

<b>Application Number:</b>	WD/D/16/002852
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE, ST MICHAELS ESTATE, BRIDPORT, DT6 3TP
<b>Proposal:</b>	<b>Application for Full Planning Permission</b>  Redevelopment, including part demolition of listed and unlisted structures and refurbishment of retained structures to provide: (a) 9 residential units (including refurbishment of one existing unit); and (b) a net decrease of 47 sq. m. of light industrial floorspace.(Revised scheme)
<b>Applicant name:</b>	Mr Hayward
<b>Case Officer:</b>	Matthew Pochin-Hawkes
<b>Ward Member(s):</b>	Cllr. Sarah Williams, Cllr. Kelvin Clayton and Cllr. Dave Bolwell

## 1.0 Reason for Planning Committee Consideration

1.1 This application is being re-reported to planning committee following suggested changes to planning conditions since Members resolved to approve the development subject to planning conditions and a Section 106 legal agreement at the 15 June 2023 Western and Southern Area Planning Committee.

## 2.0 Summary of Recommendation

**Recommendation A:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
- 2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions detailed at Section 7 of this report.

**Recommendation B:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning

permission for the reasons set out below if the S106 Legal Agreement is not completed by 12th June 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 1) In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.

### **3.0 Background**

3.1 At the 15 June 2023 Western and Southern Area Planning Committee Members resolved to grant planning permission subject to planning conditions and a Section 106 legal agreement in accordance with the officer's recommendation. The earlier Committee Report and Update Sheet is included at **Appendix 2**.

3.2 Following the 15 June 2023 planning committee a draft Section 106 Agreement was prepared and signed by the applicant. It was sent to the Council in March 2024 but was not completed due to publication of the Dorset Council Level 1 Strategic Flood Risk Assessment (2024). Given the document updates the understanding of flooding across Dorset, it has been necessary to undertake re-consultation with the Environment Agency and Lead Local Flood Authority to ensure that the proposed flood-related planning conditions remained appropriate and the development aligns with flood-related planning policies. This has been necessary given the location of the development within Flood Zones 2 and 3 in an area which is reliant on flood defences.

3.3 Since the 15 June 2023 Western and Southern Area Planning Committee, the former Department for Levelling Up, Housing and Communities has also published a revised version of the National Planning Policy Framework (NPPF). Associated 2022 Housing Delivery Test (HDT) figures and Planning Practice Guidance (PPG) has been published and the statutory duty for areas of outstanding natural beauty (AONB) set out within the Countryside and Rights of Way Act 2000 has been amended.

3.4 Given these constitute revised material planning considerations since it was resolved to grant planning permission it has been necessary for officers to consider the implications of them.

3.5 This report: identifies the revised material considerations, summarises the further consultation responses received, provides an officer opinion on the effect of the new material considerations, including revised planning conditions, and sets out a revised recommendation with updated planning conditions.

3.6 All matters set out in the 15 June 2023 Committee Report and Update Sheet relating to: the description of the site, proposed development, planning history, constraints, relevant policies, human rights, public sector equalities duty, benefits and environmental implications remain unchanged. The report and Update Sheet are provided at **Appendix 2** for ease of reference.

## 4.0 Consultations

4.1 This section summarises the further consultation responses that have been received since the 15 June 2023 Western and Southern Area Planning Committee. Consultation responses received prior to the committee are summarised in the previous Committee Report (**Appendix 2**). All consultee responses can be viewed in full on the website.

### Environment Agency

4.2 The Environment Agency initially raised initial objections to the development on the basis that the applicant had not sufficiently demonstrated that the development would be safe for its lifetime in light of updated flood modelling.

4.3 Following review of the Flood Risk Assessment Addendum (dated 28 October 2024) produced by the applicant's flood risk consultant, the Environment Agency confirmed it is satisfied that potential increases in fluvial flood risk, including allowing for the impacts of climate change, have been sufficiently tested in line with present day planning policy requirements. The Environment Agency therefore raises no objection subject to updated planning conditions and informatives.

### Lead Local Flood Authority

4.4 The Flood Risk Management Team (Lead Local Flood Authority) raises no objection subject to surface water management being secured within the associated outline application site. The LLFA has provided suggested amended planning condition wording in respect of surface water drainage. The revised wording clarifies that the final scheme shall not include the pumping of surface water.

4.5 As this application for full planning permission is reliant on the surface water management scheme to be provided within the outline element of the associated outline planning application (W/D/11/002012), the LLFA would raise an objection if the associated application for outline planning permission is not approved. To overcome this objection a site specific surface water management scheme would need to be produced.

### Representations Received

4.6 No further third-party representations have been received.

## 5.0 Planning assessment of new material planning considerations

### ***Flood Risk***

#### *Level 1 Strategic Flood Risk Assessment*

5.1 The Level 1 Strategic Flood Risk Assessment (SFRA) was published by Dorset Council in March 2024. It updates understanding of flood risk across Dorset, including in respect of the site, which lies within Flood Zones 2 and 3 and is affected by areas of medium flood risk (1 in 100/year).

5.2 Through updated modelling, the applicant has demonstrated to the satisfaction of the Environment Agency and Lead Local Flood Authority (LLFA) that the development would be safe for its lifetime taking account of climate change subject to amended planning conditions. With the recommended planning conditions imposed, the proposed development would be acceptable in respect of flood risk in accordance with Policy ENV5 and NPPF.

#### *Sequential test*

5.3 The National Planning Practice Guidance (PPG) confirms that the sequential test will not be required where a site has been allocated at the plan making stage and subject to the test at the plan making stage. This is provided the development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

5.4 The proposed development is consistent with the uses allocated within the Local Plan. However, the Council has since published the Level 1 SFRA (in March 2024), so consideration needs to be given to whether the sequential test needs to be re-applied.

5.5 Given the applicant has demonstrated that the updated flood modelling contained in the Level 1 SFRA does not materially affect the site, it is concluded that the assessment would not have affected the outcome of the sequential test undertaken at the plan-making stage. For this reason, the sequential test does not need to be re-applied for the site.

#### *Exceptions test*

5.6 The National Planning Practice Guidance (Para. 7-035-20220825) confirms that where a development proposal is in accordance with an allocation made in a plan following the application of the sequential and exception test, it should not be necessary to repeat aspects of the exceptions test unless the understanding of current or future flood risk has changed significantly.

5.7 In this case, it is considered that the understanding of flood risk has not changed significantly since the Level 1 SFRA was published. Accordingly, it is not necessary to re-apply the exceptions.

5.8 Overall, in respect of flood risk, the proposed development would be acceptable in accordance with Policy ENV5 and NPPF subject to planning conditions.

#### ***Revised NPPF, PPG and new HDT Figures***

5.9 Appendix 1 identifies where the revised NPPF, PPG and new HDT results affect the assessment and conclusions set out in previous Committee Report.

5.10 Overall, officers consider that the revised NPPF, PPG and new Housing Delivery Test results would not have materially affected the decision-making process nor the planning conditions which were previously recommended.

#### ***Changes in Affordable Housing Need***

5.11 It is relevant to note the increasing need for affordable housing since the time of the previous planning committee. Since the 15 June 2023 planning committee the number of active applications on the council's Housing Register which identify

Bridport as the preferred area of housing need has increased by almost 80% from 211 applications in June 2023 to 379 applications at the time of writing (26 November 2024).

5.12 Officers consider that the increased housing need would add further positive weight to the 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided by the associated and linked outline planning application.

5.13 Given the viability position reported in the June 2023 Committee Report, officers consider that it appropriate to rely on the conclusions of the previous viability review exercise and it is not necessary to re-assess the viability of the development now.

### ***Revised NPPF and amended statutory duty related to AONBs***

5.14 Amendments to Section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.

5.15 Appendix 1 identifies where the revised NPPF and the amended statutory duty related to AONBs affect the assessment and conclusions set out in previous Committee Report.

5.16 Officers are satisfied that the amended statutory duty is satisfied and the changes to the NPPF do not materially affect the assessment and conclusions of the earlier Committee Reports.

### ***Biodiversity Net Gain and ecology***

5.17 As the application was made before mandatory biodiversity net gain (BNG) came into force in February 2024, the development is exempt from BNG. A BNG exemption informative is proposed for completeness.

## **6.0 Summary of planning issues**

6.1 This report has considered new material considerations and consultations responses since Members resolved to grant planning permission in June 2023.

6.2 There are no material considerations which would warrant refusal of the application and the application is recommended for approval subject to revised planning conditions (updated to reflect the latest comments from the Environment Agency and the LLFA) and a Section 106 Agreement securing on site affordable housing provision and refurbishment of existing buildings.

## **7.0 Recommendation**

**Recommendation A:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
- 2) Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the following planning conditions:

Note: For ease of reference, the key recommended changes to planning conditions resolved at the 15 June 2023 Western and Southern Area Planning Committee are shown in **bold and underlined**.

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

Location Plan and Proposed Site Plan – 10064 PL201

Demolitions – Ground Floor Layout – 10064 PL202

Demolitions – First Floor Layout – 10064 PL203

Proposed Ground Floor Layout – 10064 PL204

Proposed First Floor Layout – 10064 PL205

Proposed Second Floor Layout – 10064 PL206

Proposed Roof Plan – 10064 PL207

Proposed North & East Elevations – 10064 PL210

Proposed South & West Elevations – 9613 PL211

Proposed North and South Section – 9613 PL212

Proposed Elevation Study – Part West Elevation – 9613 PL213

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

2. 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).

3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details, including colours, (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development.

REASON: In order to safeguard the character of the listed building.

4. The areas of the ground floor of the building proposed for commercial use (all those areas not providing access to the upper floor flats) shall only be used for purposes falling within Class B1 (Business) (and not other uses falling within Class E) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties.

5. Before installation of any plant or similar equipment to any unit, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report shall predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report must set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measures shall be fully implemented in accordance the agreed scheme prior to the plant or equipment being first brought into use and shall be permanently retained thereafter.

REASON: In order to protect the amenity of nearby residential properties.

6. Before Flats 1.1 and 1.4 as identified on drawing PL205 are first occupied the two lower rows of window panes on the north-facing windows serving the bedrooms shall be fitted with obscure glass to a minimum industry standard privacy level 3. Thereafter the obscure glass shall be maintained for the lifetime of the development.

REASON: To preserve the amenity and privacy of occupiers.

7. The development hereby permitted shall incorporate Secured by Design security measures for the doors serving the residential communal areas, each residential unit and each commercial unit to minimise the risk of crime and to

meet the security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to construction above damp course level and shall be implemented in accordance with the approved details prior to occupation and maintained for the lifetime of the development.

REASON: In the interests of security and reducing the risk of crime.

8. Prior to construction above damp coarse level details of external lighting along (1) the access/service route to the flats and rear of the commercial units and (2) the pedestrian route between St Michael's Lane and Unit 3 as shown on drawing PL204 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be implemented in accordance with the approved details prior to occupation and maintained in accordance with the approved details for the lifetime of the development.

REASON: In the interests of security and reducing the risk of crime.

9. The development hereby permitted shall not be commenced until such time as a scheme to incorporate the finished ground floor levels, flood resistance and resilience measures into the proposed Lilliput Building re-development in accordance with the Flood Risk Assessment (FRA), FRA Addendum (Such Salinger Peters 27th June 2017) **and Flood Risk Assessment Addendum (Such Salinger Peters, 28th October 2024)** has been submitted to, and approved in writing by, the Local Planning Authority. As detailed within the FRA and FRA Addendums, the ground floors of the proposed refurbished Lilliput Building shall be restricted to non-residential use only other than for communal access, bin and cycle storage areas. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the impact of flooding on the proposed development and future occupants

10. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels has been submitted to and approved in writing by the Local Planning Authority. The scheme must include clear assessment and evidence demonstrating no increase in overland flow flood risk to the site or surrounding area (pre and post development), and safe management of flows across site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing



arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the impact of flooding on the proposed development and surrounding areas.

11. No development shall take place on any phase of development until a detailed surface water management scheme for each phase of development has been submitted to and approved in writing by the Local Planning Authority. The detailed surface water management scheme is to be based upon **the hydrological and hydrogeological context of the development and include clarification of how surface water is to be managed during construction for each phase. The detailed surface water management scheme shall not include the pumping of surface water unless specifically approved in writing by the Local Planning Authority.** The surface water scheme for each phase of development shall be fully implemented in accordance with the submitted details before each phase of the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

12. For each phase of development, no development shall take place until details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

13. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

- 1) a 'desk study' report documenting the site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.

- 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
- 4) a detailed phasing scheme for the development and remedial works (including a time scale).
- 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

14. Prior to the first occupation or use of a relevant phase of development, a verification report demonstrating **the completion of works set out in the approved remediation strategy and the effectiveness of the remediation** for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. **The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.**

REASON: To ensure potential land contamination is addressed **and to protect controlled waters.**

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall then be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

16. The relevant works within the boundary of the application site (as shown on drawing PL201) including detailed biodiversity mitigation, compensation and

enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11 November 2022 must be implemented in accordance with any specified timetable and completed in full (including the submission of compliance measures to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To enhance biodiversity.

17. Prior to commencement of development an Energy Strategy setting out how the new residential and non-residential uses hereby permitted shall secure at least 10 of total unregulated energy from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented and permanently retained thereafter.

REASON: In the interest of addressing climate change and securing sustainable development.

18. The new non-residential space shall be registered with Building Research Establishment (BRE) and shall, achieve BREEAM Rating Excellent.

(A) Within six months of the completion of the new non-residential space, an Interim BREEAM (or subsequent scheme) Assessment, copy of the summary score sheets and related Interim Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority.

(B) Within six months from the date of first use of the new non-residential spaces commencing, a Post Construction Stage (or subsequent scheme) Assessment, copy of the summary score sheets and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures have been implemented.

Following any approval of a 'Post Construction Stage' assessment and certificate of the new non-residential spaces, the approved measures and technologies to achieve the BREEAM Rating shall be retained in working order for the lifetime of the development.

REASON: In the interest of addressing climate change and securing sustainable development.

19. The dwellings hereby permitted must not be occupied or utilised until the associated car parking spaces serving the dwellings have been provided and details of their location submitted to and approved in writing by the Local Planning Authority. Thereafter, the car parking spaces must be maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

Reason: To ensure the proper and appropriate development of the site.

20. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include the Travel Plan measures identified at Section 5.2 of the Transport Assessment Addendum (ref. L06221/TAA02 dated 13 April 2023) together with:

- a) Targets for sustainable travel arrangements.
- b) Effective measures for the on-going monitoring of the Travel Plan.
- c) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- d) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

## **Informatives**

### **1. 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 applicants/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.

2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

3. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [## ##] relating to affordable housing and implementation of an Employment Buildings Refurbishment Scheme.

#### 4. Surface water

The surface water drainage scheme required by conditions 11 and 12 must meet the following criteria:

Any outflow from the site must be limited to run-off rates identified in the FRA and discharged incrementally for all return periods up to and including the 1 in 100 year storm;

The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the 1 in 30 year flood event (as agreed in the FRA);

If there is any surcharge and flooding from the system, overland flood flow rates and "collection" areas on site (e.g. car parks, landscaping etc.) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

The adoption and maintenance of the drainage system must be addressed and clearly stated.

#### 5. Flood defence consent (recommended by the Environment Agency)

The applicant is reminded that in addition to planning permission, all works in, under, over or within 8 metres of a Main River channel such as the River Brit, or formal flood defence assets, will require prior Flood Defence Consent (FDC) from the Environment Agency. Such consent is required in accordance with the

Water Resources Act 1991 and Byelaws legislation, and relates to both permanent and temporary works. Further guidance in this respect is available from the Environment Agency's Development and Flood Risk Officer (Tel. 01258 483351).

6. Sustainable Construction (recommended by the Environment Agency)

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

7. Pollution prevention during construction (recommended by the Environment Agency)

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

8. Waste Management (recommended by the Environment Agency)

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website [www.environmentagency.gov.uk/subjects/waste/](http://www.environmentagency.gov.uk/subjects/waste/)

9. Site waste management plan (recommended by the Environment Agency)

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP

will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

#### 10. Biodiversity Plan

In addition to the suitable tree species identified at Section H of the approved Biodiversity Plan (certified by the Dorset Council Natural Environment Team on 11 November 2022) Alder (*Alnus glutinosa*) is also recommended by the Environment Agency.

#### **11. Informative – Surface Water**

**If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements**

#### **12. Informative – EA Permit**

**The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:**

- **on or within 8 metres of a main river (16 metres if tidal)**
- **on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)**
- **on or within 16 metres of a sea defence**
- **involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert**
- **in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission**

**For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk)**

**The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity**

**13. Informative: Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan. The application for planning permission was made before 12 February 2024.**

**Recommendation B:** Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 12 June 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 2) In the absence of a satisfactory completed legal agreement to secure affordable housing and an employment buildings refurbishment scheme, the development would be contrary to Policies HOUS1 and BRID5 of the West Dorset, Weymouth and Portland Local Plan (2015) and Policies H1, H2 and COB4 of the Bridport Neighbourhood Plan.



## Appendix 1 – Consideration of revised material considerations

Topic	Extract from Committee Report / Update Sheet	Officer Comments
<b>15 June 2023 Detailed Committee Report</b>		
<b>Principle of development</b>	<p>15.2.3 The NPPF establishes a presumption in favour of sustainable development and seeks opportunities to deliver net gains across each of the three objectives of sustainable development (Paras. 8 and 11). In promoting sustainable development, the NPPF supports the efficient use of land and requires making as much use as possible of previously developed land, specifically acknowledging the multiple benefits that can be delivered through mixed-use schemes (Paras. 119-120).</p> <p>15.4.2 The NPPF (Para. 47) is clear that significantly boosting the supply of housing is one of the Government’s key objectives. The NPPF (Para. 119-120) promotes the efficient use of land in meeting the need for homes and other uses and encourages the realisation of the multiple benefits of mixed use schemes. Pertinent to St Michael’s Trading Estate, the NPPF states that substantial weight should be given to the use of suitable brownfield land within settlements for homes and supports the <i>“development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example... building on or</i></p>	<p>N/A. No relevant updates to renumbered Paras. 123-124.</p> <p>Paras 47 and 123-124 (previously Paras. 119-120) remain unchanged.</p>

	<i>above service yards, car parks, lock-ups and railway infrastructure).</i> ”	
<b>Affordable Housing Provision</b>	15.6.3 Paragraph 58 of the NPPF states that <i>“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force...”</i> .	N/A. Para. 58 has not changed.
<b>Heritage</b>	<p>15.7.19 The proposal is considered to be acceptable in heritage terms and would cause no harm to designated or non-designated heritage assets. Accordingly, paragraphs 201 and 202 of the NPPF are not engaged. In respect of Para. 203, the effect of the application on the significance of non-designated heritage assets has been considered and a balancing judgement is not required due to the proposals not resulting in harm to their significance.</p> <p>15.7.20 The proposals accord with the NPPF, Local Plan Policy ENV4 and BANP Policy HT1. In accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard to the desirability of preserving the setting of listed buildings and</p>	N/A. No changes have been made to Section 16 of the NPPF.

	special attention to the desirability of preserving or enhancing the character of the Bridport Conservation Area have applied.	
<b>AONB</b>	<p>15.8.2 For the purposes of NPPF Para. 172, and for the avoidance of doubt, the proposal is not considered to be a major development for the purposes of NPPF Paragraph 172, and exceptional circumstances for development within the AONB are not required to be demonstrated. The AONB includes the entirety of Bridport and does not distinguish between the built-up town centre and surrounding countryside.</p> <p>15.8.3 The site is not considered to be a major development for the purposes of Para. 172 due to the limited scale of development, urban context of the site and the appropriate scale and massing of proposed building.</p>	<p>N/A. No relevant updates to renumbered Paras. 183.</p> <p>Amendments to section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “<b>seek to</b> further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.</p> <p>The Dorset AONB designation washes over Bridport and the application site. Due to this, the site plays a limited role in supporting the special qualities of the AONB and contributing to its natural beauty. The proposal would preserve and enhance the natural beauty of the AONB through development of the site with an appropriate layout and scale. This meets the revised statutory duty.</p>
<b>Design</b>	15.9.10 Overall, the design of the proposal works in harmony with the existing site, retained listed building and surrounding area and would form an attractive node on the northern boundary of the Estate helping to foster a strong sense of place and enhance local character. Subject to conditions, the design of the proposals continues to accord with Policies ENV11, ENV12 and ENV15 of the	<p>N/A The updates to Section 12 of the NPPF do not materially affect the conclusions of the Committee Report.</p> <p>Para. 140 notes LPAs should ensure relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the</p>

	Local Plan and accords with the relevant policies of the BANP.	approved use of materials where appropriate. The proposed plans provide this visual clarity and appropriate planning conditions are proposed in respect of external materials.
<b>Residential Amenity</b>	<p>15.10.1 Since the 2017 committee, the NPPF (2021) has been updated to include the 'agent of change' principle wherein existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In such instances, the NPPF (Para. 187) states that the applicant should be required to provide suitable mitigation before the development has been completed. The BANP requires that where commercial premises are part of an overall development scheme, the potential noise and disturbance should not affect neighbouring uses (Policy D4).</p> <p>15.10.8... A condition on plant equipment and requiring the new commercial space to be occupied as B1 space responds to the agent of change principle (NPPF Para. 187) and would simultaneously protect residential amenity and support local businesses, by reducing potential for complaints from residents.</p>	N/A no relevant updates have been made to Section 15 of the NPPF or the agent of change principle (now Para. 193).
<b>Flood Risk and Drainage</b>	15.11.2 ... Subject to these amended conditions, the proposed development is acceptable in flood risk and drainage terms in accordance with Local Plan Policy ENV5 and the NPPF.	N/A. No relevant updates have been made to Section 14 of the NPPF in respect of flood risk and drainage.

<b>Biodiversity</b>	15.14.2 The applicant has therefore produced a revised BMP which has been assessed in accordance with the Dorset Biodiversity Appraisal Protocol (DBAP). The BDAP is designed to meet the requirements of Natural England Protected Species Standing Advice and to address the mitigation hierarchy and provide biodiversity net gain as set out in the NPPF.	N/A. Section 15 of the NPPF has not been materially amended (other than in respect of agricultural land). The site is not required to deliver a 10% Biodiversity Net Gain.

**Appendix 2 – Officer Report to 15 June 2023 Western and Southern Area Planning Committee and Update Sheet (including historic committee reports)**