

Application Number:	P/FUL/2022/04609		
Webpage:	Planning application: P/FUL/2022/04609 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Wareham Riverboats, Abbots Quay, Wareham, BH20 4LW		
Proposal:	Replace storage kiosk. Retention and relocation of Bamford's Water Pump. Demolition of stone and concrete plinth.		
Applicant name:	Mr Matthew Jones		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	28 October 2022	Officer site visit date:	Not visited – familiar with site.
Decision due date:	17 November 2022	Ext(s) of time:	10/02/23

1.0 This application is reported to the Planning Committee as the site is located on Council owned land.

2.0 Summary of recommendation:

REFUSE for the following reason:

- The proposal has a harmful impact on the character, appearance and setting of Wareham Conservation Area.

3.0 Reason for the recommendation:

The proposal is considered to be contrary to the Local Development Plan because it will result in harm to the character, appearance and setting of the Wareham Conservation Area by virtue of its size, massing and visual intrusiveness. The less than substantial harm that would be caused is not considered to be outweighed by the limited degree of public benefit associated with the proposal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable within settlement boundary.
Scale, design, impact on character and appearance of the area including Wareham Conservation Area	Less than substantial harm to the character and appearance of the area and Wareham Conservation Area which is not outweighed by the limited degree of public benefit associated with the seasonal leisure use of the proposed permanent kiosk.

Impact on neighbouring amenity	Acceptable.
Economic benefits	Acceptable.
Flood Risk	Acceptable.

5.0 Description of Site

- 5.1 The application site consists of a 55sqm area of land at Abbots Quay, Wareham. It extends along the quayside on the western side of South Bridge and includes an area of seating, part of the slipway, a historic pump, and the existing temporary kiosk.
- 5.2 Directly to the south of the site is the River Frome with water meadows extending into the AONB landscape beyond. To the west is the Grade II Listed 'Old Grain Store' which is understood to be in residential use. To the north are the Grade II Listed 1 and 2 Abbots Quay (residential) and the Grade II Listed Garden Wall. To the east is Wareham Quay which includes several Listed Buildings (mixture of residential and commercial) facing onto the quayside car park and the river. The site and surrounding areas are within Wareham Conservation Area and together form a unique localised character and townscape.
- 5.3 In terms of other constraints, the site is located within Flood Zones 2 and 3 and at risk of surface water flooding at the 1 in 100-year period; it is also within the River Frome and Wareham Meadows SSSI 400m buffer areas, the Poole Harbour Nutrient Catchment Area and adjacent to the Dorset AONB.

6.0 Description of Development

- 6.1 The application proposes to replace an existing temporary storage kiosk with a larger permanent kiosk. To allow sufficient space for the proposed kiosk, an existing Bamford's Water Pump which is set on a stone and concrete plinth would be relocated and set on a new stone plinth.

7.0 Relevant Planning History

- 7.1 There is an extensive planning history in excess of 35 years for the temporary stationing of huts for the boat hire service operating from the quay side:

Planning Application	Proposal	Decision
6/1980/0522	Station hut for boat hire service (renewal).	Granted
6/1981/0519	Re-site boat hire kiosk.	Refused
6/1981/0796	Station hut in connection with boat hire (renewal).	Granted
6/1982/0597	Station hut in connection with boat hire (renewal).	Granted

6/1983/0587	Station hut in connection with boat hire (renewal).	Granted
6/1984/0619	Station hut in connection with boat hire (renewal).	Granted
6/1986/0520	Station hut in connection with boat hire (renewal).	Granted
6/1987/0573	Station hut in connection with boat hire (renewal).	Granted
6/1990/0585	Station hut in connection with boat hire (renewal).	Granted
6/1994/0028	Station hut in connection with boat hire (renewal).	Granted
6/1995/0053	Station hut in connection with boat hire (renewal).	Granted
6/1997/0114	Station hut in connection with boat hire (renewal).	Granted
6/1998/0186	Erect permanent boat hire kiosk to replace existing wooden hut.	Refused (details below)
6/1999/0140	Station hut in connection with boat hire (renewal).	Granted
6/2001/0162	Station hut in connection with boat hire (Renewal).	Granted
6/2003/0202	Station hut in connection with boat hire (Renewal).	Granted
6/2006/0352	Station hut in connection with boat hire (Renewal).	Granted
6/2009/0287	Continue stationing of hut in connection with boat hire.	Granted
6/2012/0769	Retention of existing hut used in connection with boat hire.	Granted

6/2017/0708	Retention of existing hut used in connection with boat hire.	Granted
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7.2 The most recent temporary consent was granted in 2018 (6/2017/0708) for the retention of the existing hut until 31/01/23. The Planning Committee Report for this application noted that the design of the hut and lack of contribution to the Wareham Conservation Area resulted in less than substantial harm to the heritage asset. However, the Conservation Officer considered that the contribution that the business makes to the vitality of the Quayside during the summer months, making a strongly positive contribution to the character of the Conservation Area, resulted in a public benefit which outweighed the level of harm caused, particularly given the stationing of the hut at the site for a considerable period of time. In addition to the temporary time consent, conditions were included on the decision restricting the use to the benefit of Wareham Boat Hire only and requiring removal of the temporary hut if the business were to cease trading.

7.3 There has also been one application submitted for the erection of a permanent boat hire kiosk in 1998 (6/1998/0186). This was refused for the following reason:

The site is located adjacent to the River Frome, it adjoins a Grade II Listed Building and is within the Wareham and Stoborough Conservation Area. It is considered that the proposed development would by virtue of its scale and design harm the informal recreational nature of the site and would not preserve or enhance the character of the Conservation Area. As such the proposal is contrary to Policies G1, H2 and C2 of the North East Purbeck Local Plan.

8.0 List of Constraints

- Adjacent to Grade: II Listed Building: WAREHOUSE BESIDE RIVER FROME List Entry: 1120025.0
- Near to Grade: II Listed Building: GARDEN WALL TO SOUTH OF NOS 1 AND 2 List Entry: 1120024.0 - Distance: 4.07
- Near to Grade: II Listed Building: 1 AND 2, ABBOTS QUAY List Entry: 1120023.0 - Distance: 19.56
- Near to Grade: II Listed Building: BRIDGE HOUSE (37 South Street) List Entry: 1323599.0; - Distance: 24.43
- Application is within Wareham Conservation Area

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

- Within Wareham Settlement Boundary
- Within Neighbourhood Area; Name: Wareham; Status Designated 10/09/2015
- Relevant Neighbourhood Plan - Made; Name: Wareham NP; Status 'Made' 08/11/2021

- Article 4 Direction, Record Key = 15.0
- Nutrient Catchment Areas
- SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar)
- Dorset Council Land (Freehold): Land at Abbots Quay, Wareham - Reference 90043
- Dorset Council Land (Leasehold): Lease of land for bridge widening at South Bridge, Wareham - Reference 06383
- Close to Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 17.01 (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)
- Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 92.11
- Site of Special Scientific Interest (SSSI) (400m buffer): Wareham Meadows; - Distance: 46.27
- Site of Special Scientific Interest (SSSI) (400m buffer): River Frome; - Distance: 0
- Scheduled Monument: Part of the defences of the Anglo-Saxon fortified centre of Wareham and part of the motte and bailey castle with shell keep (List Entry: 1003574); - Distance: 69.46
- Main River Consultation Zone - Distance: 1.5
- Flood Zones 2 & 3
- Risk of Surface Water Flooding Extent 1 in 100
- Risk of Surface Water Flooding Extent 1 in 1000
- Areas Susceptible to Groundwater Flooding; Clearwater; < 25%
- Poole Harbour Catchment Area
- Historic Flood Map

9.0 Consultations

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

Consultees

1. **Natural England**

- No comments received.

2. **Environment Agency** (received 12 October 2022)

- No objection. Advice provided on finished floor levels and tidal flood risk levels at site.

3. Wareham Town Council (received 27 October 2022)

- Application indicates by red outline that whole area of public slipway is in the ownership of the applicant. This is incorrect.
- Request that application declined, and LPA investigate ownership of land above the highwater mark and the public slipway. Public access must remain in place and would be lost if application approved.

4. Wareham Ward Councillors

- No comments received

5. Conservation Officer (received 9 November 2022)

- Impact of prominence on townscape setting and designated structures and buildings within the Conservation Area.
- Proposed design, significant increase in mass, dominant design, greater permanency than the existing 'temporary' structure.
- Proposed relocation of water pump in combination with the new structure lessens the original siting and visibility of the pump which is identified as a historic and 'locally important feature'.
- Would result in less than substantial harm to the significance of the localised townscape setting of the Conservation Area with a limited degree of public benefit which can be realised on a basis of seasonal, leisure terms but which is not clearly and convincingly justified.

6. Flood risk / drainage engineer (verbal comments)

- Less vulnerable use. Already operating and seasonal. Best practice to include flood resilience measures as recommended in the Environment Agency response to protect the building in the longer term.

Representations received

- The application was advertised by means of a site notice and press advert. No other representations were received.

10.0 Relevant Policies

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

Development Plan

Adopted Purbeck Local Plan 2012:

The following policies are considered to be relevant to this proposal:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy FR: Flood Risk

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy TA: Tourist Accommodation and Attractions

Neighbourhood Plan

Wareham Town Neighbourhood Plan 2019-2034 (made November 2021)

Material Considerations

National Planning Policy Framework (NPPF)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

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 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

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

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 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).

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

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

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further

Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

Policy E2: Historic environment

Policy E4: Assessing flood risk

Policy E12: Design

Policy EE4: Supporting vibrant and attractive tourism

Supplementary Planning Document/Guidance

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Wareham Conservation Area Appraisal

Purbeck Strategic Flood Risk Assessment 2018

Wareham townscape character appraisal supplementary planning document adopted August 2012.

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

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

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

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.

12.2 Following discussion with the Case Officer, the application plans have been amended to re-site the historic pump from the original position to the south-west of the proposed kiosk to a more accessible location on the quayside and adjacent to existing seating to minimise any disadvantage associated with accessibility. The proposed kiosk is not considered to result in any significant disadvantage to persons of protected characteristics.

13.0 Financial benefits

What	Amount / Value
Material Considerations	
Continued use of commercial premises	Local employment opportunities – 5 full time equivalent employees
Non-material Considerations	
Business Rates 2022/23	£464

14.0 Environmental Implications

14.1 There will be some carbon emissions associated with its construction, but the replacement kiosk will result in no significant additional environmental implications.

15.0 Planning Assessment

15.1 The main planning considerations have been identified as:

- The principle of the development
- Scale, design and impact on the character and appearance of the area including Wareham Conservation Area
- Impact on neighbouring amenity
- Economic benefit
- Flood Risk

These and other considerations are set out below.

Principle of development

15.2 The site is located within the Wareham Town settlement boundary and the principle of the proposed development is acceptable in this sustainable location as set out in policies SD and LD of the Purbeck Local Plan 2012 (PLP). This is subject to the consideration of all other material planning issues as set out in further detail in the sections below.

Scale, design and impact on the character and appearance of the area including Wareham Conservation Area

15.3 The application site is in a visually prominent location in terms of the townscape character associated with Wareham Quay, Wareham Conservation Area, and wider AONB landscape views to the south. The Wareham Conservation Area Appraisal identifies the pump as a feature of interest on the quayside and notes that the opening of the road structure on both sides of Wareham Quay creates a key public space which reflects historic activity at this location.

15.4 NPPF paragraph 206 advises that:

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.

15.5 The proposed kiosk would be located in the same position as the existing temporary hut but would form a permanent proposal to meet the long-term business aspirations of the applicant associated with a new 25-year licence for the operation of a boat hire facility. The new kiosk would be larger in scale to provide a covered area for staff, handwashing facilities (in light of covid), storage space and secure office and desk space. The timber framed building would replace the smaller existing temporary metal storage container:

All measurements approx. (external)	Existing	Proposed (Including veranda)	Difference
Floor area	8m ²	24m ²	+16m ²
Width	3m	6m	+3m
Depth	2.6m	4m	+1.4m
Height	2.3m	2.2m eaves 3m ridge	+0.7m

The structure would consist of secure rooms including office space, an equipment store, engine store, and a covered veranda area to the front. The simple timber clad structure would be located away from the side elevation of the adjacent Grade II Listed Old Granary Store, with a shallow hipped roof extending over the building and open sided veranda.

15.6 To facilitate the siting of the larger structure on the quayside, it is also proposed to relocate the existing historically significant 'Bamford's Pump' and stone plinth from a central location on the quayside to the southwest corner of the new building. The increase in mass of the proposed building and re-siting of the pump are key considerations in the determination of the application. Consultation has been undertaken with the Council's Design and Conservation Officer on the proposal.

- 15.7 It is noted that Wareham Riverboats is situated within the highly prominent, historic riverside setting of Wareham's Town Quay and is visible from both the main north approach, toward Wareham Town, and the south approach to South Causeway Bridge. Furthermore, the site is visible from the Town Quay, Abbot's Quay, surrounding river paths and the private, boat access only, land of AONB designation opposite. From each area, the site exhibits a varying degree of prominence that affects the townscape setting and therefore, the interpretation and presentation of encompassing designated structures and buildings within the Conservation Area.
- 15.8 From the north approach, the site can be seen abutting neighbouring property The Old Grain Store (GII). It is also prominent within the immediate foreground of a listed garden wall (GII) that serves as a boundary structure for the listed properties 1 and 2, Abbots Quay (GII); Holy Trinity Gallery (GI Church); the main historic high street; a collection of listed buildings (GII) that form the immediate Town Quay; and the Parish Church of Lady St Mary (GI church). On this basis, officers consider that collectively, the north approach forms a consistent architectural sequence that, from a visual perspective, is significant in presenting the unique, localised character, and associated spatial relationship, of the townscape setting within the Conservation Area.
- 15.9 The proposed increase in mass and height, when compared to the existing kiosk structure, is significant and would appear more dominant and overbearing within the open quay side location. Although approximately 1/3 of the structure would form an open sided veranda, allowing a degree of visual permeability, the overall size, design and permanence of the building is considered by officers to form an incongruous addition to the natural river front location, publicly accessible quay side and the Conservation Area and townscape setting. Whilst it is noted that the height of the kiosk would remain subservient to the adjacent listed building, the enlarged footprint and built mass is not considered to positively integrate the building with its surroundings or conserve or enhance the appearance, setting, character and interest of the historic environment setting.
- 15.10 Details of materials are included on the elevation plans and include walls of oak post frame, and natural oak external cladding, a zinc standing seam roof and metal rainwater goods, double glazed oak framed windows and horizontal oak clad doors. No objection has been raised to the proposed materials although it is considered that full details (samples) would be required for future approval by way of a condition on any approval.
- 15.11 Part of the proposal includes the refurbishment and relocation of the historic Bamford Pump on a new stone plinth. The pump currently occupies a central, visually prominent, and accessible location on the quayside. Originally relocation to the south-west corner of the kiosk was proposed but this would have reduced the visibility and accessibility of the historic and 'locally important feature' within the quayside setting. During the application the siting was amended to a more accessible location on the quayside adjacent to existing benches and in a more visually prominent location within the historic quayside and Conservation Area setting. This is now considered to be acceptable.
- 15.12 However, for the reasons set out above, it is considered that the proposed kiosk development would result in less than substantial harm to the significance of the localised townscape setting of Wareham Conservation Area. In accordance with paragraph 202 of the NPPF, where proposals result in less than substantial harm to

the significance of a designated heritage asset, decision-makers are required to weigh this harm against the public benefits of the proposal including (where appropriate) securing optimum viable use. However, this weighing-up must take into account the need to give 'great weight' to the conservation of designated heritage assets and recognise that any harm to the significance of a designated heritage asset requires 'clear and convincing justification' (paragraphs 199 & 200, NPPF).

15.13 It is acknowledged that in determining previous applications for the siting of temporary huts at the site, former officer assessments have taken into consideration the contribution that the business makes to the vitality of the Quayside during the summer months and the strong positive contribution this makes to the character of the Conservation Area. However, in applying the 'public benefits' test to the current application, Officers consider that the limited degree of public benefit associated with the seasonal leisure use of the proposed kiosk would not be outweighed by the unjustified visual and spatial harm that the permanent and significantly larger kiosk would cause to the significance of the townscape setting of the Conservation Area. As such, the proposal is considered to be contrary to policies D and LHH of the PLP1.

Impact on neighbouring amenity

- 15.14 As noted with former temporary applications, the proposed kiosk would be stationed next to a residential property and the business associated with the use inevitably generates footfall and some associated disturbance within proximity of the residential use. However, this has been the situation for a significant period, and officers consider that the permanent kiosk would have no additional harmful impact on the neighbouring amenity above than that currently experienced.
- 15.15 The siting of the kiosk directly to the side of the dwelling would not result in any harmful impacts on neighbouring amenity in terms of loss of outlook, light, overbearing development or privacy. Impacts on the living conditions of the occupants of neighbouring properties are therefore considered to be acceptable in accordance with Policy D of the PLP.

Economic benefit

- 15.16 The business that runs from the hut contributes to the vitality of Wareham Quay, particularly during the summer months, and provides local employment. It plays a role in encouraging people to visit the quayside creating a wider economic benefit for the town in general. The stationing of a permanent kiosk at the site is therefore considered to ensure the future economic benefit of the business and its contribution towards the wider economic and tourism related benefits for Wareham in accordance with policies E and TA of the PLP.

Flood Risk

- 15.17 The riverside application site is located within Environment Agency Flood Zones 2 & 3. A Flood Risk Assessment (FRA) has been submitted in support of the application which identifies that the highest recorded river level for Wareham Quay is 1.44 AOD. The FRA advises that the new building Finished Floor Levels (FFLs) are set at 150mm above existing ground level, ensuring any design exceedance flows are directed away from any buildings. It also recommends that flood resistant and flood resilient construction is considered as a means to protect the building fabric and enable quick restoration with minimal disruption and that electrical installations are recommended at a minimum level of 1.80m AOD (2+ metres above the existing

adjacent riverbed level [taking the worst-case scenario]), but as high as possible. The FRA also notes that the proposed use of the kiosk as storage is 'less vulnerable' under NPPF classifications and that the use in Flood Zone 3A is acceptable in accordance with the Flood Risk Vulnerability Classification table. Any workers or visitors to the site would have ample warning to vacate the site in case of emergency and any flooding

- 15.18 The Environment Agency (EA) have been consulted on the proposal and have raised no objection but have advised that the submitted FRA does not assess tidal flood risk levels at the site, which is the dominant flood risk for the location. In their comments, the EA notes that the present day 1 in 200-year tidal flood level is 1.95m AOD, rising to 2.65m AOD over the next 75 years with the impact of climate change. The existing site level appears to be between 1.0m AOD and 1.2m AOD approximately, so the site will become inundated in much lower order events. The EA therefore recommends that the finished floor level of the replacement building is elevated as high as possible, with electrical circuits and other vulnerable elements also elevated within the building as high as possible, taking into account the above flood level information. They also advise that an Emergency Flood Management Plan is secured - this can be dealt with by way of condition on any positive decision.
- 15.19 The EA response has been discussed with the Council's Flood and drainage Engineer who has advised that the building and proposed use are 'less vulnerable' uses within the area of flood risk and there is therefore no objection to the proposal. However, the Engineer notes that it would be best practice for the building design to include flood resilience measure for longer-term protection. Given that the officer recommendation is one of refusal on grounds of the scale, mass, height and impact on the character and appearance of the area including Wareham Conservation Area, no further alterations to the finished floor level have been requested by the Case Officer. It is considered that the floor levels and lack of flood resilience would not form a reasonable reason for refusal of the proposal due to the 'less vulnerable' use of the site. Nevertheless, it is considered that the applicant should address the EA advice in respect of any future planning application to be submitted for the site. Officers also consider that any future application address the inclusion of more flood resilient materials, particularly within the lower levels of the building.
- 15.20 On this basis, the proposal is considered to accord with Policy FR: Flood Risk of the PLP.

Other considerations

- 15.21 In their consultation response, Wareham Town Council notes that the red line of the application site includes the whole area of the public slipway suggesting that this is entirely within the ownership of the applicant which the Town Council considers to be incorrect. For clarification, the red line denotes the extent of the planning application site, and the submitted planning application form certifies that the applicant served (22/07/22) the required notice on the site owner – Dorset Council – prior to the submission of the application. The application is reported to the Planning Committee for determination to the application site being Dorset Council owned.

16.0 Conclusion

- 16.1 For the above reasons, the proposal is not considered to accord with the development plan and the NPPF. It is not considered to form sustainable development for the

purposes of NPPF paragraph 11 and refusal is recommended for the reasons set out below.

17.0 Recommendation

Refuse permission for the reasons set out below :

1. The proposed kiosk by reason of its mass, height and footprint would appear visually dominating and overbearing within the open quay side setting and would result in an intrusive and incongruous addition within the historic riverside setting. The permanent structure would not positively integrate with its surroundings nor conserve and enhance the setting, character and appearance of the Wareham Conservation Area and the significant grouping of listed buildings and structures forming the Town Quay. Whilst the level of harm caused to Wareham Conservation Area is considered to be less than substantial, and the degree of public benefit associated with the business and its contribution towards the vitality of the quayside is acknowledged, the limited public benefit is not considered to be outweighed by the unjustified visual and spatial harm that the permanent kiosk would cause to the significance of the townscape setting of the Conservation Area. As such the proposal is contrary to the statutory objective set out in Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended; paragraphs 126 and 130 of the NPPF and the objectives of Section 16 of the National Planning Policy Framework 'Conserving and enhancing the historic environment', especially paragraphs 197, 199, 200 & 202; the Purbeck Local Plan 2012, Policies LHH - 'Landscape, historic environment and heritage' which requires development proposals to conserve the appearance, setting, character, interest and integrity of heritage assets and Policy D: Design which required development to positively integrate with its surroundings; and, the Purbeck District Design Guide Supplementary Planning Document adopted January 2014 paragraphs 20 and 21.
2. The plans that were considered by the Council in making this decision are:
 - 22127.01 A Site, location and block plan
 - 22127.05 A Demolition site plan
 - 22127.06 B Proposed site and floor plan
 - 22127.07 B Proposed elevations (1 of 2)
 - 22127.08 B Proposed elevations (2 of 2)

Informative Notes:

1. National Planning Policy Framework

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and –

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

In this case:

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.