

Application Number:	P/FUL/2022/06301
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=391269
Site address:	35 George Street, West Bay, Bridport, DT6 4EY
Proposal:	Retain change of use from shop to shop/off-licence/bar
Applicant name:	Mrs J Joel
Case Officer:	Charlotte Loveridge
Ward Member(s):	Cllr Bolwell; Cllr Clayton; Cllr Williams

1.0 The application relates to land that is in Dorset Council ownership and the application is therefore being reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

Grant planning permission subject to conditions.

3.0 Reason for the recommendation:

- The location is considered to be sustainable.
- There is no harm to the designated heritage assets and the setting of the Conservation Area is preserved.
- There is not considered to be any significant harm to neighbouring residential amenity or highway safety.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle support for the scheme is provided by policies SUS2, ECON3 & ECON4 of the West Dorset, Weymouth & Portland Local Plan (2015) which all seek to support small scale business uses in appropriate locations.
Scale, design, impact on character and appearance	Given that the application is for change of use only there is no resulting visual impact.
Impact on amenity	It is considered that the use of the building has an acceptable impact on neighbouring amenity in accordance with ENV16 West Dorset, Weymouth & Portland Local Plan (2015) and HT2 of the Bridport Area Neighbourhood Plan (2020).

Impact on landscape or heritage assets	<p>Given that the application is solely for a change of use the wider natural beauty of the AONB is protected in accordance with policy ENV1 West Dorset, Weymouth & Portland Local Plan (2015).</p> <p>The scheme results in no harm to the setting of designated heritage assets, and the Conservation Area is preserved or enhanced in accordance with policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015).</p>
Economic benefits	The small scale bar will overall bring benefit to the local economy in accordance with policies ECON3 & ECON4 of the West Dorset, Weymouth & Portland Local Plan (2015), and Policy EE2 (2c) of the Bridport Area Neighbourhood Plan (2020).
Access and Parking	No impact or change to the existing provisions, it will not alter vehicular routes or parking in the vicinity.
Other Matters	Located within Flood Zones 2 & 3, area at low risk of surface water flooding and ground water flooding. It also lies within the Chesil & The Fleet nutrient catchment area.

5.0 Description of Site

- 5.1 The building lies on the north-eastern side of George Street, approximately 30metres from the junction with the B3157. This part of George Street sits one street back from the centre of West Bay, the street runs north-west from the B3157 for approximately 153metres, and then continues round the corner in a south-westerly direction past the River Brit to the front of the George Hotel, the greens, public seating area, food huts and the harbour.
- 5.2 It is a grade II listed small, square stone built building, approximately 32m² with render to the ground floor section and a hipped slate roof. On the ground floor is a small bar (non-permanent fixture) with 4 tables and 14 chairs for customers, and upstairs is a shop area selling groceries. There is a ground floor “shop window” facing onto George Street with the old loading door above. The entrance door is on the north-western elevation. On the north-eastern side of the building is an attached lean-to/store with double wooden doors, which has had an awning attached. There is then a pair of garages with up-and-over garage doors, and a larger corrugated garage/store lean-to on the back of Unit 3 of the Old Timber Yard. Either side of the entrance door are a couple of free-standing wooden benches, and outside the lean-to, next to the garage block is a further wooden bench, small table and chairs. There is also a free-standing blue plastic portable chemical toilet unit.

- 5.3 The building sits on the entrance of a tarmacked area owned by Dorset Council which gives access to the garage units - there are a further two garages in the north-western corner of the site, adjacent to the private residential property 2 George Street and its garden/amenity space which is a grade II listed property. There is a Dorset Council sign on a pole adjacent to the corner of 2 George Street's wall which states "Private land No Parking". At the rear of the site is a stone wall beyond which lies the Hadden House Hotel complex which is a grade II listed property including its garden walls.
- 5.4 35 George Street lies within a level area, as is the surrounding area, and backs onto the higher, three-storey The Old Timberyard complex of buildings which contains a number of commercial units and showrooms some of which are single storey that front the B3157. Opposite the application site, on the south-western side of George Street lies the rear of Sladers Yard (a two storey gallery and café) which is a grade II listed building. To the north-west of that building is the rear of Harbour House, a modern built, three-storey residential care home. On the north-eastern side of the street between 2 George Street and the WI & Sea Cadet halls and the more industrial looking boat yard; there is a grade II listed terrace of 7 two-storey cottages known as "Swains Row" which are at right angles to the street. There is on-street parking on both sides of George Street with many "No Parking" signs outside various buildings. There are no pavements in George Street until the road goes around the corner to the south-west down towards the harbour, and there is a cut-through alleyway between 1 George St and Colmer Lodge which comes out on the green near the amusement arcade.
- 5.5 George Street comprises a mix of both commercial, business and residential buildings of varying scales ranging from single storey halls and flat roofed garage blocks to two storey residential and commercial buildings and a number of three-storey buildings (including the three-storey grade II listed warehouse that now houses HM Coastguard at the rear of the George Hotel). The built development becomes more open on the north-eastern side as it gets closer to the River Brit where views then open out more to the rising hills to the north-east and north-west.
- 5.6. The application site lies within the West Bay Conservation Area, is within the defined development boundary for West Bay, the Dorset AONB and within flood zones 2 and 3 and also falls within the Chesil & Fleet SSSI/SAC/RAMSAR recreation zone of influence.

6.0 Description of Development

Retain change of use from shop (Use Class E) to shop/off-licence/bar (Sui generis)

7.0 Relevant Planning History

1/W/91/000675 - Decision: WIT - Decision Date: 10/03/1992

Fit new door and window and erect sign, make internal alterations (LBC)

1/W/95/000373 - Decision: GRA - Decision Date: 23/08/1995

Erect non-illuminated shop sign (ADV)

1/W/00/000480 - Decision: GRA - Decision Date: 18/10/2000

Make internal and external alterations (LBC)

1/W/00/000481 - Decision: GRA - Decision Date: 18/10/2000

Replace window and door, convert loading door to window with planked shutters and erect signage hanging baskets and burglar alarm (FUL)

WD/D/16/001184 - Decision: INV - Decision Date:

Pre-Application Consultation - Change of Use to Food, previously Hairdressers, Store, Furniture Shop (*rec'vd 16/06/2016*)

WD/D/16/001664 - Decision: INV - Decision Date:

Sales of alcohol off the premises only (*off-site sales 10am-8pm premises licence consultation rec'vd 28/07/2016*)

WD/D/18/001354 - Decision: RES - Decision Date: 10/09/2018

Premises licence variation to change to on and off sales of alcohol (*Response issued that there is no planning history for the premises (retail shop) to be used as a pub/bar for sale of alcohol.*)

WD/ENF/19/00147 - Current enforcement investigation

Unauthorised change of use from A1 (Sales) to A4 (Drinking Establishment) (*Advice given that planning permission was required for the change of use*)

WD/D/19/003028 - Decision: INV - Decision Date:

Change of use from A1 retail to A4 micro pub (*FUL rec'vd 06/12/19, insufficient information submitted*)

WD/D/20/000439 - Decision: INV - Decision Date:

Installation of a bar (*LBC rec'vd 18/02/20*)

8.0 List of Constraints

Grade: II Listed Building: EMILY'S (35 George Street). HE Reference: 1279415 - Distance: 0

Grade: II Listed Building: 2, GEORGE STREET List Entry: 1228726.0; - Distance: 15.83

Grade: II Listed Building: WALL FROM NO 4 WEST BAY AS FAR WEST AS WAREHOUSE BELONGING TO MESSRS BURT BOULTON List Entry: 1228725.0; - Distance: 16.53

Grade: II Listed Building: MESSRS BURT BOULTON'S WAREHOUSE INCLUDING OUTHOUSES ON EAST SIDE OF YARD. HE Reference: 1228978 - Distance: 0

Grade: II Listed Building: SLADERS YARD List Entry: 1228728.0; - Distance: 13.42

Grade: II Listed Building: 6, WEST BAY ROAD (See details for further address information) List Entry: 1279417.0; - Distance: 24.53

West Bay Conservation Area

Within defined development boundary

Neighbourhood Plan - Made; Name: Bridport Area NP; Status 'Made' 05/05/2020;

Flood Zone 3

Flood Zone 2

Risk of Surface Water Flooding Extent 1 in 1000

Dorset Council Land (Freehold)

Area of Outstanding Natural Beauty (AONB)

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 218.31

Site of Special Scientific Interest (SSSI) (400m buffer): West Dorset Coast; - Distance: 218.31

9.0 Consultations

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

Consultees

1. **Highways** - No objection.
2. **Conservation Officer** – No conservation objections to the change of use. The proposal is considered to create no harm to the exterior of the listed building, the setting of neighbouring listed buildings or the character and appearance of the Conservation Area.
3. **Bridport Town Council** - Support
4. **Environmental Health** – Conditions are recommended.

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015):

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV4 - Heritage assets

- ENV5 - Flood risk
- ENV 16 - Amenity
- SUS2 - Distribution of development
- ECON1 - Provision of employment
- ECON3 - Protection of other employment sites
- ECON4 - Retail and town centre development
- COM7 - Creating a safe & efficient transport network

Neighbourhood Plans

Bridport Area Neighbourhood Plan 2020-2036 (made 5/5/2020)

POLICY EE2 Provision for New & Small Businesses

2. Support will be given for developments on sites that provide for:
c) *Enabling microbusinesses.*

POLICY HT2 Public Realm

Proposals that have a negative impact or “harm” the qualities of the public realm as identified in the Neighbourhood Characteristics of this plan will not be supported.

Neighbourhood Characteristics: West Bay, the bulk of which is within Bridport parish, is almost entirely a conservation area.

POLICY HT3 Shopfront Design

High quality shopfronts in the neighbourhood plan area should be maintained and enhanced.

Appendix A - Shop Front Design Guidance

Material Considerations:

National Planning Policy Framework (2021):

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 9 'Promoting Sustainable Transport' Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Para 112. Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- Section 11 'Making effective use of land'
- Section 14 'Meeting the challenges 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). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Statutory Duties

- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving any Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB.

Other Material Considerations

Emerging Local Plans:

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

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

The 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.

Supplementary Planning Document/Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment
Dorset AONB Management Plan 2019-2024

Supplementary Planning Documents/Guidance For West Dorset Area:
WDDC Design & Sustainable Development Planning Guidelines (2009)
Landscape Character Assessment February 2009 (West Dorset)
A Vision for West Bay – Regeneration Framework (2003)

Conservation Area Appraisal:

West Bay or Bridport Harbour Conservation Area Appraisal (October 2013)

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 The current toilet provisions do not provide for a safe and suitable access for all and would have a material adverse impact on individuals or identifiable groups with protected characteristics.

13.0 Financial benefits

General economy benefits from providing convenience for business patrons to sit and consume drinks.

14.0 Environmental Implications

The application is for a change of use of an existing building and It is not considered that the proposals would have any environmental implications.

15.0 Planning Assessment

15.1 Principle of development:

15.1.1 Principle support for the scheme is provided by policies SUS2, ECON3 & ECON4 of the West Dorset, Weymouth & Portland Local Plan (2015) which seeks to support appropriate development within defined development boundaries. However, this is also subject to other material considerations.

15.2 Planning history:

15.2.1 The planning history that is available for 35 George Street shows that it has been used as a kitchen studio (1991 application), an electronics company (1995 application) and A1 retail (2000 applications). Whilst there have been a number of various types of planning applications submitted either for consultations for a premises licence or for a change of use; many of the applications did not have sufficient information submitted to be able to validate them, and therefore they could not be determined.

15.2.2 An enforcement case was opened following the WD/D/18/001354 consultation application for a premises licence variation to change to on and off sales of alcohol, and there was no record found for a change of use to a bar. The subsequent application form submitted 06/12/2019 for WD/D/19/003028 for a change of use from A1 retail to A4 micro pub says that the use started 31 January 2019, it stated that the current use was a *“shop crafts gifts clothes micro bar with on/off licence small seating area inside and out”* (sic) and they were asking for the shop and bar use for up to 20 people with the hours of opening being 11am to 11pm seven days a week

including bank holidays. However, this application was never determined as there was insufficient information that came forward to validate it. This current application subject of this report gives the existing use as “*upstairs: grocery/off licence, downstairs: bar*”.

15.3 Scale, design, impact on character and appearance

15.3.1 The change of use relates solely to the existing building and therefore the change of use of the building has a minimal impact on the character and appearance of the area. There are no external alterations to the building. The wooden seating benches, small table and chairs and portable chemical toilet unit externally are temporary moveable structures (and are not fixed to the grade II listed building), however they do not form part of this application anyway as they are outside of the red line for the application site and therefore do not fall to be considered here.

15.4 Impact on amenity

15.4.1 The application form submitted for this retrospective use states that the change of use started 01/02/2021 and there are no records of any complaints submitted to the local planning authority regarding the use since that time. No third party objections, support or comments have been submitted for this application.

15.4.1 Given the small scale of the bar, the main impact on amenity is likely to arise from the use of the benches and chairs outside which could have the potential to give rise to additional noise from patrons. However, the outside seating area does not form part of this application.

15.4.2 The consultation response from Environmental Health has recommended conditions be attached to any consent granted which restricts the operation hours of the bar from 12:00 to 23:00 in order to protect the amenity of nearby residential dwellings (the application states the hours of opening as 11am to 11pm seven days a week including bank holidays). For the same reasons, they also recommend a condition that no live music is played at the premises, and no amplified music played that is audible at the external façade of any nearby residential dwellings.

15.4.3 In respect of the portaloo, it does not form part of this application, and the provision of sanitary facilities for the site falls to be considered under other legislation outside of the control of planning. Whether the portaloo satisfies that legislation or not is not a matter to be considered in the determination of this application as the portaloo is outside of the application site. The closest public toilets available are approximately 120 metres away in the West Bay Road car park to the east.

15.5 Impact on heritage assets:

15.5.1 The application site is situated in the north-eastern part of the historic core of West Bay. It is a grade II designated heritage asset, and it is located at varying distances from other grade II listed designated heritage assets which means that any alterations and changes to the building will be highly visual and seen in the context of the historic/traditional and characterful built form surrounding it.

15.5.2 There is currently no external shop signage affixed to the building, an A-board is used next to the street during opening hours to advertise the “Shop Around the Corner” with its offerings of the micro bar selling ales, lager, wine and cider and groceries of bread, eggs, milk, fruit, off licence, vast range of cider which can be takeaway. A sign that had previously been fixed to the north-western elevation was removed following advice from the enforcement officer. As there is no signage currently there is no harm to the exterior of the grade II listed building or the setting of neighbouring listed buildings which also preserves and enhances the setting of the West Bay Conservation Area. Any future signage proposed for the unit would require Listed Building Consent and would need to take into consideration the Bridport Area Neighbourhood Plan (2020) policy HT3 for Shopfront Design.

15.5.3 The Senior Conservation & Design Officer states that the change of use is considered to create no harm to the exterior of the listed building, the setting of neighbouring listed buildings or the character and appearance of the Conservation Area. The outdoor seating area adjacent to the building, and also the awning on the lean-to store and the portable chemical toilet unit were also considered by the Senior Conservation and Design Officer. *However it should be noted that none of these elements form part of this application and don't therefore fall to be considered in the determination of this application.*

15.6 Impact on landscape

15.6.1 As there is no change to the external appearance of the building, it will not create any harm to the setting of the Dorset Area of Outstanding Natural Beauty or the or Chesil & The Fleet SSSIs/SACs/SPAs.

15.7 Economic benefits

15.7.1 There will be general economy benefits from providing convenience for business patrons to sit on the premises and consume drinks rather than it just being for sales of alcohol for takeaway.

15.8 Impact on highway safety/public access:

15.8.1 The change of use would not have any impact on highway safety as there is little change from its previous use as an A1 retail use (now Class E). Customers access the site on foot. Highways raised no objections to the proposal.

15.9 Other matters

15.9.1 The site is located within flood zones 2 & 3 (but at a low/no risk from surface water flooding or groundwater flooding). Although the change of use from Class E retail to shop/off-licence/bar (sui generis) is considered to be a “more vulnerable” use, given the limited size of the building and that it has been used as a shop for a considerable time, it would not be proportionate to require a Flood Risk Assessment. There is nothing to indicate that it would exacerbate any flooding issues in the location, the applicant advises that the site is part of the West Bay main drainage system that has recently been upgraded. It is considered necessary to add a condition for a Flood Evacuation Plan to be submitted and approved.

15.9.2 The site does fall within the Chesil & Fleet SPA/SAC/RAMSAR recreation zone of influence. However, it is not considered that the proposals would increase recreational pressures on the Chesil & Fleet as the proposal is for a change of use of a commercial building and does not include any residential accommodation.

16.0 Conclusion

It is considered having regard to the fact that the application is for change of use only there will be no harm to the designated heritage assets and the setting of the Conservation Area will be preserved, as will the wider natural beauty of the Dorset AONB. The proposal will not create any significant harm to neighbouring residential amenity and highway safety in accordance with policies SUS2, ECON3, ECON4, ENV1, ENV4, ENV16 and COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) and policies EE2 & HT2 of the Bridport Area Neighbourhood Plan (2020), and section 16 of the NPPF (2021).

17.0 Recommendation

Grant planning permission subject to the following conditions:

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

Location Plan (received 17/10/2022)

Floor Plan (received 11/10/2022)

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

2. The premises shall not be used as a bar other than between the hours of 12:00 to 23:00.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

3. No live music shall be played at the premises. Any amplified music played at the premises shall not be audible at any external façade of any nearby residential dwellings.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

4. Within one month from the date of this notice, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Flood Evacuation Plan shall be adhered to.

Reason: In order to safeguard the building and its users from unnecessary flood risk.

Informatives:

National Planning Policy Framework Statement

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

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

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

In this case:

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

Advertisements & Signage

The applicant is advised that any proposed signage will need to be the subject of a Listed Building Consent application.

Internal & External Alterations

The applicant is advised that any proposed alterations to the interior or exterior fabric of the grade II listed building will need to be subject of a Listed Building Consent application.