

Planning Committee
06 July 2017
1/D/11/002012

Application Number: 1/D/11/002012 Outline

Registration Date: 2 January, 2012

Application Site: SOUTH WEST QUADRANT, ST MICHAELS TRADING ESTATE, BRIDPORT

Proposal: Develop land by the erection of 83 dwellings (48 houses and 35 apartments), new and refurbished commercial floor space, associated car parking and new vehicular and pedestrian accesses following demolition of some commercial units. Make repairs to flood wall immediately west of "Tower Building". Appearance and landscaping reserved for further approval.

Applicant: Hayward & Co

Ward Members: Cllr D Rickard, Cllr F McKenzie, Cllr Mrs S Brown

Case Officer: Andrew Martin

Application Number: WD/D/16/002852 Full

Registration Date: 27 February, 2017

Application Site: LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE, ST MICHAELS ESTATE, BRIDPORT, DT6 3TP

Proposal: 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)

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Application Number: WD/D/16/002853 Listed Building Consent

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1. SUMMARY RECOMMENDATION

1/D/11/002012 Outline

- 1.1. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
 - b. a section 106 agreement; and
 - c. conditions:

WD/D/16/002852 Full

- 1.2. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
 - b. a section 106 agreement; and
 - c. conditions:

WD/D/16/002853 Listed Building Consent

- 1.3. Grant listed building consent subject to conditions.

2. PROPOSAL

- 2.1. This report deals with three separate, but related, applications for St Michael's Trading Estate in Bridport. Many of the material planning considerations are common to each application and the bulk of this report is structured to reflect that. Where issues are specific to one application then this is made clear. The report concludes with separate recommendations for each application. This section proceeds with a brief description of each application.

1/D/11/002012 Outline

History of this application

- 2.2. This outline application was registered on 02 January 2012, at which time it proposed the erection of 105 dwellings (66 houses, 4 maisonettes, & 35 flats), new commercial floor space and space for the relocation for 'the Trick Factory' – an indoor skatepark which at that time was operating on the first floor of the Stover Building. The application was considered by the Development Control Committee (as was) on 21 June 2012 and the resolution at that time was to approve, subject to; (1) submission and agreement of an acoustic report demonstrating that the relocated Trick Factory could operate without detriment to the residential amenity of existing or proposed properties; (2) a section 106 agreement to secure a range of infrastructure requirements, including affordable housing; and (3) various conditions. The case officer's report at that time can be viewed [here](#).
- 2.3. Issuing a formal permission was dependent upon concluding the proposed section 106 agreement, but before this could happen English Heritage (now Historic England) extended the original listing of 40 St Michael's Lane (dating from 1975) to include "*attached buildings to the rear and north-west*", referred to locally as the Lilliput Building. This had the immediate effect of increasing the extent of listed buildings within the application site, effectively invalidating Committee's earlier resolution. A planning permission must be based upon a resolution that has regard to the development plan and other material considerations as they apply on the day that the notice is issued, which would not have been the case in this instance. The extension to the listing of the Lilliput Building brought policies into play that Committee had (for obvious reasons) not weighed in the planning balance.

The amended proposal

Overview

- 2.4. The applicants have chosen to respond to this situation by amending their proposals. And in so doing they have chosen not only to consider the implications of the extended listing, but also to address the concerns underpinning the officer recommendation of refusal in 2012. This process has also involved a programme of stakeholder engagement, summarised in the

Statement of Community Consultation and Engagement submitted in support of the revisions.

- 2.5. The revised proposals deal with the Lilliput Building separately, via fresh applications for full planning permission and listed building consent, registered under references WD/D/16/002852 and WD/D/16/002853 respectively – and described below. Part of the extended listing to 40 St Michael's Lane remains within the area of the outline planning application, but there are no proposals to alter this at this stage.
- 2.6. The area covered by the original outline application has been reduced commensurately and the proposal has been changed in a number of other respects. It now seeks to fix access, layout and scale at this stage (reserving appearance and landscaping for subsequent approval), but the description of development has been amended to reduce the number of dwellings from 105 to 83 (48 houses and 35 apartments) and removes reference to making provision for the "Trick Factory". As well as fixing the number of dwellings the application also proposes the demolition of 3,309 sq. m. of existing commercial floorspace and the construction of 761 sq. m. of new employment floorspace for uses within Class B1(c) (Light industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This will lead to an overall decrease of 2,548 sq. m. of commercial space.
- 2.7. The proposed layout has been completely redesigned and the supporting illustrative material has been reworked to reflect the new approach. The following suite of new/amended technical documents has also been submitted:
 - Planning Statement
 - S.106 Agreement: Heads of Terms
 - Development Appraisal
 - Stover Building: Viability Statement
 - Development Appraisal: Stover Building New Build
 - Employment, Economic & Regeneration Impacts Statement
 - Archaeological and Cultural Heritage Assessment
 - Design & Access Statement
 - Historical Report on the Stover, Ocean and Corrugated Iron Buildings
 - Statement of Community Consultation and Engagement
 - Transport Assessment
 - Phase 1 Environmental Report
 - Biodiversity Mitigation Plan

- Biodiversity Mitigation Plan Certificate of Approval
- Ecology (Extended Phase I Survey)
- Arboricultural Appraisal
- Flood Risk Assessment

2.8. The application has been re-publicised as if it were new, first in March 2017 and then again in May 2017 following further amendments.

The amended proposal in more detail

- 2.9. The proposal involves the demolition of 11 separately identifiable buildings, or extensions to buildings. These are all clearly identified on drawing no. PL 002 – *Masterplan showing demolition*. The total floorspace lost in demolitions amounts to 3,309 sq. m. The majority of the buildings to be lost are currently in active use for a range of employment activities. Two of the buildings to be demolished are also identified as “*Buildings of Local Importance*” in the Bridport Conservation Area Appraisal (2013). These are *Stover*, marked as 11 on drawing no. PL 002, and the *Covered Walk* (sometimes referred as the *Tin Shed*), the northernmost of the two structures marked as 20 on drawing no. PL 002.
- 2.10. Proposed in replacement are 83 dwellings and 761 sq. m. of new employment space – specified to be Use Class B1. 48 houses are proposed in five terraces to the west of the site, marked as Rows A to E on the proposed Masterplan – drawing no. PL101 Revision D. The precise appearance of these buildings is to be reserved for further approval, but the footprint and scale (shown as two and two-and-a-half storeys on drawing no. PL112 Revision A, would be fixed if this application is approved.
- 2.11. The houses are effectively divided from the remainder of the site by *Lilliput Lane*, which represents the main site access and weaves its way between Coach Station Square and St Michael’s Lane. The 48 houses are accessed by spurs from *Lilliput Lane*, which extend westwards to connect with a further thoroughfare which runs along the east bank of the River Brit. This is intended to serve a number of functions: it will provide essential maintenance access for the Environment Agency; it will provide limited vehicular access to a number of residential parking spaces; and it will form part of a new riverside walk.
- 2.12. Four further new buildings are proposed. The largest is a new building to replace *Stover*. This is depicted on drawing no. PL 110 as comprising three-and-a –half storeys, with 404 sq. m. of commercial floorspace on the ground floor and 21 one- and two-bedroom flats on the three floors above.
- 2.13. A further new building is proposed fronting St Michaels Lane, marking the eastern edge to Cattlemarket Square. This building is entirely residential and

comprises 14 flats in a building shown as part two-storey, part two-and-a-half storey and part three-storey.

- 2.14. Finally, there are two further commercial buildings proposed, both annotated as “Cattlemarket small business units” on drawing no. PL101 Revision D. These contain a total of 327 sq. m. of Class B1 floorspace.
- 2.15. The retained historic buildings are to be refurbished in accordance with a scheme which is summarised in Appendix C *Regeneration of Commercial Estate* of the revised Design and Access Statement.

Conservation area consent

- 2.16. The outline planning application was submitted concurrently with an application for Conservation Area Consent (registered under reference 1/D/11/002013) which sought approval for the demolition of a number of unlisted buildings. However, The need for conservation area consent was withdrawn by The Enterprise and Regulatory Reform Act 2013. The total or substantial demolition of an unlisted building in a conservation area now only requires planning permission and so, in this case, the relevant issues will be considered as part of the revised outline application. Consequently, the original application for Conservation Area Consent has been withdrawn.

WD/D/16/002852 Full & WD/D/16/002853 Listed Building Consent

- 2.17. The revised proposals for the Lilliput Building (the rear of 40 St Michael’s Lane) are now contained within separate applications for planning permission and listed building consent.
- 2.18. The Lilliput Building is a part single storey and part two storey structure. The proposals involve the demolition of the north-west corner of the building; two-storeys of commercial floorspace comprising 315 sq. m on the ground floor and 57 sq. m. on the first floor. The proposals also involve taking down certain internal partitions throughout the building.
- 2.19. By way of redevelopment the submitted plans show replacement two and three storey floorspace in the north-west corner, which, combined with the retained floorspace forms the foundation of a scheme to bring the building back into use as Class B1 employment space on the ground floor (325 sq. m. of new floorspace and 640 sq. m. refurbished) with nine residential units above.
- 2.20. The employment proposals see an overall reduction of commercial floorspace of 47 sq. m. However, a significant proportion of the existing space (354 sq. m.) is currently unlettable. The submitted plans show the ground floor subdivided into six separate units, of a range of different sizes and configurations.
- 2.21. The residential element of the scheme spans two floors. There are seven flats on the first floor, including an existing unit which is to be refurbished. Four of the

new flats are contained within the new-build element of the scheme in the north-west corner; the remaining two are formed from the conversion of existing floorspace. Two flats are proposed on the second floor, completely within the new-build element of the scheme.

- 2.22. The history and significance of the Lilliput Building is examined in considerable detail in two reports submitted in support of this application: (1) Philip Brebner's "*Historic Building Survey for The 'Lilliput' Buildings*"; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. Both of these can be viewed in full online.

3. RELEVANT PLANNING HISTORY

App. No	Type	Proposal	Decision	Date
1/D/08/000574	OUT	Develop land by the erection of 175 dwellings, 1,814 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), a taxi office and a new bus station with associated office). Refurbish all remaining buildings and create new vehicular and pedestrian accesses	R	02 June 2009
1/D/08/000576	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33-38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	R	02 June 2009
1/D/09/001051	OUT	Develop land by the erection of 173 dwellings, 1,904 square metres of new commercial floor space (including use classes A1 (Shops), A3 (Restaurants and cafes), B1 (Business), and a new transport interchange with improved bus, coach and taxi facilities including 24 hour public conveniences). Refurbish all remaining buildings and create	R	26 August 2009

		new vehicular and pedestrian accesses		
1/D/09/001052	CAC	Demolish Cafe Royal and attached retail units, public toilets, garages behind public toilets, bus stop, Unit 94 St Michaels Trading Estate, Burwood Annex, Units 33-38 and 52-54 St Michaels Trading Estate, Stover Building, cattle market sheds (units 2A & 137A) and part Bridport Industries (North)	R	26 August 2009

4. POLICY CONSIDERATIONS

West Dorset and Weymouth & Portland Local Plan (2015).

4.1. As far as this application is concerned the following policies are considered to be relevant.

INT1. PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

ENV1. LANDSCAPE, SEASCAPE AND SITES OF GEOLOGICAL INTEREST

ENV2. WILDLIFE AND HABITATS

ENV4. HERITAGE ASSETS

ENV5. FLOOD RISK

ENV9. POLLUTION AND CONTAMINATED LAND

ENV10. THE LANDSCAPE AND TOWNSCAPE SETTING

ENV11. THE PATTERN OF STREETS AND SPACES

ENV12. THE DESIGN AND POSITIONING OF BUILDINGS

ENV13. ACHIEVING HIGH LEVELS OF ENVIRONMENTAL PERFORMANCE

ENV15. EFFICIENT AND APPROPRIATE USE OF LAND

ENV16.	AMENITY
SUS1.	THE LEVEL OF ECONOMIC AND HOUSING GROWTH
SUS2.	DISTRIBUTION OF DEVELOPMENT
ECON3.	PROTECTION OF OTHER EMPLOYMENT SITES
ECON4.	RETAIL AND TOWN CENTRE DEVELOPMENT
HOUS1.	AFFORDABLE HOUSING
HOUS3.	OPEN MARKET HOUSING MIX
COM1.	MAKING SURE NEW DEVELOPMENT MAKES SUITABLE PROVISION FOR COMMUNITY INFRASTRUCTURE
COM5.	THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES
COM7.	CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK
COM9.	PARKING STANDARDS IN NEW DEVELOPMENT
COM10.	THE PROVISION OF UTILITIES SERVICE INFRASTRUCTURE
BRID5	ST. MICHAEL'S TRADING ESTATE

Supplementary Planning Documents

- 4.2. West Dorset Design Guidelines (2009);

National Planning Policy Framework

- 4.3. The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In terms of decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
- or where specific policies in the Framework indicate development should be restricted.

4.4. The NPPF also states that:

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. (Para. 186)

Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work pro actively with applicants to secure developments that improve the economic, social and environmental conditions of the area. (Para. 187)

4.5. Other sections of the NPPF relevant to this application are listed below. These will be referred to in the “Planning issues” section of the report.

Section	Subject
1.	Building a strong, competitive economy
2.	Ensuring the vitality of town centres
3.	Supporting a prosperous rural economy
4.	Promoting sustainable transport
6.	Delivering a wide choice of high quality homes
7.	Requiring good design
8.	Promoting healthy communities
10.	Meeting the challenge of climate change, flooding and coastal change
11.	Conserving and enhancing the natural environment
12.	Conserving and enhancing the historic environment

- 4.6. On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This includes the following statement:

This guidance is intended to assist practitioners. Ultimately the interpretation of legislation is for the Courts but this guidance is an indication of the Secretary of State's views. The department seeks to ensure that the guidance is in plain English and easily understandable. Consequently it may sometimes be oversimplified and, as the law changes quickly, although we do our best, it may not always be up to date.

- 4.7. Elements of the Planning Practice Guidance relevant to this application will be referred to in the "Planning issues" section of the report.

Other material considerations

- 4.8. South West Quadrant Bridport Regeneration Framework (February 2002);
- 4.9. Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010);

5. STATUTORY CONSULTATIONS

Bridport Town Council (comments from 06 April 2017. Amended comments to be reported)

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"Objection on the following grounds:

"The Committee noted that Historic England had concerns regarding the application on heritage grounds and that the proposals would have a harmful impact on the historic environment. Whilst they stated that the harm is less than substantial, they state that under the terms of NPPF 134, the planning authority has to decide if that harm is outweighed by wider public benefits. The Committee did not consider that this test would be met in view of the redevelopment's impact on this historic site that was so popular with the public. The loss of the distinctive buildings, such as the tin shed, and the potential impact on the use of the site by local artisans (bearing in mind the close proximity of residential and business premises), would be detrimental to the wider public interest and was contrary to Local Plan Policy BRID 5.

"The scale and particularly the height of the replacement Stover building would have a detrimental impact on the residential amenity of nearby properties and residents. This was contrary to Local Plan policy ENV 16. The scale would also have a detrimental impact on the conservation area and listed buildings contrary to Local Plan policy ENV4.

“It was also considered that the building heights could have a detrimental impact on sightlines in and out of the town centre.

“The Committee felt that the Stover building should be retained as employment space and that the spread of housing across the site would be detrimental to the existing businesses and the industrial nature of the trading estate contrary to Local Plan policy ECON3. The Committee re-iterated its view that, as far as possible, the residential provision should be located away from the industrial uses. The Town Council had commented in the Local Plan review that St Michaels should be designated as a key employment site.

“Access routes in to the site were considered to be inadequate for the scale of the proposed re-development.

“The car parking provision was considered to be inadequate for the scale of housing being proposed, alongside business use.

“The proposed provision of affordable housing at only 17 units was not in keeping with the Local Plan policy of 35% and would not meet the local housing need.”

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“The scale and particularly the height of the new buildings would have a detrimental impact on the residential amenity of nearby properties and residents, particularly from the east facing windows on the three storey block. This was contrary to Local Plan policy ENV 12 and ENV16.

“The scale would have a detrimental impact on the conservation area and listed buildings contrary to Local Plan policy ENV4.

“It was felt that, also with reference to the whole site, as far as possible the residential provision should be located away from the industrial uses.”

Local highway authority (DCC)

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“The County Highway Authority has NO OBJECTION, subject to the following conditions:

Estate Road Construction (adopted or private)

Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the

Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

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- 5.1. No objection.

Highways England

- 5.2. No objection subject to a £8K financial contribution towards improvements to East Road roundabout.

Environment Agency

- 5.3. Objects to inadequate floor levels and flood resilience measures for ground floors of new Lilliput and Stover buildings.

Lead Local Flood Authority

- 5.4. Defers to the Environment Agency.

Natural England

- 5.5. No objection.

Historic England

- 5.6. Recommends as follows:

“Historic England has concerns regarding the application on heritage grounds. We are of the view that while this scheme potentially represents a significant improvement upon the earlier iteration, the proposals would have a harmful impact on the historic environment. The harm is less than substantial, and under the terms of NPPF 134 your authority must therefore decide if that harm is outweighed by wider public benefits”

6. OTHER CONSULTATIONS

Senior Archaeologist, Dorset County Council

“The application documentation includes Philip Brebner’s Historic Building Survey, which in turn refers to the desk-based archaeological assessment of the wider area of St Michael’s Trading Estate produced by AC Archaeology about a decade ago. The application’s Design and Access Statement also refers to a need for a pre-development photographic survey of the affected buildings, with the results being integrated into Philip Brebner’s survey. I

also note that Historic England has been involved in discussions about the site, and is among the consultees.

“Hence, it seems to me that the archaeological aspects are being dealt with satisfactorily here. If consent is granted, the attachment of a condition to secure the building recording would be appropriate. If Historic England has already suggested one, then all well and good, but if not, I would be happy to discuss.”

Wessex Water

“New water supply and waste water connections will be required from Wessex water to serve this proposed development.

“Separate systems of drainage will be required to serve the proposed development.

“No surface water connections will be permitted to the foul sewer system.”

Environmental Protection Team, WDDC (via WPA Environmental)

- 6.1. Recommend imposition of standard ground contamination conditions.

7. REPRESENTATIONS

- 7.1. At the time of completing this report there had been a total of 425 representations submitted since March 2017 in response to all three of the applications being considered. This total comprises seven representations of support, 12 neutral comments and 406 objections. A summary of the representations submitted in respect of application 1/D/11/002012 as originally submitted can be seen in the [2012 case officer report.](#)

Summary of representations since March 2107

Objections

- Whilst there might be a need for additional housing it should not be at the expense of employment floorspace;
- St Michael’s is one of the few locations in Bridport to provide for new employment to balance planned housing growth;
- Commercial floorspace will be reduced by 20%;
- Applicant’s calculations for increased employment density in remaining buildings are inaccurate and based upon wishful thinking;

- Proposals would irreversibly damage a thriving, business and tourist destination. They would mark the beginning of a gentrification process that would drive out a unique community of artists and businesses.
- St Michael's Trading Estate is one of the most important visitor attractions in Bridport;
- Close integration of employment and housing will lead to amenity problems;
- Integration of housing will sanitise the remainder of the estate, encouraging quiet uses at the expense of today's broad mix of tenants;
- Residential amenity for new and existing properties will be inadequate;
- How can there be enough rental income from the retained buildings (20% less) to cover ongoing maintenance costs?
- The proposal involves the loss of a valuable Asset of Community Value (the "Trick Factory");
- Inappropriate to consider an outline application in such a sensitive area;
- The proposals would lead to the loss of heritage assets;
- The proposals would neither preserve nor enhance the character of Bridport Conservation Area;
- The site is vulnerable to flooding;
- Is there adequate sewage capacity?
- There is inadequate parking. This means that further pressure will be placed on town centre car parks deterring visitors;
- Traffic problems within the site could lead to safety issues;
- The development will inevitably lead to further traffic congestion in and around the town centre;
- Vacant Building Credit calculation is incorrect;
- Any housing should be affordable housing;
- Affordable housing should not be provided as a single block;
- The Council should consider alternative redevelopment options.

7.2. All representations can be viewed on www.dorsetforyou.com.

8. PLANNING ISSUES

8.1. The main planning issues relevant to this application are:

- The principle of development;
- Comprehensiveness;
- Mix of uses;
 - Employment;
 - Housing;
 - Affordable housing;
 - Recreation;
 - The “Trick Factory”;
 - Riverside Walk;
 - St Michaels’ Island;
- Heritage assets;
 - Bridport Conservation Area;
 - 40 St Michaels’ Lane;
 - Stover Building;
 - The “Tin Shed”;
- Residential amenity
- Flood risk
- Access and parking;
- Biodiversity;
- Community Infrastructure Levy (CIL);

The development plan

8.2. Section 38(6) of the Planning and Compulsory Planning Act 2004 provides that when making a determination under the Planning Acts “*the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” The development plan in this case is the West Dorset, Weymouth & Portland Local Plan 2015 (the “Local Plan”).

8.3. How weight is apportioned to the different policies in the development plan can be a challenge, and is ultimately a judgement for the decision maker. However, in exercising that judgement it is clear that the presumption in favour of sustainable development is preeminent, and (according to paragraph 14 of the NPPF) “*should be seen as a golden thread running through both plan-making and decision-taking*”. That presumption is now also embodied in the development plan with policy INT1 (PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT) stating:

- i) *There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.*

Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:

- *the extent to which the proposal positively contributes to the strategic objectives of the local plan;*
- *whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and*
- *whether the adverse impacts of granting permission could significantly outweigh the benefits.*

The principle of development

8.4. St Michael's Trading Estate is covered by a site specific policy in the Local Plan.

BRID5 ST. MICHAEL'S TRADING ESTATE

- i) St. Michael's Trading Estate (as shown on the policies map) is designated for a comprehensive mixed-use development, subject to:
- the retention and restoration of buildings of historic interest;
 - ensuring the maintenance or enhancement of employment opportunities;
 - respecting the character of the conservation area, including the historic plot patterns;
 - the provision of a riverside walk;
 - the provision for a wildlife corridor along the River Brit, including St Michael's Island.

Comprehensiveness

8.5. Local Plan policy BRID5 expects St. Michael's Trading Estate to be developed comprehensively and the applicants have made clear that that is their intention. And notwithstanding that they have effectively split the site into two for the purposes of progressing their latest proposals; they accept that planning obligations will be necessary to link certain elements of any permissions.

Mix of uses

Employment

- 8.6. It is a strategic objective of the Local Plan to “increase employment opportunities” and the ensuing strategic approach acknowledged that this be achieved, in part, through “*the suitable protection of existing employment sites (taking into account their significance) ...*”. Looking specifically at St Michael’s Trading Estate it is an expectation of Local plan policy BRID5 that any redevelopment will ensure “*the maintenance or enhancement of employment opportunities*”.
- 8.7. The *Tenancy List* in *Appendix 3* of the applicant’s *Employment, Economic & Regeneration Impacts Statement: Revision B (May 2017)* (“Impact Statement”) provides a snapshot of the variety of different commercial uses that exists on St. Michael’s Trading Estate at any one time. There are activities here that fall within a number of different use classes (as defined within The Town and Country Planning (Use Classes) Order 1987), including: Class A1. Shops; Class A3. Restaurants and cafes Class; Class B1. Business; Class B2. General industrial; and Class B8. Storage or distribution. Additionally, there are composite uses, involving a mix of different activities, and so-called sui generis uses – those that do not fit comfortably within any established use class. The overall effect is a rich mosaic of activities.
- 8.8. Notwithstanding that the applicant’s current proposals are disaggregated into two separate applications for planning permission, it makes sense to consider St Michael’s Trading Estate as a whole (the area subject to Local Plan policy BRID5) when considering the issue of employment.
- 8.9. The total existing amount of employment floorspace across St Michael’s Trading Estate is put at 10,546 sq. m., although 1,065 sq. m (10%) is identified as currently unlettable for various reasons, including poor condition, lack of access and inadequate welfare facilities. This leaves 9,481 sq. m. in active use, albeit to varying degrees of intensity. The *Tenancy List* in *Appendix 3* of the applicant’s *Impact Statement* also provides a snapshot of employment levels and shows that there are currently 127 FTE jobs across the Estate. Estimates of employment levels have varied considerably in the various planning applications since 2008. For example, the report to Committee in 2012 used a figure of 212, which was based upon an assessment carried out at the time and contained within an *Employment Issues: Response Statement*. However, the applicants consider that the figure of 127 is more representative given that it is based upon a more robust survey.
- 8.10. The applicant’s *Impact Statement* uses the [Homes & Communities Agency \(HCA\) Employment Densities Guide \(3rd Edition 2015\)](#) to undertake a number of calculations. This document is generally recognised as the “*industry-wide point of reference for projected job creation*”, although site specific factors will always have a bearing. The applicants use 127 FTE jobs as the basis for undertaking comparative calculations, whereas this report also considers the higher figure of 212 reported in 2012.

- 8.11. The HCA Guide uses an Employment Density Matrix, which has been reproduced in Appendix 1 of the applicant's Impact Statement. This identifies the amount of floorspace (measured in sq. m.) typically attributed to an individual employee across a range of different use classes. The Matrix uses different metrics for different use classes: Gross External Area (GEA); Gross Internal Area (GIA); and Net Internal Area (NIA). Each of these is defined in the HCA Guide. The applicant's building surveys are all presented as GIA, and the HCA Guide suggest that gross figures are typically 15-20% higher than net internal space.
- 8.12. To avoid overcomplicating things the following analysis assumes that the prevalent use class within St Michael's Trading Estate is B1 (Business). That is a reasonable assumption given that artists' studios are B1 and even a lot of the composite / sui generis uses exhibit B1 characteristics. And the assumption is only being made in order to establish a common denominator for comparing the most likely impacts that the development will have upon employment. The "multiplier effect" referred to in the applicant's Impact Statement – the method by which one assesses the benefits to the wider economy - is also seen as being common to all of the following calculations.
- 8.13. The HCA Guide considers all B1 uses on the basis of NIA. Using the harshest of its conversion factors would establish a net lettable floorspace figure of 7,870 sq. m. for St Michael's (83% of 9,481 sq. m.). That leads to an employment density of 62 sq. m. (for 127 FTE jobs) and 37 sq. m. (for 212 FTE jobs). That range represents poor performance for Class B1(a) (Offices), average performance for Class B1(b) (R&D) and average performance for Class B1(c) (Light Industrial).
- 8.14. The proposals would involve the demolition of 3,681 sq. m. of existing commercial buildings, and the construction of 1,086 of new floorspace – a net loss of 2,595 sq. m. (25%) across the Estate as a whole. This is summarised in the table below.

	Lilliput (Application ref. WD/D/16/002852)	Remainder of St. Michael's (Application ref. 1/D/11/002012)	Totals
Existing floorspace (sq. m.)	1541	9005	10546
Proposed demolitions (sq. m.)	372	3309	3681
Proposed new floorspace (sq. m.)	325	761	1086

Proposed resulting floorspace (sq. m.)	1494¹	6457	7951
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The buildings to be demolished are all clearly identified on drawing PL 002 *Masterplan showing demolition*.

- 8.15. Notwithstanding the net loss of floorspace the applicants contend that they can maintain current levels of employment by establishing, at the very least, the HCA average of 47 sq. m. per employee for Class B1(c) uses across the site. This would be achieved by: (a) providing new, purpose-built floorspace in Lilliput and Stover; and (b) upgrading the 6,865 sq. m. of retained floorspace in the historic buildings. A 47 sq. m. standard applied across all 7,951 sq. m of commercial floorspace (new and retained) after the development is complete would result in 140 FTE jobs (83% of 7,951 / 47). However, if one assumes that the new floorspace performs more favourably – which is a reasonable assumption – then a higher jobs total is more likely. For example, if the new floorspace in Lilliput and Stover achieves the 13 sq. m per employee that the HCA Guide assigns to Class B1(a) (Offices) then those two buildings alone could deliver 70 FTE jobs (83% of 1,086 / 13) – and that is assuming the most severe of the HCA’s gross to net conversion factors. If, in this scenario, the retained historic buildings maintained an average of 47 sq. m. per employee then that would deliver an additional 121 FTE jobs (83% of 6,865 / 47) – a total of 191 overall, approaching the higher figure reported in 2012.
- 8.16. An analysis of this nature inevitably involves a number of assumptions, but, nevertheless, it is considered robust enough to conclude with a reasonable degree of certainty that if one measures the “*maintenance or enhancement of employment opportunities*” – the BRID5 test – on job numbers alone then the current proposals are (subject to the discussion below) policy compliant. If one takes a broader view of that test and regards the introduction of new, purpose-built floorspace as a different form of “*opportunity*” then the policy position is even stronger.
- 8.17. All of the above relies upon being able to make more efficient use of the 6,865 sq. m. of floorspace in the retained historic buildings; getting them all to perform to a standard where, on average, each employee can operate in an area of 47 sq. m. or less. This level of performance has been frustrated in recent years by various deficiencies in the historic buildings. One can argue about the reasons behind this, but the applicants maintain that it results from the difficult and delicate balance between retaining affordable rents whilst continuing to invest in the upkeep and refurbishment of a varied and complex site. The low-rent regime that has allowed St Michael’s to operate as a seedbed for small businesses has undoubtedly been part of the issue. And making good some of the problems

¹ Section 22 of the combined application form for applications WD/D/16/002852 and WD/D/16/002853 was amended on 08 June 2017 to reflect these figures.

stemming from that under-investment will clearly be essential if the applicants are to realise their aspirations.

- 8.18. To address this point the applicant's commissioned Peter Gunning & Partners (PGP) to work with the scheme architects to undertake a site-wide "rapid assessment" to establish, in broad terms, what would be necessary to refurbish the retained buildings to a standard where all of the space would be lettable and at a density that reflects the HCA Guide. This work was lacking when the proposals came before the Committee in 2012.
- 8.19. The results of PGP's work are summarised in Appendix C *Regeneration of Commercial Estate* of the revised Design and Access Statement – submitted in support of application 1/D/11/002012. In essence, this identifies five levels of work that will be conducted in four phases, with two phases of "essential" work being undertaken concurrently with the redevelopment. The total cost of these essential works is estimated at approximately £2.3m. The applicants propose that the bulk of this will be funded by a £2m cross-subsidy from the housing component of this development. The remainder will be funded from ongoing revenue income.
- 8.20. Clearly, if Members are persuaded by the employment arguments now being advanced then the applicant's commitment to refurbishing the retained buildings would need to form part of any permission. There would need to be an agreed programme to ensure that refurbishment works are phased in parallel with the proposed housing. In different circumstances that might be difficult. If, for example, it was the applicant's intention to sell off the housing element of the scheme separately then that would almost certainly be frustrated if there were obligations that linked housing completions to refurbishment work which, in that scenario, would be somebody else's responsibility. However, the applicants have made it clear that that is not their intention in this case; they propose to retain control over the development as a whole and they accept, and even welcome, the need for refurbishment triggers linked to progress on the associated housing development.
- 8.21. The detail of such a programme needs further work. There is enough at the moment to establish some broad parameters, including a £2m budget, but the final programme will need to contain a lot more detail, including: tighter definitions of the work involved; agreement over phasing; and a procedure for "signing off" each phase. There is nothing unprecedented here; it is just that there will need to be bespoke requirements for this particular project. In this case it is recommended that agreement to those requirements be delegated to officers via compliance with a planning obligation. Members resolved similarly in 2012.

Residential

- 8.22. Including residential development in the mix of uses proposed for St Michael's Trading Estate is intended to achieve two broad objectives: (1) help meet the Local Plan's housing land supply target; and (2) provide a means to help cross-subsidise the regeneration of the retained commercial buildings on the site as described above.

Housing supply

- 8.23. Providing sufficient housing is central to the social dimension of the Government's definition of sustainable development, set out in paragraph 7 of the NPPF as:

“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”

- 8.24. Paragraph 47 of the NPPF is clear that one of the Government's key planning objectives is *“To boost significantly the supply of housing ...”*. Local planning authorities are told that they should *“... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing ...”*. And paragraph 49 confirms that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”*. It also makes clear that *“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 8.25. The most up-to-date analysis of the Local Plan's five-year housing land supply comes out of the appeal decision relating to 98 dwellings proposed on Land Off Ryme Road, Yetminster (WDDC ref. WD/D/15/002655). After a detailed examination of the deliverability of sites across entire the plan area the inspector concluded that West Dorset and Weymouth currently have a 4.63 year supply. The Local Plan's policies for the supply of housing are, therefore, demonstrably out-of-date.
- 8.26. Table 3.7 of the Local Plan identifies a housing supply of 105 dwellings for St Michael's Trading Estate, reflecting the Development Control Committee's resolution from 2012. This figure does not represent a commitment; it is merely an estimate that was based upon the best available evidence at the time that the Local plan's housing projections were being prepared. The current estimate in the latest five-year housing land supply monitoring report (for 2015/16) suggests a figure of 93 dwellings for the site.

- 8.27. In total the applicant's revised proposals establish a net increase of 91 dwellings across the Trading Estate as a whole²: eight in the Lilliput Building and 83 elsewhere on the estate. This reduction from the position in 2012 reflects the fact that the layout has been completely redesigned in order to address a number of things, including the extended listing of 40 St Michael's Lane and the misgivings expressed in the officers' recommendation at that time. Whilst this reduction is below the housing supply figure for this site in the Local Plan, it is very close to the figure in the latest monitoring report, which provides the basis for the overall supply figure across the Local Plan area of 4.63 years.
- 8.28. A recent Supreme Court judgement³ has clarified what the NPPF means by "policies for the supply of housing" and has, in effect, given the phrase a narrower interpretation than earlier court judgements. The Supreme Court has ruled that the phrase should only relate to 'housing supply policies', rather than to other policies which may have some effect on their operation (e.g. a policy for the protection of the countryside). The significance of that in this case is that if Members consider that some aspect of this development disqualifies it from being regarded as sustainable development, as defined in paragraph 14 of the NPPF, then, provided that view is evidence-based it is likely to carry more weight in the planning balance than would have been the case prior to the recent Supreme Court ruling, even though we cannot currently demonstrate a five-year housing land supply.

Regeneration

- 8.29. The principle of using housing as a means to support regeneration of the Estate was challenged during the examination of the Local Plan, leading the Inspector to conclude as follows:

185 *In written representations and views expressed during the hearings it was clear that St Michael's Trading Estate is an area which makes an important contribution to the vitality of Bridport town centre. An eclectic mix of businesses occupies traditional but small-scale industrial buildings which add considerably to the town's retail appeal. Some of these buildings are of historic interest but the Councils, supported by the owner, maintain that regeneration of the Trading Estate is necessary to secure its future. This would involve retaining employment opportunities and restoring buildings of historic interest by allowing residential development as part of a viable scheme.*

186 *It is apparent the buildings are in need of repair and improvement but opponents fear proposals could devalue the unique form and appeal of the site and undermine its character. Such risks cannot be discounted but*

² Flat 1.7 in the Lilliput Buildings is a refurbishment of an existing unit.

³ Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 37

ignoring the condition of the buildings is more likely to jeopardise the future of the site in its current form. Incorporating some residential use appears to be a realistic and modest option which is capable of funding improvements while retaining the inherent character of the Estate. I see no reason to reject the proposal subject to the changes to the policy (BRID 5) and the supporting text to reinforce measures necessary to safeguard the riverside corridor and maintain its wildlife value (MM74 and MM75).

- 8.30. The policy was subsequently amended to reflect the Inspector's recommendations (to read as it now does) and the preamble (paragraph 13.6.1) now states that "*The inclusion of residential development could help bring forward a viable scheme.*" The extent to which the current proposals achieve that objective, and retain the inherent character of the Estate, is discussed in other sections of this report.

Affordable housing

Number of affordable dwellings

- 8.31. Local Plan policy HOUS1 (Affordable Housing) states that:

- i) Where open market housing is proposed affordable housing will be sought, unless the proposal is for replacement or subdivision of an existing home. The level of affordable housing required reflects the viability of development land in the local area, and will be ... 35% in Weymouth and West Dorset.

- 8.32. It makes sense to look at this issue comprehensively; to consider obligations for affordable housing as they bear upon the applicant's proposals for the BRID5 allocation as a whole. Ordinarily that would establish a requirement for 32.2 affordable units – 35% of the overall net increase of 91 dwellings . However, Vacant Building Credit (VBC) is also a material consideration in this case.

- 8.33. National Planning Practice Guidance states⁴:

"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."

⁴ Paragraph: 021 Reference ID: 23b-021-20160519

8.34. VBC is applied as a credit, equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. National Planning Practice Guidance provides an example:

“... where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.”

8.35. The VBC in the applicant’s original *Scheme Viability & the Delivery of Affordable Housing* was miscalculated, but has been corrected in updated version – *Revision B* dated June 2017. This identifies a total of 1,065 sq. m. of current vacantly floorspace which is either to be demolished or brought back into use.

8.36. The relevant VBC calculation is therefore as follows:

- Existing vacant building to be demolished or converted – 1,065 sq. m.
- Proposed development of 92 dwellings – 7,736 sq. m.
- Increase in floor space – 6,671 sq. m. (7,736 sq. m. - 1,065 sq. m.);
- 35% of 92 dwellings – 32.2
- 6,671 sq. m. as a percentage of the overall development of 7,736 sq. m. – 86%
- 32.2 x 86% - 27.69 dwellings (rounded to 28).

8.37. The applicants have asked for this figure to be reduced on the basis of a viability argument which they consider to be consistent with criterion iii) of Local Plan policy HOUS1, which states:

“Applicants seeking to justify a lower level of affordable housing provision will be expected to provide an assessment of viability. A lower level of provision will only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought.”

8.38. Full details of the applicant’s arguments in this regard are contained within the *Scheme Viability & the Delivery of Affordable Housing - Revision B*. And this concludes that the scheme can support 15 affordable dwellings.

8.39. This work has been independently checked by District Valuer Services (DVS) and the conclusions of that work are contained with its *Development Viability Assessment, St Michael’s Trading Estate, Bridport, Dorset* which can be viewed online. The conclusions of that report are that the scheme can support the

provision of 22 affordable units and that is the recommendation to Members. However, at the time of concluding this report that figure has not been agreed by the applicant.

Tenure

- 8.40. Local Plan policy HOUS1 also establishes criteria for considering tenure mix and the type, size and mix of affordable housing:
- iv) Within any affordable housing provision, the councils will seek the inclusion of a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing, unless identified local needs indicate that alternative provision would be appropriate.
 - v) The type, size and mix of affordable housing will be expected to address the identified and prioritised housing needs of the area and should be proportionate to the scale and mix of market housing, resulting in a balanced community of housing and / or flats that are 'tenure blind'.
 - vi) Where there is an identified local need for specially designed affordable housing to cater for disabled people with particular needs, or affordable housing that can be easily adapted to meet a variety of such needs, developments should prioritise provision of this accommodation.
- 8.41. Other than a commitment to a tenure split that will meet the expectations of Local Plan policy HOUS1 there is currently no agreement on unit sizes or the disposition of affordable housing units across the site. That is not unusual with an outline application. It is ordinarily dealt with by agreement of an Affordable Housing Scheme prior to development commencing and that is the recommendation in this case.

Recreation

The "Trick Factory"

Asset of Community Value

- 8.42. On 29 March 2016 Unit 33 St Michael's Trading Estate (on the first floor of Stover) was listed as an Asset of Community Value (ACV) under Part 5 Chapter 3 of the Localism Act 2011. At that time the unit was occupied by "*The Trick Factory*", which the District Council's decision letter described as "*an indoor skateboarding / BMX / roller skating park [which] is considered to be a sports /recreational facility that furthers the social wellbeing / social interests of the local community*".⁵

⁵ Service Manager, Planning (Community and Policy Development), 29 March 2016

- 8.43. The Trick Factory subsequently vacated Unit 33 and the bespoke equipment (ramps etc.) has all been removed. At the time of writing this report Unit 33 is essentially an empty shell, although it still remains listed as an ACV.
- 8.44. The relevance of this to the planning process is summarised in the Government's publication entitled [Community Right to Bid: Non-statutory advice note for local authorities.](#)⁶ Paragraph 2.20 states:

“The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.”

- 8.45. Some of the representations raise questions about the applicant's responsibilities in respect of the ACV should they come to sell the site. These responsibilities are prescribed in the Localism Act 2012 and are entirely separate from the planning process.
- 8.46. One consequence of approving this application would be demolition of Stover - and the loss of the ACV in Unit 33 in the process. And by extension of the principle established in the paragraph quoted above that would be a material consideration.
- 8.47. The fact that The Trick Factory has ceased to operate is also material. Unit 33 was listed as an ACV on the basis that, at the time, it housed a “*sports /recreational facility that furthers the social wellbeing / social interests of the local community*” – but that facility no longer exists. However, the unit itself still exists and its value as an ACV in the planning process should reflect the practicality of reusing the space for another facility that meets the original objectives of listing. And, in that context, The Trick Factory had a very particular set of requirements and Unit 33 appears to have suited it well, and the value of the space for a facility of equivalent, or even alternative, community value appears extremely limited. Consequently, your officers consider that the weight to be applied to retaining Unit 33 as an ACV in the planning balance should be similarly limited.

Policy COM5

- 8.48. Local Plan policy COM5 (THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES) approaches the same issue from a broader perspective; it establishes a presumption against the loss of “recreational facilities” unless one of four conditions is satisfied. Unit 33 would be a

⁶ Community Right to Bid: Non-statutory advice note for local authorities, Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012, October 2012, Department for Communities and Local Government

recreational facility for the purposes of applying this policy and “loss” in this context relates to the lawful use of the building rather than The Trick Factory specifically.

- 8.49. The first two conditions in policy COM5 are irrelevant to this application, but the last two do have a bearing and are considered below. In each case the condition represents a set of circumstances that would need to be satisfied if the general presumption of the policy is to be overridden. Only one condition would need to be satisfied to establish policy compliance.

“Alternative and/or suitable replacement outdoor or indoor provision of equal or better recreational quality or value is provided in a location which is suitable to meet any deficiency in provision, and/or better placed and accessible to the surrounding community it serves, and there is a clear community benefit”

- 8.50. There is nothing within this application that directly replaces the space that would be lost through the demolition of Unit 33, but there are alternative proposals that could be judged to provide “*equal or better recreational quality or value*”. These include the riverside walk and the inclusion of St Michael’s Island into a wildlife corridor (both explicit requirements of policy BRID5 and discussed in more detail elsewhere in this report) and the proposals for environmental enhancements in association with the potential dual use of Cattlemarket Square – parking and as a space for public events. For example, it has been suggested that this area could be used to extend the available space for the existing “Food market” and “Vintage Market”, as well as other activities that cannot currently be accommodated on the estate. The proposals would also bring potential heritage benefits; Cattlemarket Square is identified as an “*Important Space*” in the *Bridport Conservation Area Appraisal*, but it is not particularly well-celebrated as such as things stand. The two sketches on drawing no. PL 204 indicate how this area might be enhanced, although the final details will be resolved through subsequent submissions of reserved matters. A condition is recommended at this stage to establish a trigger for these works to be completed.

- 8.51. Taking the above into account it is considered that this condition of policy COM5 is satisfied and, therefore, the policy as a whole.

“It can be demonstrated that the open space, buildings or land are surplus to requirements and there is no need for alternative open space of public value or recreational uses which could reasonably take place at the site.”

- 8.52. There is no evidence that the space being lost in Unit 33 is surplus to requirements. Indeed, it is explicit in the site allocation policy (BRID5) that additional recreational provision (as discussed above) will be necessary. Consequently, this condition of policy COM5 is not satisfied.

Riverside walk

- 8.53. It is a requirement of Local Plan policy BRID5 that the comprehensive mixed-use development of St. Michael's Trading Estate should include the provision of a riverside walk.
- 8.54. In the current application this requirement comprises a number of different elements. Most significant is a new 8m-wide open strip free abutting the River Brit extending from the northern boundary of the application site, adjoining Coach Station Square, to the "Red Brick Buildings". As well as forming part of the riverside walk this area will also serve as; (1) a vehicular route providing access to a number of residential parking spaces; and (2) as an essential access route for the Environment Agency (EA) in pursuit of its maintenance obligations for the Flood Alleviation Scheme. To meet the EA's requirements the 4m closest to the river will be hard-surfaced to a standard capable of taking maintenance vehicles up to 20 tonnes in weight. The 4m furthest from the river will need to be kept free of buildings, to provide a safety zone for maintenance equipment to operate, but the EA has confirmed that there is no issue with this area being landscaped, including trees and seating. The fine detail of landscaping and surface treatment(s) will be resolved through subsequent submission(s) of reserved matters, but enough is known at this stage to be confident that this area has the potential to be a significant public amenity.
- 8.55. Beyond the Red Brick Buildings the opportunity for a riverside walk follows a more circuitous route. Progressing eastwards "Red Brick Lane" continues to follow the River Brit for approximately 50m, but thereafter the way is temporarily blocked by buildings, most significantly the "Tower Building(s)". Proposals for redevelopment submitted in 2008/09 included a cantilevered footway over the river in order to create a short, direct connection with Foundry Lane and the southern boundary of the site. No such connection is proposed in this application, so the most direct route will now involve a diversion onto St. Michael's Lane.
- 8.56. Although a more direct route might be preferable, the meandering option now proposed is not without merit. In particular, it will provide pedestrians with opportunities to appreciate more of the area's historic significance – notably the "Tower Building(s)" and the associated buildings in Foundry Lane. It will also take people directly past the remodelled Cattlemarket Square.

St Michael's Island

- 8.57. It is a requirement of Local Plan policy BRID5 that the comprehensive mixed-use development of St. Michael's Trading Estate should include provision for a wildlife corridor along the River Brit, including St Michael's Island. This is being offered as part of the current proposals and a planning condition will be necessary to ensure that a management plan is agreed.

Green Infrastructure and Recreation

- 8.58. This development will also be CIL-liable and 5% of WDDC's receipts from this development will be allocated to "Green Infrastructure and Recreation". This is discussed further under the CIL heading in this report.

Heritage assets

- 8.59. It is a strategic objective of the Local Plan to:

"Protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area – this will be the over-riding objective in those areas of the plan which are particularly sensitive to change".

- 8.60. In meeting this objective the Local Plan states:

"High priority will be given to protecting and enhancing the area's heritage assets – including its Listed Buildings and Conservation Areas, and other features with local historic or cultural associations, particularly where they contribute to the area's local distinctiveness".

- 8.61. This objective features as a common thread through a number of policies, but is expressed most clearly in policy ENV 4.

ENV 4. HERITAGE ASSETS

- i. The impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance.
- ii. Applications affecting the significance of a heritage asset or its setting will be required to provide sufficient information to demonstrate how the proposals would positively contribute to the asset's conservation.
- iii. A thorough understanding of the significance of the asset and other appropriate evidence including conservation area character appraisals and management plans should be used to inform development proposals including potential conservation and enhancement measures.
- iv. Any harm to the significance of a designated or non-designated heritage asset must be justified. Applications will be weighed against the public benefits of the proposal; if it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset, and; if the works proposed are the optimum required to secure the sustainable use of the asset.

- v. The desirability of putting heritage assets to an appropriate and viable use that is consistent with their conservation will be taken into account.
 - vi. Where harm can be justified, appropriate provision will be required to capture and record features, followed by analysis and where appropriate making findings publically available.
- 8.62. There is also a more general requirement expressed in criterion (i) of Local plan policy ENV 10:

ENV 10. THE LANDSCAPE AND TOWNSCAPE SETTING

- i. All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. Development should be informed by the character of the site and its surroundings.

Statutory provisions

- 8.63. It is also necessary to bear in mind certain statutory provisions. In particular, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

- 8.64. There is also a statutory obligation imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that in the determination of planning applications in a conservation area *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

NPPF and NPPG

- 8.65. A core land-use planning principle of the NPPF (paragraph 17) is that planning should:

“conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”

- 8.66. Paragraph 129 advises that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They

should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

8.67. And paragraph 131 states that:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Heritage assets - discussion

8.68. These proposals will directly impact a number of designated and undesignated heritage assets. Each of these will be considered in turn. And in doing so judgements will be drawn from a range of different plans and reports. Given the high profile nature of these proposals Historic England has provided all of the necessary heritage advice throughout the process.

NPPF Paragraph 130

8.69. As part of a general introduction to a discussion of the heritage assets within St Michael's Trading Estate one also needs to consider the relevance of paragraph 130 of the NPPF, which states:

Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

8.70. It has been suggested by those objecting to this redevelopment that paragraph 130 describes precisely the position on the Estate and that, consequently, one of the fundamental arguments underpinning the applicant's case – that the proposals are necessary in order to cross-subsidise essential refurbishment works to the retained historic buildings – is flawed.

8.71. The main counter to that argument is that the principle of using redevelopment for "*funding improvements*" to the Estate was accepted as a legitimate *argument* by the Local Plan Inspector when he considered the outstanding objections to policy BRID5 at his Examination in during November and December 2014 and the principle is now enshrined in the policy. Paragraph 130 existed at that time and had the Inspector considered that the Estate had been deliberately

neglected as a means to gaining some planning advantage then he could have recommended that policy BRID5 be struck out. But he did not.

- 8.72. As mentioned elsewhere in this report, the current condition of St Michael's Trading Estate is undoubtedly due in no small part to years of under-investment, and so does represent neglect to that extent. But it would be disingenuous to suggest that this represents a calculated plan hatched over several decades with the ultimate intention of abusing the planning process. The reasons underpinning that under-investment are bound to be complex, but the low-rent regime that has allowed St Michael's to operate as a seedbed for small businesses – many of whom have gone on to bigger and better things - has unquestionably been part of the story.

Bridport Conservation Area

- 8.73. St Michael's Trading Estate is completely contained within the Bridport Conservation Area, a designated heritage asset for the purposes of applying the relevant policy in the NPPF. The Estate is contained within Sub-Area 7 of the Conservation Area, *South West Quadrant*, identified in the Bridport Conservation Area Appraisal.
- 8.74. Historic England has summed up the significance of St Michael's Trading Estate as follows:

“The South West Quadrant of Bridport is a nationally significant area of historic textiles activity which underpins the raison d'etre of the town and plays an important part in defining the character and appearance of the town and its conservation area. That activity, in its functional imperatives, determined the spatial arrangements of the Quadrant, and in particular the physicality of related buildings and spaces. While certain buildings, such as Priory Mills and the Bridport Industries Works, are notable and architecturally distinctive landmarks, much of the surviving historic estate spans a considerable period of time, is simple and spare in its vernacular, and capable of being easily overlooked in the value of its contribution to the significance of the site as a whole. The total is therefore greater than the sum of its parts, and it is important as a consequence that any proposals for intervention demonstrate an holistic understanding of the site and its relationship with its context, and especially of the inter-relationships between buildings and spaces rather than seek to promote it as a disaggregation of its constituent elements.”

- 8.75. However, there is another dimension to the significance to St Michael's Trading Estate that comes across in many of the representations, and that is the special character that has developed from the synergy between the unique mix of uses and the eclectic architecture of the buildings. In some ways the sense of time having stood still combined with a focus on the production, restoration and sale of art and “vintage” material is seen as the basis of a unique charm which

underpins the essential appeal of the place. Many fear that the current proposals represent gentrification which will inevitably erode that charm and, consequently, damage the special contribution that St Michael's makes to the character of the conservation area.

- 8.76. That is completely understood, but is in many ways beyond the control of the local planning authority. The planning system can influence things to the extent that it can determine the quantity, type and disposition of commercial uses across the Estate, but it cannot be concerned with the fate of individual tenants, or groups of tenants; that is ultimately the responsibility of whoever owns and/or manages the site. The trading character that has emerged to date has undoubtedly been fostered by the existing site owners and it will be the future site owners that will, to a large extent, continue to determine the character of the Estate if, and when, these proposals are approved and implemented.

New housing

- 8.77. The impacts upon the significance of the conservation area resulting from the proposals for: (1) the Lilliput Building; (2) the Stover Building; and (3) the "Tin Shed" are discussed under separate headings. The remainder of this section considers the impact of the new housing to the west of the site and along St Michael's Lane.
- 8.78. Officers had serious misgivings about the form of the residential element of the scheme as it was presented in 2012. They considered that the two large perimeter blocks on the western half on the western half of the site cut across this strong east-west axis and, as such, would neither preserve nor enhance the character of the conservation area.
- 8.79. The amended scheme takes an entirely different approach, and seeks to reinforce the established east-west grain with a series of parallel streets and terraces. This comes across very strongly on plan, although the exigencies of providing decent standards of amenity for the housing, both in terms of internal space standards and garden sizes, has meant that the east-west routes are not entirely seamless, although, at Historic England's request, Row C on the north side of Stover Lane has been repositioned slightly to provide an uninterrupted line of sight from St Michael's Lane through to the river via Stover Place and Stover Lane. However, Historic England remains critical of "Lilliput Lane" which it regards as the "imposition of a north-south road cutting through the grain of the site", leading to harm to the historic environment, albeit less than substantial in the terms established by the NPPF. And, Historic England believes, greater emphasis of the other east-west links is still needed. But it acknowledges that this can be achieved through the hard landscaping scheme that will form the subject of future reserved matters applications.
- 8.80. Lilliput Lane does bisect the site quite dramatically, but it is practical response to the need to provide all users of the site, commercial and residential, with

adequate vehicular access. In many ways it is a functional replacement for the existing north-south route which currently runs along the western boundary of the site. That route will remain in the current proposals, but will be subject to environmental enhancements to deliver, amongst other things, the riverside walk required by policy BRID5. So, although the scheme would, arguably, be better without Lilliput Lane, its inclusion does bring other benefits. Nevertheless, Historic England is clear that it represents harm – albeit less than substantial – and that is something that will need to be weighed in the final planning balance. The test established by paragraph 134 of the NPPF states;

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 8.81. The appearance of the individual houses is another matter that will be resolved through future reserved matters applications, although the scale as shown on the various illustrative drawings would be fixed at this stage. And those drawings indicate a range of two- and two-and-a-half storey buildings, with a predominance of two-storey units according to the housing schedule on Masterplan drawing PL 101 Revision D. That is a scale that broadly reflects the established character of the area, St Michael's Lane for example. Historic England's only point in this regard relates to the proposed south-facing housing on 'Stover Lane' where it feels that further elevational revisions will be necessary as part of the detailed design. It considers that domestic accoutrements such as projecting porches and front gardens should be omitted to enhance the linearity of this block when viewed from 'Stover Place'.
- 8.82. Further new residential accommodation is proposed fronting St Michael's Lane; a block of 14 flats on the eastern edge of Cattlemarket Square. The current proposals are set out on drawing no. PL 111, which shows a single building comprising different elements at two, two-and-a-half and three storeys. If these proposals are approved the footprint and scale of this building would be fixed, but the appearance – the detailed design – would be the subject of subsequent applications for approval of reserved matters.
- 8.83. If one looks at the footprint for this building in the broadest context as shown on drawing PL 101 Revision D then it clearly picks up on the grain of St Michael's Lane. Drawing PL 111 usefully shows the scale of what is proposed in the context of the existing buildings immediately to the north and the long section on drawing PL 203 presents scale in the context of a much longer stretch of St Michael's Lane. The building would close down a view of the Bridport Industries building seen from Rope Walks Car Park, which is regrettable, but on the other hand it would help frame the proposed environmental improvements to Cattlemarket Square, which is indicated on Sketch 1 on drawing no. PL 204. Overall, it is considered, that this element of the scheme at least preserves the character of the conservation area. Historic England offers no view other than a

desire that when the detailed design comes up for consideration some of the more contemporary detailing proposed for the new housing on the western part of the site is applied to the elevational treatment.

40 St Michael's Lane

- 8.84. It was the decision of English Heritage (now Historic England) to extend the original listing of 40 St Michael's Lane (dating from 1975) to include "*attached buildings to the rear and north-west*", referred to locally as the Lilliput Building, that prevented the resolution from the Development Control Committee in 2012 progressing to a planning permission.
- 8.85. Since that time a considerable amount of work has been undertaken to gain a better understanding of the significance of the Lilliput Building. This included two pieces of work that have been submitted in support of these proposals: (1) Philip Brebner's "*Historic Building Survey for The 'Lilliput' Buildings*"; and (2) the Design and Access Statement prepared by Ferguson Mann Architects. The applicants and their advisers have also engaged directly with representatives of Historic England, which is acknowledged in Historic England's response to these proposals.
- 8.86. The scheme which has emerged involves demolition of the western end of the building and the removal of certain internal walls and features. This is justified by the further analysis of the building that has been undertaken and is accepted by Historic England, which has stated that "*This area is of low quality later fabric and its removal is not considered to cause major harm to the overall significance of the buildings or the conservation area.*"
- 8.87. From an agreed position in respect of demolition the proposals then proceed to integrate an element of new-build with the refurbishment of the retained fabric. The new-build element reflects and reinforces the historic grain of the buildings (currently masked by the areas to be demolished) by creating three linked pitched roofed elements on an east-west axis. The northernmost of these, abutting the police station, is three storeys; the remaining two are two-storeys. They are expressed as three pitched gables in the most striking view from the west. Three storeys take the building higher than what currently exists, and the impact that has in its context is clearly demonstrated on drawing no. PL 211.
- 8.88. Historic England draws the following conclusions in respect of the proposals:

"The scale, form and design of the proposed new build element, which will replace that demolished, is integral to the success of any scheme for this site. We are therefore pleased that the proposals take on board our concerns regarding the height and perceived bulk of this new building. The result is an outline that will complement the horizontal emphasis that is characteristic of the surrounding area with a traditional vertical style creating an interesting gateway to the site, although we regret the proposed pseudo-

historicist windows at upper levels. A contemporary approach would be more appropriate and delineate the new from the old. However, this issue can be resolved through details of fenestration condition.”

Stover Building

8.89. There are two separate, but related, issues relating to the Stover Building: (1) the significance of its loss as both an undesignated heritage asset in its own right (as a Building of Local Importance) and in terms of its impact upon the significance of Bridport Conservation Area; and (2) the impact that its proposed replacement will have upon the significance of the conservation area.

8.90. English Heritage (as was) was asked to consider listing a number of buildings on the Estate after the committee resolution in 2012, the Stover Building amongst them. As Historic England’s response to these proposals confirms, it was:

“... not deemed to meet the high test to become a listed building, but its contribution to the conservation was noted.”

8.91. The current proposals include further analysis of the Stover Building in an *Historical Report on the Stover, Ocean and Corrugated Iron Buildings* prepared by Richard Sims. That document can be read online in full.

8.92. Historic England’s current position on the demolition of the Stover building recognises that there is:

“... historic value to the building, particularly as representative of a key part of the net-making industry for which Bridport is noted. Some of this illustrative value is derived from the surviving mezzanine floor, which of course lacks any statutory protection due to the unlisted nature of the building. The aesthetic value of the building is limited. It has a linear form which follows the historic grain of the site, but the contribution it makes to the appearance of the conservation area is limited due to the replacement roof and deteriorated condition.

“The loss of the Stover Building would cause harm to the significance of the conservation area, as the illustrative historic value of the building would be lost.”

Later in its response it assesses the harm associated with the loss of the Stover Building as less than substantial. And that will again need to be weighed in the final planning balance having regard to paragraph 134 of the NPPF, insofar as the conservation area is concerned, and paragraph 135 in respect of the Stover Building’s status as a non-designated heritage asset in its own right. Paragraph 135 states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 8.93. In this case that balanced judgement will, in part, involve a comparable assessment of the merits of what is being proposed as a replacement. The footprint of the new building is shown in context on drawing no. PL 101 Revision D, and the scale and illustrative appearance are shown in detail on drawing no. PL 110.
- 8.94. The footprint essentially mirrors that of the building to be demolished, although it does project slightly further westwards and at a maximum ridge height of 12.9m it is 3.4m taller than the building it replaces. The footprint is fundamentally rectangular and the overall form appears as two linked pitched-roof elements. It is shown as four storeys, with the top floor contained within the roof. The illustrative appearance suggests an industrial pastiche.
- 8.95. The scale of the building in a broader context can be seen in the two site sections, drawing no. PL 202 (1&2), and on the aerial view on drawing no. PL 201. These show it to be the most dominant of the new buildings proposed, with a ridge height comparable to the top of the tower on the Bridport Industries building.
- 8.96. The justification for the chosen design appears in section 5 of the Design and Access Statement:
- “The proposals take the form of a large warehouse or mill building, there being a number of examples of buildings of similar scale and mass in Bridport’s South West Quadrant (Priory, Gundry and West Mills for example). Proposals include reverting to the twin ridge form of the earlier Stover roofs and introducing long ‘industrial’ style dormers to enable use of the roofspace. The building echoes other industrial features such as vertical arrangements of loading bays and large openings on the ground floor to facilitate workshop uses. The mass of the new Stover building is moderated by being closely surrounded by other retained commercial buildings; Ropewalks and Twine store to the North, Northlight and former offices (Snips) buildings to the South and East. The building naturally sets back to the west creating space around the principal elevation. From St Michael’s Lane and other approaches the new Stover will provide a ‘summit’ in the composition surrounded by the retained and new buildings of St Michael’s.”*
- 8.97. Some concern has been expressed in the representations about the potential dominance of the building, but it is considered that the architect’s reasoning has considerable merit. The character of this part of town is as described, with examples of notably larger structures (warehouses and mills) rising above a predominance of buildings of a more domestic scale, albeit that three storeys is not uncommon. In that context another large building punctuating the townscape

would preserve the character of the conservation area. Historic England broadly echoes that view, commenting as follows:

“... the proposed new building on the site would also be of a similar scale with a linear form, preserving the historic grain of the conservation area. It would take the form of a mock-warehouse, expressing the area’s industrial character and appearance.

“As with the Lilliput Building, we caution against pseudo-historicist details however. While it is important that a replacement building is contextual and respects the character and appearance of the conservation area, it should also be recognisable as a new addition. We recommend that some of the more contemporary detailing proposed for the new housing on the western part of the site is applied to the elevational treatment of the replacement structure on the site of the Stover building. The same applies to the proposed new buildings fronting St Michael’s Lane. Again, this could be addressed through the subsequent reserved matters applications.”

- 8.98. If Members are minded to allow the demolition of the Stover Building then Historic England is asking for the imposition of a condition that would prevent demolition until the detailed design of the proposed replacement is known. That would be normal in these circumstances anyway; development (including demolition) could not take place until outstanding reserved matters, including appearance, had been approved. However, Members could go further in this case and impose a condition that prevented demolition until a contract for redevelopment had been let. This would provide a safeguard against premature demolition. The Senior Archaeologist at Dorset County Council has recommended a condition requiring that the building be recorded during the process of demolition.

The “Tin Shed”

- 8.99. The “Tin Shed” refers to the corrugated iron building that runs along a significant section of the northern boundary of St Michael’s Trading Estate, abutting Coach Station Car Park. It is identified as a Building of Local Importance in the Bridport Conservation Area Appraisal. It was another of the buildings, along with the Auction House to the east, that English Heritage (as was) was asked to list following the Development Control Committee’s resolution in 2012. But that request was rejected, for reasons which included *“the corrugated structure to the rear does not survive intact and its function cannot be determined with any certainty”*.
- 8.100. Richard Sims’ Historical Report on the Stover, Ocean and Corrugated Iron Buildings is similar inconclusive:

“It has been suggested that this building was used as a line walk in the past. However, at 50m in length, it is just half the length of the other line walks in

the vicinity. The eastern end, with its lights at eave and roof level, might indicate that this end of the building contained machinery of some kind. It is also possible that the processes carried out in this building relate to the rectangular arch structure seen in the two photographs mentioned above. If this were to have been used as a line walk then it is to be expected that tracked line-making machinery would have been in place.”

8.101. He also states that:

“If the building is considered of sufficient importance to be retained then it might be worth looking to see if it could be relocated elsewhere on the site.”

8.102. Historic England’s current position is as follows:

“The loss of the long, corrugated sheds to the rear of the existing auction house remains a source of regret. Although modest architecturally and of early C20th origin, and whilst they may not have been a line walk (as has previously been suggested) they contribute strongly to the linearity and industrial character of the site. Drawings of Block A, the proposed new housing fronting ‘Auction House Lane’ are absent and it is not possible to see if the corrugated sheds could have been incorporated into Block A to be used for car parking, refuse stores, etc.”

8.103. The applicant’s proposals continue to involve the demolition of the corrugated sheds. The position of the terrace of houses marked as Row A is heavily constrained by other factors and whilst, in theory, it could be adjusted so that the corrugated shed becomes a continuous lean-to along the northern elevation of this terrace, it would lead to pretty miserable living conditions. Each house would lose its limited amount of external amenity space and the light to the ground floor would be severely reduced. And this is considered too great a compromise given the current consensus of opinion that the significance of this structure has, in the past, been overrated. However, the applicant’s acknowledge that the structure is still perceived to have local value and they have agreed to it being relocated as the part of the proposals for new employment floorspace around Cattlemarket Square. This is being recommended as a condition.

Residential amenity

8.104. It is a strategic objective of the Local Plan to:

“Support sustainable, safe and healthy communities with accessibility to a range of services and facilities”.

8.105. Meeting this objective in terms of residential amenity is expressed in Local Plan policy ENV 16.

ENV 16. AMENITY

- i. Proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided:
 - They do not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy;
 - They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, overbearing impact or flicker;
 - They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties; and
 - They do not generate unacceptable pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity and living conditions, health and the natural environment can be mitigated to the appropriate standard.
- ii. Development which is sensitive to noise or unpleasant odour emissions will not be permitted in close proximity to existing sources where it would adversely affect future occupants.
- iii. Proposals for external lighting schemes (including illuminated advertisement schemes) should be clearly justified and designed to minimize potential pollution from glare or spillage of light. The intensity of lighting should be the minimum necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

8.106. It is also a core planning principle of the NPPF that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.

8.107. The two broad areas of concern in this application: (a) the impact that the proposal would have upon existing properties surrounding the site; and (b) the living conditions that would be created for the accommodation proposed within this scheme itself. Each of these will be considered separately.

Residential amenity – Existing properties

8.108. There are a number of existing residential properties along St. Michael’s Lane that will be affected by these proposals. The issues, in the context of policy ENV16, are whether the amenity of these properties will be significantly adversely affected through loss of privacy and/or through inadequate daylight or excessive overshadowing. The block of flats proposed to abut St Michael’s Lane is positioned such that it is immediately obvious that none of these issues will be

relevant, but the relationships established by the proposals for the Lilliput and Stover buildings deserve more detailed consideration.

The Lilliput Building

- 8.109. The significant change to the Lilliput Building occurs at the western end, where an existing two-storey element of the building is to be demolished and replaced with a part two- and part three-storey structure. The east elevation of this new element will be staggered, but at its closest to properties in St Michael's Lane (nos. 30 and 32) it will be 18m to the boundary and approximately 30m to their extended rear elevations. The ridge height of the two storey element will be approximately 8.5m above existing ground levels, whilst for the three storey element this figure will be approximately 10.75m. There will be windows serving habitable rooms at both first and second floors. Given the distances involved there is no prospect of any significant adverse effects on the amenity of either 30 or 32 St Michael's Lane. There will be direct overlooking of the service yard to Bridport Police Station, but this does not raise any planning issues.
- 8.110. Flat 1.7 on the first floor represents the reuse and enlargement of an existing residential unit - 34 St Michael's Lane. This unit already relies upon windows that have historically looked directly into the gardens of 30 or 32 St Michael's Lane. The additional accommodation proposed will not make this situation any worse.

The Stover Building

- 8.111. The new Stover Building will present a three-and-a-half storey, dual-pitched gable, with a maximum ridge height of 12.9m, at a distance of approximately 27m from the rear face of the opposing properties in St Michael's Lane. A sense of this relationship can be obtained from The "Cattlemarket Square Elevation" on drawing PL 202, Sheet 1. The new building will be a significant feature in the outlook from the closest properties (more so than the building it replaces) and it will affect sunlight in certain circumstances, although at the distance involved there is unlikely to be an appreciable impact upon daylight. Although the final design will only be resolved through subsequent submission(s) of reserved matters, the illustrative designs on drawing no. PL 110 indicate that there is no need to include windows in the eastern gable and so there should be no loss of privacy to existing neighbours. Overall, the building is not considered to establish the sort of relationship that would result in the significant adverse effects that would be necessary to fall foul of policy ENV16.

Residential amenity – Proposed properties

- 8.112. There are two issues here: (1) the potential harm to acceptable levels of residential amenity that will result from the close integration with other uses on the site; and (2) the inherent level of amenity being provided within the new-build element of the scheme.

- 8.113. The proposals in this case are different from many of the other mixed-use schemes that the Council has promoted elsewhere within the district in that they are seeking to integrate housing with established business premises – some of which fall outside of the B1 use class that one would ordinarily expect in mixed-use schemes involving residential properties. However, to some extent the site will be “zoned” with all of the housing (as opposed to flats) being positioned west of Lilliput Lane where it will benefit from a degree of physical separation and experience living conditions not dissimilar to those experienced by established properties along St Michael’s Lane.
- 8.114. However, the 44 flats in the three buildings east of Lilliput Lane – Lilliput, Stover and St Michael’s Lane Buildings – will have a quite different living experience. The new commercial floorspace within and abutting those buildings is being proposed as Class B1 and can be conditioned as such. But, unless such a restriction was imposed retrospectively on every retained building on the estate – which would be possible using a planning obligation – then the amenity of those flats could be compromised by their close proximity to some potentially unneighbourly uses.
- 8.115. The risk of this is actually quite low for two reasons. First, the bulk of the established uses in the buildings to be retained, even the sui generis uses, are either akin to B1, or, if they fall within a use class at all, are probably A1 or B8 – which are not generally regarded as bad neighbours. The standard of amenity might be lower than with Class B1, but would still be within a spectrum that one might reasonably expect to find in any town of Bridport’s size and character. And any future change of use of these units to a less neighbourly activity would almost certainly be material and require planning permission. Second, if a particularly bad situation did arise then the local authority does have powers under the Environmental Protection Act to abate a nuisance.
- 8.116. The applicants have also made the point that it is their intention to retain ownership of the commercial buildings on the Estate and that they can minimise the risk of problems through good management. On the face of it that sounds reassuring, and may indeed prove to be of benefit if these proposals are approved. But it offers no certainty and should carry little weight in the final planning balance.
- 8.117. If Members remain concerned on this point then they do have the option of enforcing a range of neighbourly uses on the entirety of the Estate via a planning obligation and the applicants have indicated that they would accept that, albeit reluctantly. And it would not be popular generally; it would be seen as an unwarranted sanitisation that would further threaten the special character of the area.
- 8.118. Officers had more serious concerns for the amenity of future residents with the proposals tabled in 2012. It was considered that the perimeter block approach being pursued for the housing on the western side of the site at that time

established poor levels of amenity for a number of reasons as described in the report at the time.

- 8.119. The completely revised approach adopted in these latest revisions is much improved. Not only does the proposed series of terraces respond more appropriately to the established grain of the area, but it also establishes better levels of amenity. The proposals remain high density and whilst each house is provided with a garden, these are generally pretty shallow – 5 or 6 metres deep for Rows B to E and only three metres deep for Row A. But this is not atypical of this part of Bridport. Back-to-back distances for Rows B to E reduce commensurately - something that can be best appreciated on the “Housing Elevation” on drawing no. PL 202 Sheet 1 and the aerial view on drawing PL 201 - but any negative effects of this can easily be mitigated through clever internal design. As the design of these houses evolves then careful attention to detail could make them very desirable places to live.
- 8.120. In terms of amenity space the flats east of Lilliput Lane present particular challenges. The wording of Local Plan policy HOUS4 (DEVELOPMENT OF FLATS, HOSTELS AND HOUSES IN MULTIPLE OCCUPATION) includes an expectation that flats should (not will) “*provide sufficient private amenity space within the site for the likely future occupants, normally comprising at least 10% of the site area for conversions providing 4 or more flats, and 20% of the site area for all new build schemes, unless such provision is undesirable in design terms.*” That expectation clearly isn’t being achieved in Lilliput or Stover, where there is no dedicated amenity space proposed at all, but the illustrative drawings indicate that it could be achieved with “St Michael’s Lane Buildings”.
- 8.121. This is not a situation in which adherence to policy HOUS4’s standards is considered desirable; the urban design imperatives in this case are regarded as more important. And the occupiers of the flats concerned will have easy access to public open space – most immediately to the west of the River Brit.

Flood risk

- 8.122. St. Michaels Trading Estate is vulnerable to river flooding, although it does benefit from the Environment Agency’s Bridport Flood Alleviation Scheme (FAS), which in this location comprises a number of components abutting the River Brit, including flood walls, flood banks and buildings which tie back into the walls and banks – the westernmost wall of the Red Brick Buildings for example. Were the site undefended it would be entirely within Flood Zone 3 – at highest risk of flooding, but, taking the defences into account, the site is within Flood Zone 2 - at risk in a 1000 year event. The Environment Agency’s need to maintain the FAS is also a material consideration in the determination of this application.
- 8.123. The NPPF makes it clear that “Inappropriate development in areas at risk of flooding should be avoided by *directing development away from areas at highest risk, but where development is necessary, making it safe without increasing*

flood risk elsewhere.” The NPPF also establishes that Local Plans should be supported by Strategic Flood Risk Assessment and should develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans are required to apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

- 8.124. The evidence base supporting the West Dorset, Weymouth & Portland Local Plan includes a two-stage Strategic Flood Risk Assessment (SFRA), prepared by Halcrow Group Limited: The Level 1 SFRA is dated August 2008 and the Level 2 SFRA dated August 2010. On the strength of the information contained within these reports the principle of developing St. Michael’s Trading Estate was judged safe on flood risk grounds and the site was allocated for development by Local Plan policy BRID5.
- 8.125. When dealing with individual planning applications the NPPF ordinarily expects development to be subject to two tests: (1) a Sequential Test, which always aims to steer development to areas with a lower probability of flooding; and (2) if relevant, an Exceptions Test, which seeks to demonstrate wider sustainability benefits to the community that outweigh any flood risk. However, the NPPF is explicit (in paragraph 104) that “*For individual developments on sites allocated in development plans through the Sequential Test [as in this case], applicants need not apply the Sequential Test*” nor, by extension, the Exceptions Test. This is also made clear in paragraph ii) of Local Plan policy ENV5 (FLOOD RISK).
- 8.126. This does not obviate the need to consider flood risk further; the NPPF makes clear (at paragraph 103) that “*When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment*”. In this case that requirement is met by the Flood Risk Assessment (FRA) prepared by Such Salinger Peters – Revision A (May 2017). The Environment Agency has considered this FRA and maintains two objections to the proposals.

Ground floor levels – Stover and Lilliput

- 8.127. It is a requirement of the FRA to demonstrate that during extreme flooding events there are adequate routes through the site to allow for the passage of flood water, thereby reducing the risk to other properties within and surrounding the site. In this case the FRA proposes that this will be achieved through the general principle of maintaining roads and passageways at existing ground levels and then raising the footprint of new buildings by at least 300mm above the 100 year flood level. The Environment Agency (EA) is recommending that this principle is enforced through a planning condition. However, the EA also notes that this would be unachievable for Stover and Lilliput where ground floors are being

proposed at a lower level. For Stover the ground floor is proposed at a maximum of 7.40, only 80mm above 100 year flood level, and for Lilliput the ground floor ranges between 7.20 and 7.28 which is actually between 70mm and 150mm below the 100 year flood level.

- 8.128. The ground floors of both Stover and Lilliput are proposed as commercial and ordinarily the EA would be less concerned about achieving a 300mm freeboard in those circumstances; its preoccupation tends to be with more vulnerable uses, particularly residential. However, in this case it is adopting what it describes as a “precautionary and sustainable” approach by trying to future proof the buildings. It acknowledges that a change of use to residential would require planning permission in its own right, but is trying to avoid a situation where that became impracticable or difficult through a lack of forethought in building design.
- 8.129. Achieving a 300mm freeboard on both buildings would be relatively easy, but it is not considered desirable in design terms in either case. It would produce an ugly step in Lilliput at the junction between the new build and the refurbished part of the building and it would make Stover appear incongruous in its setting where the other retained buildings have ground floors set much closer to existing levels.
- 8.130. The applicants also make the point that the generous ground floor ceiling heights in both buildings (typical for commercial floorspace) offer the potential to raise internal floor areas above the 100 year flood level if a change of use to residential was ever proposed. The EA accept this principle, but at the time of writing this report is still awaiting calculations to prove that it is a viable solution in respect of both of these buildings. Members will be provided with an update at Committee.

Flood resistance and resilience

- 8.131. The EA’s concern here is that, as things stand, the applicant’s FRA is not committing to residential standards of flood resistance and resilience to the ground floors of Stover and Lilliput and that, as with the point about floor levels, this is not future proofing the buildings. This could be resolved by imposing the EA’s recommended condition, but the EA wants the FRA updated before withdrawing its objection. Discussions are ongoing on this point and Members will be provided with an update at Committee.
- 8.132. If the EA’s objection cannot be withdrawn and Committee is ultimately minded to approve the two planning applications currently under consideration then in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the applications would need be referred to the Secretary of State via the National Planning Casework Unit.

Surface water

8.133. The Lead Local Flood Authority (LLFA) has offered discretionary advice on both planning applications currently under consideration: it considers that both applications fall outside of its remit. However, the EA has considered the issue and confirmed itself content subject to the imposition of a condition.

Access and parking;

8.134. It is a strategic objective of the Local Plan to:

“Provide greater opportunities to reduce car use; improve safety; ensure convenient and appropriate public transport services; and seek greater network efficiency for pedestrians, cyclists and equestrians.”

8.135. The decision to allocate St Michael’s Trading Estate for mixed-use development is, in part, a reflection of the fact that it is in a very accessible location, within easy walking distance of the town centre and convenient access to public transport.

Access

8.136. The first two criteria in Local Plan policy COM7 (CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK) reemphasise the locational exigencies of the Plan’s strategic objectives. Subsequent criteria consider more

8.137. Highways England has considered the impact of the development upon the strategic highway network and maintains the position that it adopted in 2012; it requires a financial contribution of £8,000 (index-linked) towards improvement of the East Road roundabout on the A35. This will need to be secured through a planning obligation.

8.138. The local highway authority has no objection to the development subject to the imposition of a condition.

Parking

8.139. Local Plan policy COM9 (PARKING STANDARDS IN NEW DEVELOPMENT) expects parking provision associated with new residential development to be assessed under the methodology set out in the Bournemouth, Poole & Dorset Residential Car Parking Study, taking into account the following factors:

- Levels of local accessibility;
- Historic and forecast car ownership levels;
- The size, type, tenure and location of the dwellings;

- The appropriate mix of parking types (e.g. unallocated, on-street, visitor etc).
- 8.140. Policy COM9 expects parking standards for non-residential development to be agreed through joint discussions between the local Highway Authority and the Local Planning Authority in accordance with published local parking guidelines, which in this case is the County Council's "*Non-Residential Parking Guidance*".
- 8.141. Masterplan drawing PL 101 Revision D shows a total of 160 parking spaces across the BRID5 allocation, which is unintended to provide 1 space per residential unit (92) with the remainder (68) available for commercial tenants and visitors. The local highway authority is content with this level of provision in this location. It should be noted that another consequence of this development proceeding will be to displace a significant amount of "fly-parking". The whole of the estate is regarded by some as a free car park.

Biodiversity:

8.142. It is a strategic objective of the Local Plan to:

"Protect and enhance the outstanding natural and built environment, including its landscape, biodiversity and geodiversity, and the local distinctiveness of places within the area – this will be the over-riding objective in those areas of the plan which are particularly sensitive to change".

8.143. And in meeting this strategic objective the Local Plan states:

"Development should protect and enhance the natural environment - its landscape, seascapes and geological conservation interests, its wildlife and habitats and important local green spaces - by directing development away from sensitive areas that cannot accommodate change. Where development is needed and harm cannot be avoided, appropriate mitigation to off-set any adverse impact to the landscape, wildlife and green infrastructure network will be required".

8.144. This objective is expressed through a number of policies, but most succinctly through policy ENV 2:

ENV 2. WILDLIFE AND HABITATS

- i. Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.
- ii. Development that is likely to have an adverse effect upon the integrity of the Poole Harbour and Dorset Heaths International

designations will only be permitted where there is provision to avoid or secure effective mitigation of the potential adverse effects in accordance with the strategy in Table 2.2.

- iii. Development that is likely to have an adverse effect upon nationally designated wildlife sites will not be permitted unless the benefits, in terms of other objectives, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.
- iv. In other locations, including locally identified wildlife sites and water-bodies, where significant harm to nature conservation interests cannot be avoided, it should be mitigated. Where it cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity otherwise development will not be permitted. Features of nature conservation interest should be safeguarded by development.
- v. Proposals that would result in the loss or deterioration of irreplaceable habitats, such as ancient woodlands and veteran trees, will be refused unless the need for and public benefits of the development clearly outweigh the loss.
- vi. Proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. Development of major sites should take opportunities to help connect and improve the wider ecological networks.
- vii. Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution. Development on sites supporting other protected species will only be permitted where adequate provision can be made for the retention of the species or its safe relocation.

8.145. The outline application is supported by a Biodiversity Mitigation Plan (BMP) dated 31st January 2017 which was granted a Certificate of Approval by the Natural Environment Team of Dorset County Council on 3rd February 2017. The broad conclusions of the BMP are:

“No signs or potential habitat for bats was found in any of the buildings effected. There was evidence of Herring gulls breeding on top of some of the buildings and pigeons in the two-storey building. No other signs of breeding birds could be detected. There were signs of water voles in the river but no change in the management of the riverside habitat is proposed.

“Most of the proposal area was hardstanding, except an 8m zone alongside the river which is being retained for Environment Agency access. The river

corridor offers opportunities for a variety of river wildlife including feeding birds, bats and invertebrates in an otherwise concrete habitat.”

8.146. The BMP goes on to suggest limited mitigation and compensation in this context, which should also address the Environment Agency’s in respect of water voles.

8.147. Natural England is keen to develop the opportunities associated with the potential for St Michael’s Island as a Local Nature Reserve (LNR). Policy BRID5 does not go that far; its expectation is that there will be:

“ ... the provision for a wildlife corridor along the River Brit, including St Michael’s Island.”

8.148. The applicants accept this requirement and it is recommended that a detailed scheme for the future of St Michael’s Island is secured through a planning condition. This should include details of long-term maintenance, which would not rule out the possibility of it becoming a LNR.

Community Infrastructure Levy (CIL):

8.149. These proposals are CIL liable. It is impossible to make an accurate assessment of that liability at this stage, particularly given that a significant element of the scheme is being considered in outline. But an estimate at the moment suggests an overall figure of approximately £400K. 15% of this will go to Bridport Town Council, with 85% retained by WDDC and apportioned as follows:

CIL Theme Apportionment	
	WDDC CIL Apportionment
Culture & Leisure Facilities	17.5%
Dorset Heathlands	5%
Education & Training Facilities	30%
Emergency Services	5%
Flood Mitigation and Coast Protection	5%
Green Infrastructure & Recreation	5%
Healthcare	2.5%
Poole Harbour Nutrient Management	5%
Public Realm	2.5%
Transport	15%
Utilities	2.5%
Waste Management	5%

9. SUMMARY OF ISSUES AND THE PLANNING BALANCE

- 9.1. St Michael's Trading Estate is allocated for a comprehensive mixed-use development by Local Plan policy BRID5. The Local Plan considered many of the objections levelled at the current proposals during the examination into the Local Plan and whilst acknowledging concerns about the potential to "*devalue the unique form and appeal of the site and undermine its character*" but that "*ignoring the condition of the buildings is more likely to jeopardise the future of the site in its current form. Incorporating some residential use appears to be a realistic and modest option which is capable of funding improvements while retaining the inherent character of the Estate.*"
- 9.2. The current proposals include a net increase of 91 dwellings across the Estate. This would be a valuable contribution towards the Local Plan's five-year housing lands supply, albeit less than 105 dwellings currently identified. The housing is also proposed to fund a £2m cross-subsidy for essential repairs to the retained commercial buildings on the site, many of them exhibiting historic interest.
- 9.3. There would be a net loss of approximately 25% of the existing commercial floorspace, but the cross-subsidy is intended to carry out essential repairs to the retained buildings that would bring vacant and under-used floorspace up to standard that would retain existing employment levels. The new floorspace within Lilliput and Stover would also provide opportunities for businesses not well-suited to the inherent limitations of the retained buildings. The proposals are considered to meet the requirement for "*maintenance or enhancement of employment opportunities*" established by Local Plan policy BRID5.
- 9.4. Taking into account Vacant Building Credit and viability arguments accepted as valid by an independent valuer the affordable housing requirement for these proposals as a whole would be 22 dwellings. At that level the proposals would be consistent with Local Plan policy HOUS1, subject to agreement of an Affordable Housing Scheme to resolve the detailed mix and disposition of units across the Estate.
- 9.5. The "Trick Factory" is an Asset of Community Value (ACV) and the purpose for which it was listed is a material planning consideration. However, the unit is now vacant and given the alternative recreational facilities being provided within the proposals (including a new riverside walk and future management of St Michael's Island as a wildlife corridor) the loss of the Trick Factory is judged compliant with Local Plan policy COM5.
- 9.6. These proposals will directly impact a number of designated and undesignated heritage assets. The main designated assets are 40 St Michaels Lane (including Lilliput) - a grade II listed building, and the Bridport Conservation Area. The undesignated heritage assets of concern are the Stover Building – proposed to be demolished in these proposals – and the "Tin Shed" - proposed to be relocated.

- 9.7. Historic England has been closely involved in the evolution of these latest proposals and acknowledges that the scheme potentially represents a significant improvement upon the earlier 2012 iteration. However it does retain concerns and considers that the proposed demolitions (Stover and the “Tin Shed”) and the imposition of a north-south road cutting through the grain of the site.(Lilliput Lane) would cause harm to the significance of the conservation area, albeit less than substantial harm. In those circumstances the Committee would need to have regard to: (1) the statutory requirement imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”; and (2) paragraph 134 of the NPPF which requires decision makers to weigh any harm against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there are a number of public benefits that weigh heavily against the harm, particularly the provision of much-needed housing (including affordable housing) and some significant investment in the fabric of those buildings to be retained.
- 9.8. There are two aspects to concerns about residential amenity, the potential impact upon existing properties and the living conditions that would be created for new properties.
- 9.9. The relationships established by the new buildings, and particularly the new Lilliput and Stover buildings has been carefully considered and no existing property will suffer the significant adverse effect required to fall foul of Local Plan policy ENV16.
- 9.10. The amenity of new properties, particularly the 44 flats proposed in the eastern half of the site, will be reduced as a consequence of close proximity to commercial premises, some of which will not be constrained by the limitations of a lawful B1 use. Nevertheless, the majority of the established uses within the retained buildings are not considered to be such bad neighbours as to lead to the significant adverse effects which is the test established by Local Plan policy ENV16.
- 9.11. The Environment Agency is now broadly content with the proposals although, as things stand, it has retained an objection to the proposals for the new Lilliput and Stover buildings on the basis that the ground floor levels and flood resilience measures do not take into account the potential for a future change to a more vulnerable residential use. This is not considered to be a sustainable basis for refusing planning permission.
- 9.12. 160 parking spaces are being proposed across the Estate to support these proposals; one of each residential unit and the residual to serve commercial tenants and visitors. Taking into account the Estate’s good level of accessibility the local highway authority is content with this level of provision, subject to a

planning condition. Highways England is content with the proposals subject to a £8K financial contribution towards improvements to East Road roundabout.

- 9.13. Natural England raises no objections to the proposals subject to implementation of the submitted Biodiversity Mitigation Plan and securing a scheme for the implementation and future management of a scheme for a wildlife corridor on St Michael's Island.
- 9.14. Overall, this remains a controversial proposal. There is an overriding concern that a mixed use redevelopment involving housing will inevitably destroy the essential character of something which is regarded as very special to Bridport, its conservation area and its economy. But, as the Local Plan inspector recognised when allocating the site, the greater risk is in doing nothing. There have been various iterations of redevelopment proposals for the Estate over the years, but this is considered to be the most successful to date. It strikes the right balance between accommodating sufficient housing to boost the five-year supply and retaining many of the essential qualities of the site. It also offers the prospect of a significant investment in the retained buildings and the provision of some valuable new amenities.

10. RECOMMENDATION

1/D/11/002012 Outline

- 10.1. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- d. referral to the Secretary of State via the National Planning Casework Unit ;
 - e. a section 106 agreement addressing the following heads of terms;
 - i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;
 - ii. 22 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;
 - iii. Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved;
 - f. And the following conditions:
 - 1. Approved plans

Outline conditions

2. Approval of the details of the appearance of the building(s) and the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To ensure the satisfactory development of the site.

3. Application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

The Stover Building

5. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a contract has been let for the subsequent and immediate implementation of the redevelopment of that part of the site approved by this permission, or such alternative redevelopment for that part of the site as may be approved within the life of this permission. .

REASON: To avoid the premature demolition of the Stover Building in the interests of preserving the character of the Bridport Conservation Area.

6. No demolition of the Stover Building (building no. 11 on drawing no. PL 002) shall take place until a scheme for recording the building's heritage significance during the process of demolition has been submitted to, and approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure a complete record of the heritage significance of the building.

The "Tin shed"

7. No demolition of the "Tin Shed" (the northernmost building marked as no. 20 on drawing no. PL 002) shall take place until a scheme for the relocation of the structure, as far as is practicable, shall have been submitted to, and

approved in writing by, the local planning authority. Thereafter demolition shall proceed in accordance with such scheme as is agreed.

REASON: To ensure that the structure is retained as part of the redevelopment proposals.

Residential amenity

8. The ground floor of the new Stover building shall only be used for purposes falling within Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV16.

Biodiversity

9. Unless agreed otherwise in writing by the local planning authority, the development shall be carried out in accordance with the recommendations of the Biodiversity Mitigation Plan submitted by Bronwen Bruce, MCIIEM dated 31st January 2017 and granted a Certificate of Approval by the Natural Environment Team of Dorset County Council on 3rd February 2017.

REASON: To enhance biodiversity in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV 2.

St Michael's Island

10. Unless agreed otherwise in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and long-term management of St Michael's Island (marked as no. 8 on drawing no. PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (a) timetabled proposals for enhancements to biodiversity; (b) details of arrangements for public access; and (c) details of the body/organisation charged with long-term maintenance. Thereafter, enhancement and long-term management shall proceed in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

Riverside Walk

11. Unless agreed otherwise in writing by the local planning authority, the development hereby permitted shall not be commenced until a scheme for a riverside walk, incorporating the Environment Agency's 8m wide maintenance strip east of the River Brit, has been submitted to, and approved

in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; (2) phased construction arrangements, if appropriate; (3) proposals for limiting vehicle access; and (4) proposals for long-term maintenance and public access. Thereafter, the development shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To comply with the specific requirements of West Dorset, Weymouth & Portland Local Plan policy BRID5.

Cattlemarket Square

12. Unless agreed otherwise in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until a scheme for the enhancement and future use of Cattlemarket Square (as identified on approved drawing PL 101 Revision D) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: (1) full details of hard and soft landscaping; and (2) proposals for long-term maintenance and public use/access. Thereafter, the proposals for Cattlemarket Square shall be implemented and maintained in accordance with such scheme as is agreed.

REASON: To ensure that the potential of Cattlemarket Square to serve a number of uses is fully realised.

Flooding

13. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the proposed development has been submitted to, and approved in writing by, the local planning authority. 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.

14. The development hereby permitted shall not be commenced until such time as a scheme to ensure the finished ground floor levels of all new buildings (with the exception of the new Stover building) are set at least 300mm above the adjacent / corresponding present day 1 in 100 year flood level has been submitted to, and approved in writing by, the local planning authority. 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.

15. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways. All other site levels must not be higher than those prior to the development. 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 must be submitted to, and approved in writing by, the local planning authority. 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.

16. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA, under all phases of the development. All proposed works within 8m of the defences and associated infrastructure, through all phases of the development, shall be submitted to, and approved in writing by, the local planning authority. 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 ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

17. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the local planning authority. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of other development works on the site, with contingency arrangements put in place where necessary. Localised drainage infrastructure and highways works may be incorporated simultaneously. 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 ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

Surface water

18. No development shall take place on land to which reserved matters relate until the detailed drainage design for each phase of development, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. Sufficient attenuation storage and flow control shall be provided for each phase of development. This should be clearly demonstrated in a detailed Surface Water Management Strategy document (and Masterplan) showing attenuation volumes and final discharge rates and for each discreet phase, and for cumulative phases, to be submitted under each relative reserved matters application if the development comes forward in phases. Phasing and maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

Land contamination

19. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority: (a) a 'desk study' report documenting the site history; (b) a site investigation report documenting the ground conditions of the site, and incorporating a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment; (c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed; (d) a detailed phasing scheme for the development and remedial works. The remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

20. Before the commencement of development, a further investigation and risk assessment shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

21. Before the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

22. Before the commencement of development, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation

scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

23. 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. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

Estate road construction

24. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number PL-101 Rev D must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

WD/D/16/002852 Full

- 10.2. Delegate to the Head of Planning authority to grant outline planning permission subject to:
- a. referral to the Secretary of State via the National Planning Casework Unit ;
 - b. a section 106 agreement addressing the following heads of terms;
 - i. A payment of £8,000 (index-linked) for onward transmission to Highways England for improvements to East Road roundabout;

- ii. 22 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;
 - iii. Agreement and subsequent implementation of an “Employment Buildings Refurbishment Scheme”, which will apply £2m to a detailed schedule of essential improvements (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) linked to the phased occupation of the residential units hereby approved;
- c. And the following conditions:
- 1. Approved plans.

Time limit

- 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).

Materials

- 3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In order to safeguard the character of the listed building in accordance with West Dorset, Weymouth & Portland Local Plan policies ENV4 and ENV12.

Residential amenity

- 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 Classes B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: In order to protect the amenity of nearby residential properties in accordance with West Dorset, Weymouth & Portland Local Plan policy ENV16.

Flooding

- 5. The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood resistance and resilience measures into the

proposed development has been submitted to, and approved in writing by, the local planning authority. 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.

6. The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of existing ground levels other than beneath the new building footprints and necessary (minimal) access footways. All other site levels must not be higher than those prior to the development. 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 must be submitted to, and approved in writing by, the local planning authority. 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.

7. The development hereby permitted shall not be commenced until such time as a detailed scheme to ensure the protection of and access (for maintenance) to the Environment Agency's Flood Alleviation Scheme and associated infrastructure as set out under Section 4 of the FRA, under all phases of the development. All proposed works within 8m of the defences and associated infrastructure, through all phases of the development, shall be submitted to, and approved in writing by, the local planning authority. 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 ensure the structural integrity of and access to the existing Flood Alleviation scheme thereby reducing the risk of flooding.

8. The development hereby permitted shall not be commenced until such time as a scheme to ensure adequate replacement river wall and flood defence wall in the location between Red Brick Buildings and Tower Buildings has been submitted to, and approved in writing by, the local planning authority. The replacement walls must meet the Environment Agency's flood defence asset standards and must be completed prior to commencement of other development works on the site, with contingency arrangements put in place

where necessary. Localised drainage infrastructure and highways works may be incorporated simultaneously. 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 ensure the long term structural integrity of the river wall and flood wall thereby reducing the risk of flooding.

Surface water

9. No development shall take place on land to which reserved matters relate until the detailed drainage design for each phase of development, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. Sufficient attenuation storage and flow control shall be provided for each phase of development. This should be clearly demonstrated in a detailed Surface Water Management Strategy document (and Masterplan) showing attenuation volumes and final discharge rates and for each discreet phase, and for cumulative phases, to be submitted under each relative reserved matters application if the development comes forward in phases. Phasing and maintenance of the drainage infrastructure on site must be set out within a comprehensive legal agreement and any commuted sums required agreed within the outline permission. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

Land contamination

10. Before the commencement of development, the developer shall submit for the written approval of the Local Planning Authority: (a) a 'desk study' report documenting the site history; (b) a site investigation report documenting the ground conditions of the site, and incorporating a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment; (c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed; (d) a detailed phasing scheme for the development and remedial works. The remediation scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development is occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

11. Before the commencement of development, a further investigation and risk assessment shall be completed in accordance with a scheme to be submitted to and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes), adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

12. Before the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

13. Before the commencement of development, the approved remediation scheme shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

14. 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. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to the National Planning Policy Framework March 2012.

WD/D/16/002853 Listed Building Consent

- 10.3. Grant listed building consent subject to the following conditions:

1. Approved plans.

Time limit

2. The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.

REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Materials

3. The external materials to be used in the development hereby approved (including doors and windows) shall accord with details (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: In order to safeguard the character of the listed building in accordance with West Dorset, Weymouth & Portland Local Plan policies ENV4 and ENV12.