

Application Number:	WD/D/16/002852
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	LILLIPUT BUILDINGS ADJOINING 40 ST MICHAEL'S LANE, ST MICHAELS ESTATE, BRIDPORT, DT6 3TP
Proposal:	Application for Full Planning Permission 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)
Applicant name:	Mr Hayward
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Sarah Williams, Cllr. Kelvin Clayton and Cllr. Dave Bolwell

1.0 Reason application is going to committee: Proposed change to S106 legal agreement Heads of Terms which were previously the subject of a planning committee resolution and to consider changes to national policy and the development plan which have occurred since the committee resolution.

2.0 Summary of recommendation:

Recommendation A:

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

1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions detailed at Section 17 of this report.

Recommendation B:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

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

3.0 Reason for the recommendation:

- The proposal would result in the redevelopment of a highly sustainable allocated brownfield site within Bridport town centre for an appropriate mix of residential and commercial uses.
- The new and refurbished employment space would support the local economy and provide opportunities for a range of small scale occupiers.
- The proposals are sympathetic to the sensitive heritage context of the site and surrounding area and would not harm the significance of any designated or non-designated heritage assets.
- The reduced quantum of affordable housing has been rigorously assessed and found to be acceptable due to viability.
- There is not considered to be any significant harm to residential amenity.
- Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

This report relates to the outline application at St Michael's Trading Estate in Bridport. It is one of three separate, but related applications, for mixed use redevelopment of the Estate. This section summarises the key planning issues for the application.

Issue	Conclusion
Principle of development	The site is allocated in the Local Plan for mixed use development. Bridport Area Neighbourhood Plan (BANP) supports regeneration.
Employment	The proposal would result in a small net loss of employment floorspace. The new build and

	refurbished spaces represents a qualitative improvement and would meet the needs of small businesses resulting in a net-gain in employment overall.
Residential	The dwellings are entirely acceptable in principle.
Housing mix	The housing mix is limited (all 2-bed apartments). Given the modest number of dwellings proposed the proposed housing mix is acceptable.
Affordable housing provision	Has been rigorously viability tested. 14 affordable dwellings would be secured within the outline element of the associated application.
Heritage	The would be no harm to designated or non-designated heritage assets. The proposal would secure the long term use of the listed building.
Area of Outstanding Natural Beauty	The proposal would not adversely affect the AONB.
Design	Has been informed by the sensitive heritage context of the site. The proposal works in harmony with the existing site, retained listed building and surrounding area and would create a strong sense of place.
Residential amenity	Significant adverse impacts from overlooking are avoided and appropriate residential amenity can be secured via planning conditions. Whilst the apartments would not have private amenity space local open space is located close by.
Flood risk and drainage	Acceptable subject to conditions.
Ground conditions	Acceptable subject to conditions.
Highways, Access and Parking	Sufficient parking would be provided. No objection from the Highways Authority or National Highways.
Ecology and Biodiversity	No adverse impacts on ecology or biodiversity. Net gains would be secured.
Energy efficiency and sustainability	Appropriate energy efficiency would be secured via planning condition.

5.0 Description of Site

5.1 St Michael's Trading Estate is a historic industrial estate on the West of Bridport. The site of the application for full planning permission comprises the north eastern part of the BRID5 site allocation in the adopted West Dorset, Weymouth and Portland Local Plan (2015). The site comprises 40 St Michael's Lane and adjoining buildings to the rear known collectively as the Lilliput Buildings together with adjoining yard space.

5.2 The site is bounded on the east by St Michael's Lane, to the south and west by adjacent buildings within the Estate (Twine Stores and Auction House respectively) and to the north by the Bridport Police Station and residential buildings along St Michael's Lane.

5.3 The site is previously developed land and provides a range of employment uses. The buildings are arranged in an east to west orientation from St Michael's Lane towards the river, with the gap between the Lilliput Buildings ('Northern Range') and the adjacent Twine Store ('Southern Range') reflecting the former ropewalks on the Estate. 40 St Michael's Lane is 3 storeys. The Lilliput Buildings to the rear are 1-2. Service access is provided to the rear via Tannery Road. The site is predominantly level.

5.4 The surrounding area includes a mix of uses. Immediately north of the site is the Bridport Police Station, West Street Car Park and Bridport Bus Station, beyond which lies the B3162 (West Street) which leads to the centre of Bridport approximately 280m away. To the north east are residential dwellings and the Hope and Anchor Public House along St Michael's Lane, a Waitrose foodstore and Rope Walks Car Park accessed from Rope Walks. The wider Estate is to the south and west, beyond which lies the River Brit and adjacent open space, including tennis courts, children's play space and a skate park. A public footpath (W1/44) runs through this open space connecting West Street Car Park with another footpath (W1/29) which runs along the western bank of the River Brit. Surrounding buildings are predominantly two storey constructed in a mix of architectural styles.

6.0 Description of Development

6.1 The proposed development seeks full planning permission for redevelopment of the Lilliput Buildings including part demolition of listed and unlisted structures and refurbishment of retained structures to provide 9 residential units (including refurbishment of one existing unit); and a net decrease of 47sq. m. of light industrial floorspace.

6.2 The proposed demolitions include the more recent additions in the north west of the building, together with internal walls/structures to facilitate the proposed development and create an unrestricted pedestrian route ('Ropewalks Link') from St Michael's Lane to the rear of the site. A new stepped 1-3 storey mixed residential/commercial building is proposed in the broad location of the demolished part of the building.

6.3 Through the new build floorspace and internal alterations, the development would create 6 commercial units and 9 x 2-bed dwellings. B1 Commercial Units 1 – 5 would be located at ground level, with access provided to the west and south. Service access would be provided from the north. Unit 6 would be provided across the ground and upper floors of 40 St Michael's Lane and part of the first floor of the eastern part of the Lilliput Buildings.

6.4 The apartments would be created within the first and second floors of the new building (Units 1.1-1.5, 2.1 and 2.2) and through change of use/refurbishment of part of the first floor of the western part of the Lilliput Buildings (Units 1.6 and 1.7). In total there would be seven apartments on the first floor, including an existing unit which is

to be refurbished. Two apartments are proposed on the second floor, completely within the new-build element of the scheme.

6.5 Car parking associated with the dwellings would be provided within the wider Estate as part of the associated application for outline planning permission. Cycle parking is proposed within the new building at ground level.

6.6 The two changes to the proposed development since the former West Dorset District Council Development Control Committee of July 2017 relate to:

- 1) the removal of an off-site highway contribution following further assessment of the highway implications of the development; and
- 2) the quantum of affordable housing across the outline and detailed applications, which the applicant proposes to reduce from 22 (24% including all housing within outline and detailed applications) to 14 (15%) dwellings owing to the revised viability of the proposal. The affordable homes would provide a tenure mix of 70:30 affordable rented: intermediate and would be located within the proposed St Michael's Buildings within the associated outline application. All nine dwellings would be 2-bed. The proposed housing mix across the outline and detailed application is as follows:

Table 6.1: Housing Mix – Outline and Detailed Application

No. of bedrooms	Apartments		Houses			Total
	1-bed	2-bed	2-bed	3-bed	4-bed	
No. of dwellings	8	36	24	11	13	92
Total (%)	8.7%	39.1%	26.1%	12.0%	14.1%	100.0%

6.7 In combination with the associated outline planning application, the proposals would involve the demolition of 3,681sq.m of existing commercial buildings, and the construction of 1,086sq.m of new floorspace – resulting in a net loss of 2,595sq.m overall. The proposed employment provision is summarised in the table below:

Table 6.2: Employment Floorspace

Floorspace (sq.m)	Detailed application (WD/D/16/002852)	Outline application (1/D/11/002012)	Total
Existing floorspace	1,541	9,005	10,546
Proposed demolitions	372	3,309	3,681
Proposed new floorspace	325	761	1,086
Net proposed	1,494	6,457	7,951
Change	-47	-2,548	-2,595

6.8 A total of 160 parking spaces would be proposed across the BRID5 allocation site. They would provide 1 space for each of the apartments within the detailed application with the remainder (68) available for commercial tenants and visitors. All parking spaces are located within the outline application site.

7.0 Background and Relevant Planning History

7.1 St Michael's Trading Estate has a detailed planning history. The application subject to this report has previously been considered twice by the former West

Dorset Development Control Committee where Member's resolved to grant permission subject to conditions and a Section 106 Agreement requiring a range of infrastructure requirements including affordable housing.

7.2 The relevant planning history is summarised in the table below:

Table 7.1: Planning History

App No.	Type	Proposal	Decision	Date
Determined Applications				
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	Refused	2 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)	Refused	2 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 new vehicular and pedestrian accesses	Refused	26 August 2009

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)	Refused	26 August 2009
1/D/11/002013	CAC	Demolish Buildings	Withdrawn	3 March 2017
WD/D/16/002853	LBC	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)	Granted	7 August 2017
Live Applications				
1/D/11/002012	OUT	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. (Further revised scheme).	Pending	N/A
WD/D/16/002852	FULL	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	Pending	N/A

		47 sq.m of light industrial floorspace.(Revised scheme)		
P/LBC/2022/071 18	LBC	Partial demolition and redevelopment of the Lilliput Building alongside the repair and re-use of the Grade II listed former Ropework Buildings, to the rear of no. 40 St. Michael's Lane, Bridport, to form 9 flats and improved commercial floor space.	Pending	N/A

Outline Application (1/D/11/002012)

Initial Planning Committee – June 2012

7.3 The outline application was registered on 02 January 2012, at which time it proposed the erection of 105 dwellings (66 houses, 4 maisonettes and 35 flats), new commercial floor space and space for the relocation of 'the Trick Factory' – an indoor skatepark which at that time was operating on the first floor of the Stover Building.

7.4 The application was considered by the former West Dorset District Council Development Control Committee on 21 June 2012 which resolved to grant planning permission 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.

7.5 Issuing a formal permission was dependent upon concluding the proposed Section 106 agreement. However, 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 the Committee's earlier resolution. A planning permission must have 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 extended listing of the Lilliput Building necessitated an amended procedural approach and brought policies into play that committee had not weighed in the planning balance as they were not relevant at the time of the planning committee.

7.6 ***Second Planning Committee*** Following the initial planning committee the outline application was amended and separate but related applications for full planning permission (WD/D/16/002852) and listed building consent (WD/D/16/002853) were submitted in December 2016 – described in the sub-section below.

7.7 The scope of the outline application was changed in a number of ways to fix access, layout and scale at the outline stage (reserving appearance and landscaping

for subsequent approval at the Reserved Matters stage) and remove 40 St Michael's Lane and the Northern Range of the listed buildings from the outline application site. The description of development was amended to reduce the number of dwellings from 105 to 83 (48 houses and 35 apartments) and references to making provision for the Trick Factory were removed. As well as fixing the number of dwellings the revised application proposed the demolition of 3,309sq.m of existing commercial floorspace and the construction of 761sq.m of new employment floorspace for uses within Class B1(c) (Light industrial) of the former Town and Country Planning (Use Classes) Order 1987 (as amended). This leads to an overall decrease of 2,548sq.m of commercial space.

7.8 The proposed layout was redesigned and revised illustrative materials were submitted to reflect the revised proposal. The revised application was accompanied by a series of revised and new documents and was subject to full re-consultation.

7.9 Members of the former West Dorset District Council Development Control Committee resolved to grant outline planning permission on 6 July 2017 subject to a Section 106 Agreement and planning conditions. The heads of terms of the Section 106 Agreement comprised:

- 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.

The case officer's report for the July 2017 committee is included at Appendix 1.

Applications for Full Planning Permission (WD/D/16/002852) and Listed Building Consent (WD/D/16/002853)

7.10 The revised proposals for the Lilliput Buildings (the Northern Range to the rear of 40 St Michael's Lane) were included within the separate applications for planning permission and listed building consent. The proposed development is described in the section above and the history and significance of the Lilliput Building is examined in considerable detail in two reports submitted in support of these applications: (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.

7.11 Members of the former West Dorset Development Control Committee resolved to grant planning permission on 6 July 2017 subject to: referral to the Secretary of State via the National Planning Casework Unit; a Section 106 Agreement; and planning conditions. The heads of terms of the Section 106 Agreement comprised those detailed above for the related outline planning application. Members also resolved to grant listed building consent subject to conditions. The listed building consent was issued but has since lapsed. A new application for listed building consent was submitted in 2022.

7.12 The case officer's report for the July 2017 committee is included at Appendix 1.

8.0 List of Constraints

- Area inside Defined Development Boundary
- Dorset Area of Outstanding Natural Beauty (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
- Landscape Character Areas: Urban and Undulating River Valley
- Contaminated Sites
- Flood Zones 2 and 3
- Risk of Flooding from Surface Water: 1 in 100/year and 1 in 1000/year risk along St Michael's Lane
- Right of Way – Footpaths adjacent to the site: W1/44 and W1/34
- Within the Bridport Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Grade II listed buildings (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990):

Within the boundary of the application site:

- 40 St Michael's Lane and attached buildings to the rear and north-west (Historic England ref: 1287500). Note the Northern Range of the building (the Lilliput Buildings) falls within the application site.

Within the setting of listed buildings:

- 26, 28A and 28B St Michael's Lane (HE ref: 1287449)
- 36 and 38, St Michael's Lane (HE ref: 1227775)
- 42 and 44, St Michael's Lane (HE ref: 1227776)
- Hope and Anchor Public House (HE ref: 1227778)

Important Local Buildings identified in the Bridport Neighbourhood Plan within Sub-Area 7: South West Quadrant:

- 30-32 St Michael's Lane
- St Michael's Lane Unit 104
- The ranges of industrial buildings attached to the rear of No. 40 St Michael's Lane (Note No. 40 and the Northern Range / Lilliput Buildings falls within the application site)
- No. 1 Stover Place
- Units 47 and 52 St Michael's Trading Estate
- Units 37, 60, 61 and 67 St Michael's Trading Estate
- Unit 58 St Michael's Trading Estate

- The Bridport Industries Building
- Nos. 66 to 69 St Michael's Lane
- The former Assembly Rooms in Gundry Lane

9.0 Consultations

This section summarises the consultation responses that have been received since the 6 July 2017 former West Dorset Development Control Committee. Consultation responses received prior to the committee are summarised in the previous Committee Report (see Appendix 1). All consultee responses can be viewed in full on the Council's website.

Natural England

Confirm agreement to the conclusions of Dorset Council's Habitat Regulations Assessment.

Environment Agency

The EA has provided a clarification on detailed wording of planning conditions. They note the EA is reliant upon Dorset Council to ensure issues of co-dependency, phasing and maintenance of surface water management is appropriately managed between the outline and detailed proposals. The EA also recommends alder and Dorset apple varieties are incorporated within the proposals and notes additional habitat features within the site.

Historic England

Advise Historic England has no further comments to those provided in 2017.

National Highways

Following review of the Applicant's Transport Assessment Addendum (TAA), National Highways confirmed no objection to the proposed development and advised that off-site highway improvements are not required. National Highways recommend that robust travel plan measures are secured to maximise the potential offered by the central location of the site and encourage take up of sustainable travel modes.

Dorset Council Highways

No objection to the proposal subject to the same conditions previously recommended by Dorset Council Highways.

Conservation Officer

Support subject to conditions. The proposals will result in no harm to designated heritage assets.

Lead Local Flood Authority

The Flood Risk Management Team (Lead Local Flood Authority) provided amended flood risk management related conditions in response to the EA's comments and note the detailed surface water management scheme (proposed to be conditioned) should avoid the pumping of surface water.

Tree and Landscape Officer

No objection.

Dorset Natural Environment Team

Certificate of Approval issued.

Dorset Council Environmental Protection

Confirm Dorset Council Environmental Protection has no additional comments.

Bridport Town Council

Bridport Town Council note the Bridport Neighbourhood Plan has been made since the application was considered by the Local Planning Authority and state the proposal must accord with the neighbourhood plan.

In general terms, the town council state the proposals must:

- Conserve and enhance listed and non-listed heritage assets;
- Ensure that the current range of artisan/art activities can continue; and
- Support new employment opportunities.

The town council specify that a number of detailed issues must be catered for in any permission granted, either by planning conditions or through further input by the applicant. The town council highlights a number of policies in the Bridport Neighbourhood Plan that should be complied with in relation to the following headline issues:

1. Housing and affordable housing – Request provision of affordable housing prioritises 1-2 bedroom social rented units and is distributed evenly across the development. Request the applicant consults with Bridport Area Community Housing.
2. Climate emergency – Commitment to carbon reduction requested and assessment against Policies CC2 and CC3 noted.
3. Commercial space – clarification requested on the existing amount of commercial space and request the applicant considers the provision of storage facilities for community organisations.
4. Heritage – including non-designated heritage assets and the phasing of development.
5. Green spaces – notably the protection and enhancement of the river corridor.

Ward Councillors

No comments received.

Representations received

Since the 6 July 2017 former West Dorset Development Control Committee two objections from neighbouring residents have been received. In summary, the objections raise the following points

- The antiques quarter should remain as it is, an artistic/artisan quarter and not for profit.
- Concerns with the co-location of residential and light industrial units. Noise and fumes from industrial uses will result in residents objecting to the industrial uses.

A comment from Bournemouth Central Police Station has also been received. The comments suggest increased security measures may be sensible given the

introduction of residential to a new mix of commercial units, including lighting to reduce any fear of crime. The response suggests adopting guidance of the Police approved Secured by Design for the doors of the residential communal door, each residential unit and each commercial unit.

10.0 Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

In line with the 2017 report to the former West Dorset Development Control Committee, the following policies are still considered to be relevant:

- INT1 - Presumption in favour of sustainable development
- ENV1 - Landscape, seascape & sites of other 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
- HOUS4 - Development of flats, hostels and HMOs
- COM1 - Community infrastructure
- 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

Bridport Neighbourhood Plan 2020-2036 (2020)

The Bridport Neighbourhood Plan was made in May 2020. The Plan was not part of the Statutory Development Plan at the time of the 2017 former West Dorset Development Control Committee. The following policies are considered to be relevant:

- CC1 - Publicising carbon footprint
- CC2 - Energy and carbon emissions
- CC3 - Energy generation to offset predicted carbon emissions
- AM1 - Promotion of active travel modes
- AM2 - Managing vehicular traffic
- AM3 - Footpath and cyclepath network

- AM5 - Connections to sustainable transport
- AM6 - Transport hub proposal
- EE2 - Provision for new and small businesses
- H1 - General affordable housing policy
- H2 - Placement of affordable housing
- H4 - Housing mix and balanced community
- H6 - Housing development requirements
- H7 - Custom-build and self-build homes
- HT1 - Non designated heritage assets
- L1 - Green corridors, footpaths, surrounding hills and skylines
- L2 - Biodiversity
- L5 - Enhancement of the environment
- COB1 - Development in the centre of Bridport
- COB3 - Small business support
- COB4 - St Michael's support for the creative industries
- D1 - Harmonising with the site
- D3 - Internal transport links
- D4 - Mix of uses
- D5 - Efficient use of land
- D6 - Definition of streets and spaces
- D7 - Creation of secure areas
- D8 - Contributing to local character
- D9 - Environmental performance
- D10 - Mitigation of light pollution
- D11 - Building for life

Material considerations

National Planning Policy Framework (2021)

The latest version of the NPPF was published in 2021. At the time of the 2017 former West Dorset Development Control Committee the version was 2012. The relevant sections include:

- Section 2. 'Achieving sustainable development':
- Section 4: 'Decision-making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 6 'Building a strong, competitive economy'
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of

development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- Section 11 'Making effective use of land'. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 'Achieving well designed places. Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199)

Other Material considerations

Planning Practice Guidance

South West Quadrant Bridport Regeneration Framework (2002)

Supplementary Planning Documents/Guidance Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Landscape Character Assessment February 2009 (West Dorset)

WDDC Design & Sustainable Development Planning Guidelines (2009)

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to 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. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Bridport Conservation Area Appraisal (Adopted April 2004 & Reviewed October 2010). The Bridport Conservation Area was first designated in 1972 and was centred on the historic core of the town. It has subsequently been extended four times, the last occasion being in October 2010, when the latest Conservation Area Appraisal which included a westward extension of its boundary was adopted by West Dorset District Council. The site falls within the South West Quadrant Sub-Area which is focused around St Michael's Trading Estate.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the

merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. In particular:

- Access; there would be improved footpaths through the site linking with surrounding public rights of way and providing improve access to the Bridport Bus Station. The proposed dwellings would only be accessible via stairs. However, accessible dwellings would be provided within the associated application for outline planning permission.

13.0 Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material Considerations	
Market housing	9 open market dwellings
Implementation of Biodiversity Management Plan	Including biodiversity net gains
Improved employment space	Including through an Employment Buildings Refurbishment Scheme
Community Infrastructure Levy (CIL)	In accordance with West Dorset CIL Charging Schedule and CIL Regulations
Non Material Considerations	
Council Tax	According to value of each property
Business Rates	According to the rateable value of each unit.
New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767

14.0 Environmental Implications

14.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.

14.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

14.3 This has to be balanced against the benefits of providing housing and enhanced employment provision in a highly sustainable location and should be offset against factors including the provision of electric car charging, low-carbon / renewable energy and the dwellings being reasonably energy efficient as required by Building Regulations and the 2021 Approved Documents. The new Building Regulations require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively.

14.4 As a brownfield site within the Defined Development Boundary of Bridport, the proposed redevelopment is inherently sustainable in that it would provide new homes and employment opportunities in a sustainable location in close proximity to public transport. This would reduce pressure on the redevelopment of greenfield sites and support active travel and transport by more sustainable modes.

14.5 The applicant has confirmed the potential to reduce carbon emissions through the use of ground source heat pumps and potential to meet BREEAM Excellent subject to detailed design and viability. Appropriate conditions are proposed to secure this.

15.0 Planning Assessment

15.1.1 The only changes to the proposed development since the former West Dorset Development Control Committee of July 2017 relate to the quantum of affordable housing, which the applicant proposes to reduce from 22 to 14 dwellings across the Estate owing to the revised viability of the proposal, and provision of off-site highway works. All 14 affordable dwellings are proposed within the outline application.

15.1.2 Notwithstanding the limited scope of changes, the below assessment revisits the material planning conditions of the proposal with reference to the previous 2017 Committee Report (Appendix 1) given the intervening adoption of the Bridport Neighbourhood Plan (2020) and newer version of the NPPF (2021).

Principle of development

15.2.1 The principle of comprehensive mixed-use redevelopment of St Michael's Trading Estate is established by site allocation BRID5 of the Local Plan. The allocation designates the site for mixed-use development subject to:

1. the retention and restoration of buildings of historic interest;
2. ensuring the maintenance or enhancement of employment opportunities;
3. respecting the character of the conservation area, including the historic plot patterns;
4. the provision of a riverside walk;
5. the provision for a wildlife corridor along the River Brit, including St Michael's Island.

15.2.2 The supporting text notes the potential role of residential development in helping to secure a viable future for the historic buildings and small-scale employment opportunities.

15.2.3 The NPPF establishes a presumption in favour of sustainable development and seeks opportunities to deliver net gains across each of the three objectives of sustainable development (Paras. 8 and 11). In promoting sustainable development, the NPPF supports the efficient use of land and requires making as much use as possible of previously developed land, specifically acknowledging the multiple benefits that can be delivered through mixed-use schemes (Paras. 119-120).

15.2.4 In tandem with the related applications for outline planning permission and listed building consent, the proposal would result in comprehensive redevelopment of the site to provide a mix of residential and industrial uses as envisaged by the site allocation.

15.2.5 The following sections of this report consider the principle of the proposed uses and partial demolition of heritage assets. The other detailed aspects noted in the site allocation (Nos. 1-5 above) are assessed in subsequent sections.

Employment (Proposed and loss of existing)

15.3.1 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*” (No. 2 above).

15.3.2 There are a wide variety of businesses at St Michael’s Trading Estate. These include office, manufacturing and storage – conventional B Class – Uses, the Red Brick Café (Class E) together with some uses that have a high degree of retail sales (Class E) or fall outside of the use classes order, being Sui Generis (including Snips Hair and Beauty Salon). Whilst the Estate includes a varied mix of employment and retail space, it is clear the Estate is in desperate need of investment, repair and refurbishment to bring space up to modern standards and optimise the employment and economic benefits. The applicant advises 2,009sq.m of floorspace across the Estate is currently unlettable for various reasons, including poor condition, lack of access and inadequate welfare facilities. The poor condition is due to a number of reasons, including fire damage to the East Wing of the Tower Building caused by a fire in 2018.

15.3.3 Since the application was considered by the planning committee in 2017, amendments to the Use Class Order have been made to replace former use classes A1-A5, B1, D1 and D2. However, as the application was submitted prior to the Use Classes Amendment Order (2020) coming into effect, the application must be determined with reference to the former uses classes as they were before the Order came into effect.

15.3.4 Whether or not the proposed employment uses maintain or enhance employment opportunities (in line with Local Plan Policy BRID5) is the key consideration underpinning the acceptability of the proposed employment uses.

15.3.5 In line with the 2017 Committee Report, it is relevant to consider the principle of employment comprehensively across the industrial state having regard to the outline and detailed proposals. The total existing amount of employment floorspace across St Michael’s Trading Estate is 10,546sq.m, although 2,009sq.m (19%) is identified as unlettable. This leaves 8,537sq.m active space available for letting, albeit to varying degrees of intensity. Since the 2017 committee, the applicant advises that employment has increased slightly from 127 to 131 Full Time Equivalent (FTE) jobs. Notwithstanding this modest increase, the conclusions of the 2017 report remain valid and provide a robust assessment of employment provision.

15.3.6 The table below summarises changes of employment across St Michael’s Trading Estate:

Table 15. 1: Employment Provision

Floorspace (sq.m)	Outline application (1/D/11/002012)	Detailed application (WD/D/16/002852)	Total
Existing floorspace	1,541	9,005	10,546
Proposed demolitions	372	3,309	3,681
Proposed new floorspace	325	761	1,086
Net proposed	1,494	6,457	7,951
Change	-47	-2,548	-2,595

The amount of retained floorspace matches the floorspace stated within BANP Policy COB4 for small and start-up businesses.

15.3.7 The applicant continues to maintain they can increase current levels of employment to 225 FTE (a net gain of 94 FTE jobs). This would be achieved by: (a) providing new, purpose-built floorspace in the Lilliput and Stover buildings; and (b) upgrading the 6,865sq.m. of retained floorspace in the historic buildings. Given no changes to employment provision are proposed, the conclusions of the 2017 Committee Report remain valid in that: the proposals would ensure the “*maintenance or enhancement of employment opportunities*” as noted in Policy BRID5 when assessed against job numbers. The employment opportunities would be further enhanced through the construction of purpose-built floorspace which meets modern occupier requirements. In light of the changes to the Use Classes Order, and in the interests of residential amenity, a planning condition requiring the new commercial floorspace to be occupied in B1 use is proposed.

15.3.8 Whilst the proposals would result in a quantitative net loss of employment floorspace, the quality would be substantially improved and opportunities to make more efficient use of floorspace would be provided. Within the scope of the detailed application, five of the six B1 units would be 280sq.m or below. This complies with BANP Policy COB3 which encourages smaller units. The improvements to existing employment space are identified in Appendix C of the Design and Access Statement. This identifies five levels of work that would be conducted in four phases. The first phases of “essential” work would be carried out as part of the proposed development.

15.3.9 The resolution of the 2017 committee required a Section 106 Agreement requiring “*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*”.

15.3.10 The applicant has explored revised phasing since the 2017 committee to improve the viability of the development (see assessment section below). The proposed phasing plan links the phased occupation of the dwellings with the delivery of the essential refurbishment works. The construction of the new mixed use buildings is proposed within Phase 1 and the refurbishment of the Lilliput building is identified within the first commercial refurbishment phase (Phase 3A). The approach would ensure provision of the new B1 space and restoration of the Grade II listed building at an early stage. The proposed phasing responds to Bridport Town

Council's comments about the phasing of development contributing to the protection of listed buildings.

15.3.11 The phasing triggers are proposed to form the basis of triggers within the Section 106 to ensure development proceeds in a phased manner and the delivery of commercial floorspace is incentivised. The phasing is summarised as follows:

Table 15.2 – Phasing of Housing Delivery

Phase	Commencement of Construction	Completion of Construction
1A – Open market houses	January 2024	December 2026 (Final occupation July 2027)
1B – Stover Building		
1C – Lilliput Building		
1D – New Build Commercial		
2 – Affordable Housing	January 2025	April 2026
3A – Commercial Refurbishment	June 2025	May 2026
3B – Commercial Refurbishment	February 2026	January 2027
3C – Commercial Refurbishment	February 2026	July 2027

15.3.12 Subject to securing appropriate phasing and refurbishment works through the Employment Buildings Refurbishment Scheme, the development would be acceptable in employment terms and it is not necessary or reasonable to refer to specific refurbishment costs within the Section 106 Agreement. For the avoidance of doubt, the dates specified above are illustrative. The phasing within the Section 106 would be based on months from commencement and occupation timescales.

15.3.13 Bridport Town Council comment that the proposals should ensure the current range of artisan/art activities can continue and an objection states the antiques quarter at the Estate should remain as existing and should be non-profit. It is clear from the state of disrepair that the Estate is in need of investment. This requires viable proposals which fund the refurbishment works and ongoing maintenance and investment in the Estate. Requiring part of the Estate to be operated on a not-for-profit basis would undermine the viability of the development and is not required by the Development Plan. Whilst there would be a slight net loss in floorspace, the proposed refurbishment works and new B1 space would provide a range of unit sizes that would provide opportunities for creative, artisan and antiques uses to continue together with new start-up and small businesses within growth sectors.

15.3.14 The proposals accord with BANP Policies EE2, COB2 and COB4. The loss of existing floorspace and re-provision of new build and refurbished floorspace is acceptable subject to the agreement of the scheme for refurbishment works and the phasing of the development to be secured via the S106 agreement.

Residential

15.4.1 As an allocated site within the Defined Development Boundary of Bridport (a second tier settlement) the provision of housing is acceptable in principle.

15.4.2 The NPPF (Para. 47) is clear that significantly boosting the supply of housing is one of the Government's key objectives. The NPPF (Para. 119-120) promotes the

efficient use of land in meeting the need for homes and other uses and encourages the realisation of the multiple benefits of mixed use schemes. Pertinent to St Michael's Trading Estate, the NPPF states that substantial weight should be given to the use of suitable brownfield land within settlements for homes and supports the *“development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example ... building on or above service yards, car parks, lock-ups and railway infrastructure).”*

15.4.3 The Local Plan (Table 3.1) identifies St Michael's Trading Estate for the potential delivery of 105 dwellings, reflecting the former West Dorset Development Control Committee's resolution from 2012. The figure was subsequently updated to 92 dwellings in the West Dorset, Weymouth and Portland Five Year Housing Land Supply (5YHLS) statement (April 2021) to align with the resolutions for the 2017 committee.

15.4.4 No changes to the design or quantum of housing have been proposed since the application was considered by committee in 2017. In line with the 2017 Committee Report, the proposed development would continue to deliver a net increase of 91 dwellings across the Trading Estate as a whole¹: 83 within the associated outline application and eight within the Lilliput Building which forms part of the associated application for detailed planning permission and listed building consent. The housing would make a significant contribution towards housing delivery and is entirely acceptable in principle subject to securing appropriate residential amenity for new residents.

15.4.5 Members should be aware that at the time of the previous committee, the local planning authority was unable to demonstrate a 5YHLS, whereas the local planning authority is currently able to identify a 5YHLS.

15.4.6 The principle of including residential within the mix of proposed uses is acceptable.

Housing Mix

15.5.1 The Local Plan requires a mix in the size, type and affordability of open market dwellings, taking into account the current range of housing types and likely demand in view of changing demographics (Policy HOUS3). The type, size and mix of affordable housing is expected to address the identified and prioritised housing needs of an area and should be proportionate to the scale and mix of market housing, resulting in a balanced mix (Policy HOUS1).

15.5.2 BANP Policies H4 and H6(1b) seek to ensure that major housing developments include a mix of housing types and sizes to meet a range of needs, with the mix guided by the latest Bridport Area Housing Needs Assessment (2019). BANP Policy H7 encourages the inclusion of 4% custom-build and self-build homes as part of major developments.

¹ Flat 1.7 in the Lilliput Buildings is a refurbishment of an existing unit

15.5.3 The proposed housing mix across the Estate is noted below. Nine of the apartments (eight net additional) would be located within the detailed element of the application. The existing apartment is located at first floor level of the Northern Range to the rear of 34 St Michael’s Lane.

Table 15.3: Housing Mix – Outline and Detailed Application

	Apartments		Houses			
No. of bedrooms	1-bed	2-bed	2-bed	3-bed	4-bed	Total
No. of dwellings	6	38	24	11	13	92
Total (%)	6.5%	41.3%	26.1%	12.0%	14.1%	100%

15.5.4 Within the detailed application, the 2-bed apartments would be arranged across first and second floors of the new building (Units 1.1-1.5, 2.1 and 2.2) and through change of use/refurbishment of part of the first floor of the western part of the Lilliput Buildings (Units 1.6 and 1.7). In total there would be seven apartments on the first floor, including an existing unit which would be refurbished.

15.5.5 The proposed housing mix within the detailed application would provide a narrow mix of dwelling types and sizes. However, given the limited number of dwellings proposed within this part of the application the proposed housing mix is acceptable. When considered alongside the housing proposed within the outline application a broad mix of dwelling types and sizes geared towards smaller 1- and 2-bedroom dwellings would be provided across the Estate.

15.5.6 The proposed development does not make provision for custom-build or self-build homes. Given the limited number of dwellings proposed, the type of dwellings (apartments) and heritage context, the absence of custom-build or self-build homes is acceptable in this instance.

15.5.7 Overall, the size, form and type of housing is appropriate and together with the associated outline application would meet a range of needs to help create a balanced and mixed community in accordance with BANP Policies H4 and H6(1c).

Affordable Housing Provision

15.6.1 The Section 106 heads of terms included with the resolution of the 2017 West Dorset Development Control Committee included the provision of *“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”* across the outline and detailed applications.

15.6.2 Following the 2017 committee, the applicant undertook a review of the viability of the development and produced an Affordable Housing Viability Review report (dated July 2021).

15.6.3 Paragraph 58 of the NPPF states that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force...”*

15.6.4 In this case, the importance of achieving a viable development is recognised in the supporting text of the Local Plan site allocation (Para. 13.6.1) and the challenging viability of the site was acknowledged in the 2017 Committee Report, which included consideration of a viability assessment. Since the previous committee, the Applicant has further reviewed scheme viability and demonstrated that the phased delivery of affordable housing resolved at the 2017 West Dorset Development Committee is no longer viable. Officers are satisfied that the need for a viability assessment has been appropriately demonstrated due to the heritage-related and flood risk costs associated with this complex phased mixed use development. The submitted Affordable Housing Viability Review report considers the detailed phasing of the development and the scope of essential restoration works to the employment uses across the site. It reports the applicant's discussion with a registered social landlord (RSL) to meet the affordable housing obligations of the 2017 resolution. In summary, the report concludes that the delivery of 22 affordable dwellings and front loading of commercial refurbishment works (referred to as 'Option B') as resolved at the 2017 committee is unviable.

15.6.5 The report assesses an alternative option (referred to as 'Option A') to provide 14 affordable dwellings together with a commitment to carry out refurbishment works to some of the retained commercial buildings on the Estate. The phasing of Option A provides for the advanced commencement of open market dwellings and concurrent delivery of the affordable dwellings and refurbished commercial buildings across the Estate. The applicant's Affordable Housing Viability Review concludes that Option A is viable.

15.6.6 The refined phasing of dwellings is outlined below. Subject to securing the phasing via a Section 106 Agreement, it would ensure construction of the affordable housing is commenced before the first open market dwelling is occupied and would ensure all affordable homes are available for occupation before the 40th open market dwelling is occupied.

Table 15.4 – Phasing of Housing Delivery

Milestone	Date
Phase 1: Open Market Housing	
Start construction	Jan 2024
1 st dwelling occupied	Jan 2025
30 th dwelling occupied	Dec 2025
48 th dwelling occupied	July 2026
69 th dwelling occupied	April 2017
78 th (final) dwelling occupied	July 2027
Phase 2: Affordable Housing	
Start construction	Jan 2025
Completion of construction	April 2026
Occupation of all dwellings	Prior to occupation of 40 th open market dwelling

15.6.7 The applicant's Affordable Housing Viability Review has been independently reviewed by the District Valuer Services (DVS). The conclusion of that review is reported in DVS' Viability Review Report (dated 5 October 2022). In summary, the report concludes that the provision of 14 affordable dwellings (as proposed by the applicant) would still be unviable. Through gradual reduction of the affordable housing provision the DVS' report finds the delivery of 7 affordable dwellings would be viable.

15.6.8 Notwithstanding the conclusion by DVS, the applicant has confirmed they would provide 14 affordable dwellings (15%) across the Estate subject to the provision of affordable dwellings within the St Michael's Lane buildings (within the outline application). This represents a reduction of 7 affordable dwelling (-9%) compared to the 22 affordable dwellings (24%) proposed in 2017.

15.6.9 The reduction in affordable housing is regrettable. However, on the basis of the rigorous independent review of the applicant's viability review, and the benefits of bringing forward the regeneration of St Michael's Trading Estate, the revised affordable housing offer of 14 dwellings is justified under part iii) of Local Plan Policy HOUS1. The policy allows for a lower level of provision where *"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"*. In this instance, there are good reasons for bringing the development forward. The site is allocated for comprehensive mixed use development and the allocation (BRID5) seeks to secure the restoration of historic buildings and realisation of employment opportunities. The supporting text to the allocation (Para. 13.6.1) recognises the regeneration of St Michael's Trading Estate is important to secure a viable future for its historic buildings, and employment opportunities it provides, and notes the inclusion of residential development could help to ensure a viable scheme. The proposed development would unlock these opportunities.

15.6.10 Given the absence of affordable housing within the detailed application, the affordable housing mix and distribution is considered within the associated Committee Report for the outline application. The detailed application being for 9 dwellings, and 1 of those being the refurbishment of an existing dwelling, is below the threshold for the provision of affordable housing i.e it's a site of less than 10 dwellings. As such there is no requirement for this application to provide affordable housing. However the developments are being very much considered as one given that it is only the extended listing of 40 St Michael's Lane which resulted in this separate application for full planning permission for the Lilliput Buildings, as already explained in this report. Furthermore the dwellings subject of this detailed application will form part of the phasing plan relating to the timing and provision of the affordable housing across both sites.

Heritage

15.7.1 St Michael's Trading Estate falls entirely within the Bridport Conservation Area, a designated heritage asset for the purposes of applying the relevant policy of the NPPF. The Estate includes a number of non-designated heritage assets and listed buildings (as noted in Section 8 of this report).

15.7.2 The Estate is contained within Sub-Area 7 of the Conservation Area, South West Quadrant, identified in the Bridport Conservation Area Appraisal.

15.7.3 Historic England sums 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.”

15.7.4 Since the application was considered by Planning Committee in 2017, the BNAP has been made. The neighbourhood plan includes Policy HT1 on non-designated heritage assets and the associated Locally Valued Non Designated Heritage Assets List (March 2019) identifies a number of buildings within the Estate as non-designated heritage assets. Bridport Town Council comment that the proposals must be assessed against Policy HT1 and note the phasing of the development should contribute to the protection of listed and non-listed assets.

15.7.5 With regard to Bridport Town Council's comments on phasing, the outline phasing strategy that has been worked up alongside the viability assessment would contribute to the protection of listed and non-listed assets by ensuring essential repairs are delivered in a timely manner.

15.7.6 The non-designated heritage assets within St Michaels Trading Estate are identified in the Bridport Conservation Area Appraisal (2010) and were thoroughly considered in Historic England's consultation response (28 March 2017) and in the 2017 Committee Report (see Paras. 8.68-8.103). Accordingly, the heritage context of the site has not materially changed since the 2017 committee and the overall conclusions on less than substantial harm generated by the outline proposals remain valid.

15.7.7 Of relevance to the detailed application, the Conservation Officer has undertaken a further review of the proposals following the resubmission of the associated application for listed building consent. The response supports the proposals subject to conditions. It concludes there would be no harm to designated heritage assets within and adjacent to the site. The significance of nearby designated built heritage assets is summarised below:

26, 28A and 28B St Michael's Lane (HE ref: 1287449)

15.7.8 The significance of these buildings lies in their spatial and visual relationship (group value) with the street-fronting domestic buildings of the former net and twine works on the west side of St Michael's Lane (the application site) and the Hope & Anchor Pub on the east side together with their visual experience from St Michael's Lane, from where their form as stone-built 18th century cottages can be understood and appreciated. The buildings reflect how this part of Bridport historically contained enclosed streets of worker's cottages. They form an important collection of remaining buildings and contribute positively to the character and appearance of the Conservation Area.

36 and 38, St Michael's Lane (HE ref: 1227775) / 42 and 44, St Michael's Lane (HE ref: 1227776)

15.7.9 Their significance lies in their spatial and historical functional relationship (group value) with surviving remnants of working buildings and remnants of open and covered rope walks to the rear (within the application site) and their visual experience from St Michael's Lane from where their simple and contemporaneous form as mid-19th century domestic buildings can be understood and appreciated. The buildings reflect how this part of Bridport historically contained enclosed streets of worker's cottages. They form an important collection of remaining buildings and contribute positively to the character and appearance of the Conservation Area.

Hope and Anchor Public House (HE ref: 1227778)

15.7.10 The significance of the Hope and Anchor Pub lies in its visual experience on St Michael's Lane which helps to define St Michael's Lane and also act as frontage turning the corner onto Rope Walks.

15.7.11 Owing to the location of new build development to the west of the above heritage assets there is no direct visual connection between them. The proposed ranges would not be co-visible in views from St Michael's Lane and there is no impact on their group value through development within their setting. The proposals would cause no harm to the significance of the above designated heritage assets.

15.7.12 With regard to the direct impacts on the Grade II listed Lilliput Buildings (Historic England ref. 1287500), the Conservation Officer notes the proposed changes to the building are largely confined to the rear areas behind the St Michael's Lane frontage. Most significant is the proposed demolition of the modern 'Lilliput Building' and the adjacent early-20th century buildings at the west end of the site. The former is identified as not being of special interest in the Historic England list description, whilst the latter appear not to be included in the listing. The new building in the north west of the site takes the form of three parallel and conjoined ranges built in brick in a warehouse style which is considered complementary to the two-storey rope walk range and appropriate to the industrial aesthetic of the building.

15.7.13 Historic England's consultation response of 2017 noted the acceptability of the proposed demolitions in heritage terms and supported the application on heritage grounds subject to the imposition of a details of fenestration condition. Subject to conditions, the proposals would cause no harm to the Lilliput Buildings.

15.7.14 In respect of non-designated heritage assets, the proposed development falls within the setting of 30-32 St Michael's Lane, the Auction House (Unit 104) and adjacent Tin Shed, the latter being proposed for demolition within the application for outline planning permission. Their significance and the impacts of the proposals are considered below:

30-32 St Michael's Lane

15.7.15 Their significance lies in their spatial relationship (group value) with surviving remnants of working buildings, adjacent listed buildings and the surviving remnants of open or covered rope walks to the rear; and their visual experience from St Michael's Lane.

15.7.16 The proposals are concentrated on the rear (west) of the site distance from 30-32 St Michael's Lane. There are no direct impacts on either of these assets. In terms of their setting, it is not considered that any element of the proposals will be co-visible with the buildings from St Michael's Lane. Accordingly, the proposal would not affect the ability to understand or appreciate their group value and visual experience of St Michael's Lane and would cause no harm to the asset's significance.

Auction House (Unit 104) and Tin Shed

15.7.17 Unit 104 has an attached corrugated iron covered drying area that also has an open rope walk parallel to it on the south side. The unit was formerly one of the area's earliest industrial buildings and has an external crane on the north elevation adjacent to the Bus Station. The unit and covered drying area define much of the southern edge of the coach station area and along with the new police station, mark the modern entrance into St Michael's Trading Estate.

15.7.18 As noted above, a new 1-3 storey building would be located on in the north west of the site adjacent to the Unit 104. It would replace existing parts of the Lilliput Buildings which are of limited architectural merit. Owing to the industrial form of the new building it would be complementary to the Auction House and Tin Shed and would provide an appropriate entrance to the north of the Estate complementary to the adjacent Auction House. The proposals would improve the setting of the non-designated heritage assets and not cause harm to significance through development within its setting.

15.7.19 The proposal is considered to be acceptable in heritage terms and would cause no harm to designated or non-designated heritage assets. Accordingly, paragraphs 201 and 202 of the NPPF are not engaged. In respect of Para. 203, the effect of the application on the significance of non-designated heritage assets has been considered and a balancing judgement is not required due to the proposals not resulting in harm to their significance.

15.7.20 The proposals accord with the NPPF, Local Plan Policy ENV4 and BANP Policy HT1. In accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard to the desirability of preserving the setting of listed buildings and special attention to the desirability of preserving or enhancing the character of the Bridport Conservation Area have applied.

Area of Outstanding Natural Beauty

15.8.1 Whilst the site falls within the AONB, it is located within the town centre of Bridport on an allocated brownfield site. Buildings would be predominantly 2-3 storeys, consistent with prevailing building heights on the site and in the surrounding area. As such, the proposal would not harm the character, special qualities or natural beauty of the AONB in accordance with Policy ENV1. The proposal would preserve and enhance the natural beauty of the AONB through development of the site with an appropriate layout and scale in accordance with BANP Policy L1.

15.8.2 For the purposes of NPPF Para. 172, and for the avoidance of doubt, the proposal is not considered to be a major development for the purposes of NPPF Paragraph 172, and exceptional circumstances for development within the AONB are not required to be demonstrated. The AONB includes the entirety of Bridport and does not distinguish between the built-up town centre and surrounding countryside.

15.8.3 The site is not considered to be a major development for the purposes of Para. 172 due to the limited scale of development, urban context of the site and the appropriate scale and massing of proposed building.

Design

15.9.1 The design of the proposal has not changed since the 2017 committee.

15.9.2 Policy ENV15 states development should optimise the potential of a site and make efficient use of land, subject to the limitations inherent to the site and impact on local character. Policy ENV12 requires that development is high quality of sustainable and inclusive design and that the siting, alignment, design, scale, mass and materials used complements and respects the character of the surrounding area or actively improves legibility or sense of place. Policy ENV11 notes places should be designed to reduce opportunities for, and fear of, crime with major development achieving full Secured by Design certification.

15.9.3 The BANP includes a series of design-related policies. Within the centre of Bridport the BANP establishes that development should c) improve the character and appearance of the town centre, considering the heritage and history of the urban area (Policy COB1). Policy D1 requires that housing developments respect and work in harmony with neighbouring land uses and existing features that are locally significant. Efficient use of land, prioritisation of brownfield land and residential development above commercial ground floors are supported (Policy D5). Residential proposals should create a sense of place through building lines and appropriate scale and massing (Policy D6) and create secure areas within developments which have safe accesses and appropriate natural surveillance (Policy D7). Policy D8 establishes a series of criteria (a to g) that new development should meet to demonstrate high quality architecture.

15.9.4 Since the 2017 committee, the latest version of the NPPF (2021) has introduced a requirement for tree-lined streets. Para. 131 states that planning decisions should ensure that new streets are tree lined, unless in specific cases, there is clear, justifiable and compelling reasons why this would be inappropriate.

15.9.5 The proposals make efficient use of land through the mixed use development of a brownfield site and co-location of residential and commercial uses. As detailed within the 2017 Committee Report and evidence in the design updates since the initial 2012 committee, the proposed development is heritage-led and responds to the context of the Estate and surrounding area through an appropriate layout and scale of buildings. The layout of the proposed building broadly corresponds with the part of the listed building proposed to be demolished. The proposed new building to the west of the range steps up from the retained 2-storey listed building to 3-storeys adjacent to the police station. The western elevation of the new building would be staggered forward from the listed building towards the northern boundary of the site. The design and height would create a strong sense of arrival and gateway when entering the Estate from the North and would, through its industrial aesthetic, help to distinguish and signpost the Estate from the surrounding area. Whilst adjacent buildings are not 3-storey, there are a number of 3-storey buildings along the eastern boundary of the Estate fronting St Michael's Lane and the tower of the Red Brick Buildings (within the centre of the Estate) is 3-storey. As there would be no impairment of light or visual impact, the height accords with BANP Policy D8 part g.

15.9.6 Historic England's consultation response of 2017 notes the design responds to Historic England's earlier comments on the height and bulk of the new building and would result in a building which complements the horizontal emphasis that is characteristic of the surrounding area. Historic England support the stepped height and stepped-back façade and note it would "contribute to making the new build element sit more comfortably within the listed building complex".

15.9.7 The materials of the new building would include: slate roof with conservation style rooflights; red brick facades laid in English bond; steel-framed double glazed windows; timber panelled doors; and metal rainwater goods. Subject to samples and detailing (proposed to be conditioned) this would complement the retained listed building and Auction House. The refurbishment of the retained buildings would be sympathetic to existing character.

15.9.8 Given the heritage constraints of the site and narrow Ropewalks Link (to the south) it is accepted that the proposals cannot provide tree-lined streets (trees on both sides of all new roads), as encouraged by the NPPF (Para. 131).

15.9.9 In accordance with Policy ENV11 and comments from the police, a planning condition requiring Secured by Design certification is proposed. An external lighting condition is also proposed. Together, these conditions will seek to reduce opportunities for, and fear of, crime.

15.9.10 Overall, the design of the proposal works in harmony with the existing site, retained listed building and surrounding area and would form an attractive node on the northern boundary of the Estate helping to foster a strong sense of place and enhance local character. Subject to conditions, the design of the proposals continues to accord with Policies ENV11, ENV12 and ENV15 of the Local Plan and accords with the relevant policies of the BANP.

Residential Amenity

15.10.1 Since the 2017 committee, the NPPF (2021) has been updated to include the 'agent of change' principle wherein existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In such instances, the NPPF (Para. 187) states that the applicant should be required to provide suitable mitigation before the development has been completed. The BANP requires that where commercial premises are part of an overall development scheme, the potential noise and disturbance should not affect neighbouring uses (Policy D4).

15.10.2 There are a wide variety of businesses at St Michael's Trading Estate. These include office, manufacturing and storage – conventional B Class – Uses, the Red Brick Café (Class E) together with some uses that have a high degree of retail sales (Class E) or fall outside of the use classes order, being Sui Generis (including Snips Hair and Beauty Salon). The proposed non-residential uses would be Use Class B1 – entirely appropriate within a residential area.

15.10.3 In line with the conclusion of the 2017 committee report, the proposed development is not considered to give rise to significant adverse effects on neighbouring residential amenity.

15.10.4 The proposed dwellings would be served by windows at first and second floor level. The staggered design of the new building and avoidance of windows on the north elevation of Unit 1.6 avoids close range direct overlooking between apartments. There would be a degree of overlooking between Units 1.5 (within the new building) and Unit 1.7 (the refurbished apartment on the east side of the range) which have a window-to-window distance of approximately 18m, 2m short of the 20m standard advocated in the West Dorset Design and Sustainable Development SPD (2009, Para. 7.5.2). However, given the dense urban characteristics of this part of Bridport town centre, with narrow streets and residential properties facing one another along St Michael's Lane, some degree of overlooking is to be expected within the town centre. The slight shortfall would not generate significantly adverse amenity effects.

15.10.5 The apartments on the north side of the new building would be in close proximity to the Police Station and there would be direct overlooking of the windows in the north elevation. It is recognised the dwellings are designed with lounge/kitchen/dining rooms orientated east/west with bedrooms facing north. The design would provide appropriate outlook and privacy for residents of these apartments. However, to avoid direct overlooking between the Police Station and north facing bedrooms a planning condition requiring obscured glazing to the relevant rooms is proposed.

15.10.6 All apartments are dual aspect and all but one (Unit 1.2) would meet or exceed the Nationally Described Space Standard for a 2-bed 4-person single storey dwelling (70sq.m). Unit 1.2 is 69sq.m, 1sq.m short of the standard for a 2-bed 4-person dwelling but +7sq.m larger than the standard for a 2-bed 3-person single storey dwelling (61sq.m). Overall, the proposals would provide a good level of internal amenity.

15.10.7 The proposed apartments would be located above and adjacent to commercial uses within Class E Use (formerly Class B1) and the Police Station (Sui

Generis). The new commercial floorspace within the ground floor of the Lilliput Building is proposed as Class B1. In assessing possible residential amenity impacts it is relevant to consider how future changes in occupier would be compatible with residential amenity. In this regard, the Use Classes Amendment Order (2020) consolidated a number of uses (including shops (A1), financial/professional services (A2), cafés/restaurants (A3), indoor sports/fitness (D2 part), medical health facilities (D1 part), creche/nurseries and office/business uses (B1)) into Class E. The use class is intended to provide flexibility for units to be occupied in a variety of ways, thereby supporting businesses and innovation.

15.10.8 Whilst all new commercial floorspace would initially be required to be occupied in Class B1 Use (i.e. office, research and development or light industrial processes) and would be conditioned as such, subsequent changes of use or changes within Class E within the wider Estate could introduce uses that may have an adverse impact on residential amenity. It is therefore appropriate to condition the installation of plant equipment to ensure any non-B1 class units appropriately mitigate impacts on residential amenity. It is not considered necessary to impose planning conditions on sound insulation and/or ventilation within the new residential buildings or odour (for any potential future restaurant uses) given: the surrounding existing and proposed uses are compatible with residential uses; the dwellings would be built to modern Building Regulations; and restaurant uses are commonly provided alongside residential and would in any event be subject to separate applications for associated plant equipment. A condition on plant equipment and requiring the new commercial space to be occupied as B1 space responds to the agent of change principle (NPPF Para. 187) and would simultaneously protect residential amenity and support local businesses, by reducing potential for complaints from residents.

15.10.9 In line with the 2017 committee report, Members should note private amenity space would not be provided for the apartments. Given the heritage constraints and proximity to commercial units, provision of private amenity is considered undesirable in design terms in accordance with Local Plan Policy HOUS4. The absence of private and communal gardens for residents would conflict with Part 1 of BANP Policy L5. However, residents would have good access to public open spaces, most immediately to the west of the River Brit approximately 100m from the site.

15.10.10 Notwithstanding, the minor conflict with BANP Policy L5, adequate residential amenity would be secure by conditions to ensure compliance with Local Plan Policy ENV16, BANP Policy D4 and the NPPF.

Flood Risk and Drainage

15.11.1 The Environment Agency (EA) withdrew its earlier objection to the proposal on 29 June 2017 shortly before the 6 July West Dorset Development Control Committee.

15.11.2 Since the application was considered by committee in 2017, the EA has provided a clarification on the detailed wording of planning conditions. They note the EA is reliant upon Dorset Council to ensure issues of co-dependency, phasing and maintenance of surface water management is appropriately managed between the outline and detailed proposals. In response to the EA's comments, Dorset Council's Flood Risk Management Team (Lead Local Flood Authority) has provided amended

flood risk management related conditions and notes the detailed surface water management scheme (proposed to be conditioned) should avoid the pumping of surface water. Subject to these amended conditions, the proposed development is acceptable in flood risk and drainage terms in accordance with Local Plan Policy ENV5 and the NPPF.

Ground Conditions

15.12.1 In accordance with the resolution of the 2017 committee, the proposed development would be subject to standard conditions related to land contamination, including pre-commencement conditions requiring a site investigation report, further investigation, risk assessment and remediation scheme. The remediation scheme would be required to be carried out before commencement of development. Subject to these conditions, the proposals accord with Local Plan Policy ENV9.

Highways, Access and Parking

15.13.1 The proposed development would be accessed from the north and east and the proposed masterplan for the Estate shows a total of 160 parking spaces: 1 space per dwelling and the remainder (68) available for commercial tenants and visitors.

15.13.2 Highways, access and parking arrangements have not changed since the application was considered by committee in 2017. However, Building Regulations would now require a proportion of parking to include electrical vehicle charging facilities.

15.13.3 Given the passage of time since the 2017 committee the Applicant has prepared and submitted a Transport Assessment Addendum (TAA). This has been prepared in consultation with National Highways in order to update the baseline highway information since the application was last considered by committee. Taking into account updated trip generation and distribution information, the TAA concludes the proposals will not have a material impact on the Strategic Road Network. Both National Highways and Dorset Council Highways have reviewed the TAA and raise no objection subject to conditions. National Highways advises that off-site financial contributions towards highway improvement works are not necessary to make the development acceptable. Accordingly, the previous draft planning obligation identified within the 2017 Committee Report related to an off-site financial contribution towards improvement of the East Road roundabout on the A35 is no longer proposed.

15.13.4 National Highways recommended that robust Travel Plans measures are secured in order to maximise the potential offered by the central location of the site and encourage the take up of sustainable travel modes. Dorset Council Highways note the primary purpose of a Travel Plan is to identify opportunities for the effective promotion and delivery of sustainable transport initiatives such as walking, cycling and public transport thereby reducing the demand for travel by less sustainable modes (Planning Practice Guidance Para. 005 Ref: 42-005-20140306). Dorset Council Highways note the proposed Travel Plans would seek to reduce car-borne trips thereby lessening the impact of traffic generation on the surrounding highway network. They would also serve to promote health and wellbeing, reduce carbon emissions and climate impacts and help to create accessible, connected and

inclusive communities. Subject to conditions, the proposal remains in accordance with Local Plan Policies COM7 and COM9.

15.13.5 The BANP includes a series of highways, access and parking related policies. Policy AM1 requires that development should prioritise pedestrian movement, make safe, convenient and appropriate connections to existing footpaths, cycle paths and rights of way, public transport and facilities for car sharing and electric vehicles. Policy AM2 requires inter alia that roads and junctions improve pedestrian access and connectivity to surrounding areas. Policy AM5 states that developments should include provisions to enable access to public and community transport and provide easy connections to facilities within the neighbourhood plan area. Policy AM6 states that redevelopment of land immediately around the bus station should retain and enhance its primary use as a transport hub and enable the successful integration of the bus station and any new buildings with the surrounding area.

15.13.6 BANP Policy D3 requires that residential development should create walkable and accessible neighbourhoods, with public transport access, that the community have access to facilities, ensure that streets are designed to be well connected and legible and have a 20mph in residential areas.

15.13.7 The site falls within a highly sustainable location within the town centre of Bridport adjacent to Bridport Bus Station. The proposed development would improve access between the bus station and surrounding area by creating a new pedestrian route through the site between 40 St Michael's Lane and the Bus Station via Ropewalks Link. This would create a convenient pedestrian route through the site better integrating the Estate within the surrounding area.

15.13.8 Overall, the proposed development accords with the above BANP policies related to highways, access and parking.

Ecology and Biodiversity

Mitigation and Enhancement

15.14.1 Since the application was considered by committee in 2017, the certified Biodiversity Management Plan (BMP) for the development has expired.

15.14.2 The applicant has therefore produced a revised BMP which has been assessed in accordance with the Dorset Biodiversity Appraisal Protocol (DBAP). The BDAP is designed to meet the requirements of Natural England Protected Species Standing Advice and to address the mitigation hierarchy and provide biodiversity net gain as set out in the NPPF.

15.14.3 The revised BMP has been granted a Certificate of Approval by the council's Natural Environment Team. The BMP commits to a series of mitigation and enhancement measures, across both the detailed and outline application sites, including:

1. Demolition of buildings outside of the bird nesting season.
2. Installation of bat blocks in the west elevation of the new building.

3. Offsite mitigation and enhancement of St Michaels Island through: control of Himalayan balsam (invasive species); installation of six bat boxes and three bird boxes; and agreement of a long-term management plan for the area.

15.14.4 Since the Certificate of Approval was granted, the Environment Agency has commented to note 'riparian edge' and '(boundary) river corridor habitat' also form habitats which support habitat specific bird species. The Environment Agency notes that Alder is also a suitable tree species and that local Dorset apple varieties should be considered within Cattle Market Square. Given the BMP provides appropriate mitigation, and the river corridor and Cattle Market Square fall outside of the detailed application site, the suggestion to incorporate Alder is included as an informative.

Chesil Beach and the Fleet Special Area of Conservation

15.15.1 Since the application was previously considered by planning committee in 2017, Natural England has made Dorset Council aware of evidence on the unacceptable level of recreational pressure at Chesil and the Fleet. As the site lies within 5km of Chesil Beach and the Fleet Special Area of Conservation (SAC) and Special Protection Area (SPA), European designated sites it therefore has the potential for adverse effects through increased recreational pressure caused by new residents.

15.15.2 It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment to secure any necessary mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017.

15.15.3 An Appropriate Assessment undertaken by Dorset Council concludes that there will be no adverse effect on the integrity of the Chesil and the Fleet SPA or SAC subject to mitigation measures addressing the additional recreational pressure generated by residents of the new dwelling being provided. Funding to deliver these measures will be provided by CIL. Accordingly, the development offers suitable mitigation and is acceptable and in line with Policy ENV 2 of the Local Plan.

15.15.4 Overall, the proposals would avoid adverse ecological impacts. The proposals comply with Policy ENV2 of the Local Plan, BANP Policies L2 and D10 of the NPPF.

Energy Efficiency and Sustainability

15.16.1 Bridport Town Council notes the relevance of BANP Policies CC2 (energy and carbon emissions) and CC3 (energy generation to offset predicted carbon emissions) to the proposed development. The Town Council confirms its preference for carbon neutral development.

15.16.2 Since the application was considered by planning committee in 2017, new Building Regulations have been introduced. As a minimum, the proposals would be required to comply with 2021 Building Regulations which require a 31% and 27% improvement from the 2013 standards in terms of CO2 emissions for dwellings and non-residential uses respectively. Should the Future Homes Standard and Future Buildings Standard come into effect in 2025, then all buildings would be constructed to enhanced standards. The new Future Homes Standard should ensure all new

homes built from 2025 will produce 75-80% less carbon emissions than homes completed under current regulations, making a significant step towards achieving carbon neutrality.

15.16.3 The planning system does seek to promote sustainable development and BANP Policy D9 seeks to encourage applicants to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime. BANP Policy CC2 seeks to exceed the target emission rate of Building Regulations Part L 2013 for dwellings and ensure non-residential development meets BREEAM excellent. Policy CC3 seeks that new development, both commercial and residential, is encouraged where possible to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources. Policies CC2 and CC3 establish aspirational targets which developments 'should aim' or are 'encouraged' to meet where achievable/possible. The policies do not set mandatory targets which require unequivocal commitment.

15.16.4 Being a brownfield town centre site and including refurbishment of existing non-residential buildings, the proposed development is inherently sustainable. Given the introduction of the 2021 Building Regulations, the proposals would comply with the residential component of BANP Policy CC2.

15.16.5 The applicant notes ground source heat pumps could provide a low carbon solution to providing at least 10% of total unregulated energy from decentralised and renewable or low carbon sources in a way that is compatible with the heritage constraints of the site. Given there is a need for further assessment to confirm the feasibility and viability, a suitably worded planning condition is proposed to allow further details to be submitted in due course. Detailed energy modelling would be undertaken once future legislation relating to the Future Homes Standards has been confirmed. A planning condition is proposed to ensure the non-residential proposals seek to target BREEAM excellent. The design of the apartments takes advantage of opportunities for natural lighting and ventilation through the avoidance of single aspect north facing units and high environmental performance has been encouraged in line with BANP Policy D9.

15.16.6 Subject to conditions and necessary compliance with Building Regulations, the proposals respond to the points raised by Bridport Town Council and comply with the relevant policies regarding energy efficiency and sustainability: Neighbourhood Plan Policies CC2, CC3 and D9 and Local Plan Policy ENV13.

Community Infrastructure Levy (CIL)

15.17.1 Community Infrastructure Levy (CIL) came into effect in West Dorset area on 18 July, 2016. CIL would be liable in accordance with the West Dorset CIL Charging Schedule and CIL Regulations 2010 (as amended). The unindexed CIL rate for residential development is £100/sq.m. All other development is £0/sq.m.

16.0 Summary of planning issues and the planning balance

16.1 St Michael's Trading Estate is a historic core of Bridport. It was borne out of the cordage and rope industry with open walks and ancillary buildings being present west of St Michael's Lane from the mid-19th Century. The area was extensively

developed as an area for net, twine and rope production in the late 19th Century and first half of the 20th Century in response to the expansion of Bridport's cordage industry. The industrial past of the site underpins the character of the Estate and its buildings. This is evident in the east-west orientation of the buildings and former Rope Walks, which would have originally extended from St Michael's Lane to the River Britton. It forms a key part of the South West Quadrant, within the Bridport Conservation Area, includes the Grade II listed 40 St Michael's Lane and a number of non-designated heritage assets.

16.2 Following the decline of the cordage and rope industry, the site evolved to support a range of commercial premises and workshops, becoming the St Michael's Trading Estate in 1967. Today the Estate supports a wide range of occupiers and uses including: antiques dealers; light industrial manufacturing; a café; hairdressers and record store. There are a high number of vacancies and unlettable units. It is clear the Estate is in dire need of investment and regeneration to breathe new life into the buildings and establish a flourishing ecosystem of employment uses once again.

16.3 This application for full planning permission forms the north east corner of the BRID5 mixed use allocation. It forms a key gateway into the Estate from Bridport Bus Station, to the north. The original proposals were submitted in 2016 following Historic England's listing of 40 St Michael's Lane and buildings to the rear. Members of the former West Dorset District Council Planning Committee resolved to grant planning permission for the same development in 2017. However, the Section 106 Agreement was not signed, and since the committee the applicant has further reviewed the viability of the proposals and has sought to reduce the quantum of affordable housing across the application and associated application for outline planning permission from 22 (24%) to 14 dwellings (15%) (all affordable dwellings are proposed within the outline site). This reduction in the quantum of affordable housing and omission of off-site highway works are the only changes to the application from what was considered in 2017.

16.4 This report has reconsidered the proposals against the Statutory Development Plan and other material considerations, including the Bridport Area Neighbourhood Plan (2020) and latest version of the NPPF (2021) which have been made/published since the 2017 committee.

16.5 This report notes there are instances of sub-optimal provision and/or non-compliance with policy comprising:

- Custom-Built and/or Self-Build Homes – Would not be provided as encouraged by BANP Policy H7.
- Affordable housing provision – The proposal would provide 15% affordable housing, when the detailed and outline applications sites are considered together, below the target of 35%. The lower provision is justified on viability grounds and accords with Policy HOUS1 iii);
- Affordable housing distribution – Is limited to the St Michael's Lane Building only and would not be evenly distributed across the site as encouraged by BANP Policy H2. All nine apartments within the scope of the detailed application would be provided for private market sale.
- Tree Lined Streets – Would not be provided along Ropewalks Link, between the North and South Ranges of the Grade II listed Building as encouraged by the NPPF (Para. 131).

- Amenity space – Private amenity space and communal gardens would not be provided as encouraged by BANP Policy L5.

16.6 The proposals have been iteratively designed in consultation with Historic England. The stepped building heights and stepped back facades of the new mixed-use building would complement the adjacent Auction House, Tin Shed and host Grade II listed building. The proposal would create an appropriate entrance and gateway on the north of the trading Estate and improve the setting of adjacent heritage assets. It would cause no harm to the significance of designated or non-designated heritage assets.

16.7 Overall, the proposals would meet the relevant objectives of the BRID5 allocation and assist in repositioning the Estate fit for the 21st Century. Together with the associated application for outline planning permission and application for listed building consent, the proposals would help to knit the Estate with the surrounding area of Bridport and create a vibrant mixed use quarter within the town centre including through provision of a new pedestrian route from St Michael's Lane within the detailed application.

16.8 On balance, the proposed development complies with the development plan as a whole notwithstanding the minor deficiencies noted above. Paragraph 11 of the NPPF sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. There are no material considerations which would warrant refusal of this application.

17.0 Recommendation

Recommendation A

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement and planning conditions as set out in this report.

- A) Grant, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:
 - 1) 14 affordable dwellings (a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing) to be provided in accordance with an agreed Affordable Housing Scheme with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;
 - 2) Agreement and subsequent implementation of an "Employment Buildings Refurbishment Scheme", (based broadly upon Appendix C Regeneration of Commercial Estate of the Design and Access Statement submitted in support of the application) with the phasing of 1/D/11/002012 and WD/D/16/002852 interlinked via a phasing plan in the Section 106 Agreement based broadly on Phasing Plan Ref. SM1 Rev A received April 2023 and Phasing Breakdown dated June 2022;

And subject to the planning conditions below.

Planning Conditions

Approved Plans

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

Location Plan and Proposed Site Plan – 10064 PL201

Demolitions – Ground Floor Layout – 10064 PL202

Demolitions – First Floor Layout – 10064 PL203

Proposed Ground Floor Layout – 10064 PL204

Proposed First Floor Layout – 10064 PL205

Proposed Second Floor Layout – 10064 PL206

Proposed Roof Plan – 10064 PL207

Proposed North & East Elevations – 10064 PL210

Proposed South & West Elevations – 9613 PL211

Proposed North and South Section – 9613 PL212

Proposed Elevation Study – Part West Elevation – 9613 PL213

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

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, including colours, (and samples where appropriate) which shall first have been submitted to, and approved in writing by, the local planning authority prior to the commencement of development.

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

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.

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

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

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

REASON: To preserve the amenity and privacy of occupiers.

Security and Secure by Design

7. The development hereby permitted shall incorporate Secured by Design security measures for the doors serving the residential communal areas, each residential unit and each commercial unit to minimise the risk of crime and to meet the security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to construction above damp course level and shall be implemented in accordance with the approved details prior to occupation and maintained for the lifetime of the development.

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

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

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

Flooding

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

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

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

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

Surface Water

11. No development shall take place on any phase of development until a detailed surface water management scheme for each phase of development has been submitted to and approved in writing by the Local Planning Authority.

The detailed surface water management scheme is to be based upon:

- a) The hydrological and hydrogeological context of the development.
- b) Provide clarification of how surface water is to be managed during construction for each phase.
- c) Liaison with the Lead Local Flood Authority, and current industry best practice, guidelines and legislation.

The surface water scheme for each phase of development shall be fully implemented in accordance with the submitted details before each phase of the development is completed.

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

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

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

Land Contamination

13. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a

monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.
Reason: To ensure potential land contamination is addressed.

14. Prior to the first occupation or use of a relevant phase of development a verification report to confirm that the relevant phase is fit for purpose following remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).
Reason: To ensure potential land contamination is addressed.

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

Biodiversity

16. The relevant works within the boundary of the application site (as shown on drawing PL201) including detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11 November 2022 must be implemented in accordance with any specified timetable and completed in full (including the submission of compliance measures to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved

details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

REASON: To enhance biodiversity.

Sustainability

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

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

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

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

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

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

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

Car Parking

19. The dwellings hereby permitted must not be occupied or utilised until the associated car parking spaces serving the dwellings have been provided and details of their location submitted to and approved in writing by the Local

Planning Authority. Thereafter, the car parking spaces must be maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

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

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

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

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

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

Informatives:

1. This permission should be read in association with the agreement made under Section 106 of the Town and Country Planning Act 1990 and dated #####.

2. Surface water

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

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

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

If there is any surcharge and flooding from the system, overland flood flow rates and "collection" areas on site (e.g. car parks, landscaping etc.) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100

year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.

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

3. Flood defence consent (recommended by the Environment Agency)

The applicant is reminded that in addition to planning permission, all works in, under, over or within 8 metres of a Main River channel such as the River Brit, or formal flood defence assets, will require prior Flood Defence Consent (FDC) from the Environment Agency. Such consent is required in accordance with the Water Resources Act 1991 and Byelaws legislation, and relates to both permanent and temporary works. Further guidance in this respect is available from the Environment Agency's Development and Flood Risk Officer (Tel. 01258 483351).

4. Sustainable Construction (recommended by the Environment Agency)

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

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

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

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

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

6. Waste Management (recommended by the Environment Agency)

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then

site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website www.environment-agency.gov.uk/subjects/waste/.

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

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

8. Biodiversity Plan

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

Recommendation B

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 15th December 2023 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

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