **Bridport Town Council** (The Applicant): Support. The enhanced facilities for people with disabilities, and the incorporation of solar panels, are welcomed
2. **Highway Authority**: The Highway Authority has NO OBJECTION to the proposal.
3. **Dorset Council Building Control**: No comment
4. **Dorset Council Assets & Property**:

Observations/comments for the above planning application:

- With the removal of the only window into the Dorset Councils ladies' toilets, the proposed design would result in the loss of natural light and ventilation.
- The proposed construction will encroach into the walkway, leading into the entrances of the Dorset Council Public Toilets. This will:
  - Naturally create a 'tunnel effect' into the toilets, causing the whole of this area to be hidden from public view. This may potentially lead to an increase in rough sleeping and anti-social behaviour. Due to the restrictive approach, this could potentially make female users of the facilities feel vulnerable due to the proximity of the gent's entrance and being hidden from view.
  - Make access into the Dorset Council accessible toilet awkward/difficult. Especially, if buggies, prams etc are parked directly under the covered area, and opposite the accessible toilet door. With these items 'parked up' and the accessible door open, it may block the path to the toilets

### Representations received

None

## 10.0 Relevant Policies

West Dorset Weymouth and Portland Local Plan 2015

10.1 So far as this application is concerned the following policies of the Local Plan are considered to be relevant:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM2 - New or improved local community buildings and structures

#### Neighbourhood Plans

10.2 Bridport Area Neighbourhood Plan 2020-2036 (made 05/05/2020)

- Policy CC3 - Energy generation to offset predicted carbon emissions
- Policy EE3 - Sustainable tourism
- Policy CF1 - Protection of existing community infrastructure
- Policy D7 - Creation of secure areas
- Policy D8 - Contributing to the local character
- Policy D9 - Environmental performance

#### Other Material Considerations

10.4 Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

#### National Planning Policy Framework (2021)

10.5 So far as this application is concerned the following sections and paragraphs are considered relevant;

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 8. 'Promoting healthy and safe communities', paragraph 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
  - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenge of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176).

## 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. It is considered that given the type and nature of the development proposed it would have no adverse impact on people with protected characteristics.

### **13.0 Financial benefits**

13.1 There would be no direct financial benefits as a result of this proposal.

### **14.0 Environmental Implications**

14.1 The addition of solar panels would provide a small contribution towards reducing carbon emissions.

### **15.0 Planning Assessment**

#### Principle of development

15.1 The proposed extension would be sited within the Defined Development Boundary of Bridport, where development proposals are generally supported. The proposals are supported by policy COM2 (i) which states that proposals for new, replacement or improved local community buildings or structures will be permitted providing the proposal is within or adjoining an existing settlement. In this instance not only would the proposals be for a new building extension to the existing public toilets, which is within an existing settlement, but the addition of accessible WC and shower facilities is considered an improvement that would benefit the community. Furthermore, Bridport Area Neighbourhood Plan Policy CF1 states that “*existing community buildings, infrastructure and ancillary facilities will be protected and enhanced*”.

#### Design

15.2 The existing building has a broadly ‘L’ shaped planform and the proposed extension can be characterised as an infill development resulting in a more rectangular planform. The external materials are considered in keeping with the site by virtue of the natural stone, timber cladding and slate roof to match the existing building. The extension would result in the loss off the existing windows into the Women’s toilets which provide natural light. However, the addition of solar panels to sustainably power artificial lights is considered an acceptable alternative.

15.3 The Assets & Property Team have made comments and observations on the proposal that can be described as resulting in a negative impact on users' safety and use of the facility and these are summarised below:

- Create a 'tunnel effect' into the toilets, potentially increasing rough sleeping and anti-social behaviour.
- Tunnel effect could potentially make female users of the facilities feel vulnerable.
- Make access into the accessible toilet awkward/difficult.
- Encouraging buggies, prams etc to park under the covered area, and opposite the accessible toilet door creating accessibility issue.

15.4 The design of the existing public toilets is such that there is already a degree of 'tunnel effect' created by the link roof between the ladies and gent's toilets, although it is acknowledged that the proposals would likely exacerbate this to some extent. However, the distance between the proposed extension and the adjacent toilet block would be approximately 4.3m at its widest part and 3.7m at its narrowest. As such the proposed new covered area is considered to provide ample room for the movement of people, the occasional and temporary storage of pram/buggies, access to the accessible toilet and would provide an openness that would feel sufficiently safe for users to enter/exit.

15.5 The proposed design is considered to be in harmony with and would not overpower the existing building. Given the buildings location within a large and open plot of land, the proposed extension is not considered to overpower the site or setting in general and would be in keeping with the character of the location. The proposed external materials have not been annotated on the plans provided and so a planning condition controlling finished materials would be considered necessary in this instance. As such the proposals are considered to be in accordance with Local Plan Policy ENV1, ENV10 and ENV12 and Bridport Neighbourhood Plan Policies D7, D8 and D9.

#### Highway Safety

15.6 The proposed development would not give rise to any highway concerns and as such would be considered acceptable.

#### Wildlife and Habitat

15.7 As the application site is within 5km of the Chesil Beach & the Fleet European protected site, the potential impacts on the protected site have been considered. Having considered the proposals it has been concluded that as this would be a re-configuration of existing WC facilities to provide accessible provision, then there will be no adverse effect on the integrity of the designated site. As such the proposals are considered in accordance with Local Plan Policy ENV2.

#### Flood Risk

15.8 The application is considered a minor development and as such the NPPF 2021 sets out that it should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments if the development is in Flood Zones 2 and 3. The application site is within Flood Zone 2 and 3 indicating the location has a high probability of flooding and as such the NPPF 2021 requires

applications to be supported by a site-specific Flood Risk Assessment, which the applicant has provided.

The Environment Agency was consulted on the application, but no response was received. As the building is an existing public toilet and not a habitable space the risk to the public is considered to be low. Furthermore, access and egress to the building is not considered to be significantly altered by the proposals and as such safe access and escape routes are considered to be retained by the proposals.

Therefore, having assessed the proposals they are considered to be acceptable in regard to flood risk and in accordance with the NPPF 2021 and Local Plan Policy ENV5.

#### Environmental Performance

15.9 The proposals include the provision of solar panels that would provide electricity to the public toilets and result in reducing the greenhouse gas emissions required to operate the facility. As such the proposals are expected to achieve high standards of environmental performance and be in accordance with Local Plan Policy ENV13 and Bridport Area Neighbourhood Plan Policy CC3 & D9.

#### Amenity

15.10 By virtue of the proposals being located well away from adjacent dwellings, being a single storey extension and devoid of windows, it is not considered the application represents development that would have an adverse impact on amenity. As such the proposals are considered acceptable when assessed against Local Plan Policy ENV16.

### **16.0 Conclusion**

16.1 The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the Bridport Neighbourhood Plan 2020-2036, the policies of the NPPF (2021) and other material considerations. It has been concluded that the development would be an improvement to community facilities and would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

### **17.0 Recommendation**

GRANT subject to conditions.

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

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



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

Location Plan – Dwg No. TQRQM22151143736782 / 2215

Block Plan – Dwg No. TQRQM22162163702643 / 2215

Ground Floor Plan – Dwg No.2130-05

South and West Elevations – Dwg No.2130-06

East Section and Elevation – Dwg No.2130-07

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

3. The external materials to be used for the wall(s) and roof(s) shall be similar in colour and texture to the existing building(s).

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

#### Informative

Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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