



Planning Services

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🌐 www.dorsetcouncil.gov.uk

Mrs Laura Coombes-Baker

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Date: 21 March 2025

Ref: P/FUL/2024/04613

Case Officer: Penny Canning

Team: Western and Southern

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Planning Decision Notice

Full Planning Application

Town and Country Planning Act 1990

Town and Country Planning

(Development Management Procedure) (England) Order 2015

Application Number: P/FUL/2024/04613

Location: Land to Rear of 156-172 South Street Bridport. DT6 3NP

Description: Redevelopment for erection of retirement living accommodation comprising 48 apartments, 25 cottages, communal facilities, access, car parking and landscaping to create an integrated retirement community

Dorset Council **refuses** planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This planning permission is refused for the following reasons:

1. By reason of the layout and design, and in particular the lack of 2m footways and conveniently located ramped entrances, and having regard to the Public Sector Equalities Duty as set out in the Equalities Act 2010, the proposed scheme fails to provide an inclusive, safe and accessible pedestrian environment for all, fails to minimise disadvantage and conflict within the highway through good design, and fails to prioritise the pedestrian, contrary to the aims of paragraphs 115-117 and 135 of the National Planning Policy Framework (NPPF), the Department of Transport's Inclusive Mobility guidance, the provisions set out within the National Design Guide, BS8300: Design of an accessible and inclusive built environment (Buildings - Code of Practice), policy AM1 and D12 of the Bridport Neighbourhood Plan, and Policy ENV12 of the West Dorset Weymouth and Portland Local Plan (2015). Furthermore, in the absence of details relating to the positioning of gates across the highway, which could impede

traffic, junction radii and swept path analysis to demonstrate safe vehicular access and egress, and details relating to the highway improvements to South Street, it has not been demonstrated that safe and suitable vehicular access to the site could be achieved without detrimental effect on highway safety. Further, owing to the narrow highway widths and ability for vehicles to access and egress the site via the secondary access opposite Jewsons, the safety of road users would be compromised owing to its positioning, width and poor sight lines. The implications to highway safety fall contrary to the provisions set out at paragraphs 115-117 and 135 of the NPPF (2024), Policy AM2 of the Bridport Neighbourhood Plan, and policy COM7 of the West Dorset Weymouth and Portland Local Plan (2015).

2. In the absence of a full Ecological Impact Assessment evidencing the application of the biodiversity mitigation hierarchy (which seeks avoidance, mitigation, and then compensation as a last resort), and which fully assesses the significance of impacts on protected species, and in particular reptiles; which explores the possibility of securing a north-south connection across the site for reptiles; and which fully explores mitigation measures ahead of translocation, but as a last resort identifies a suitable receptor site to enable translocation of reptiles; it has not been demonstrated that protected species would be appropriately safeguarded from significant harm. Translocation of reptiles should be the last resort, as specified by Natural England's Standing Advice for reptiles, and it has not been demonstrated through the application of the biodiversity mitigation hierarchy that harm cannot first be avoided and, if not, mitigated in line with the biodiversity mitigation hierarchy, ahead of translocation and consideration of compensation being considered. As such, the proposed development fails to comply with the provisions set out in paragraph 193(a) of the NPPF (2024) and criteria (iv) of Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015) and criteria 2 of Policy L2 of the Bridport Neighbourhood Plan.
3. The submitted viability assessment does not adequately demonstrate that the scheme would be unviable with the inclusion of affordable housing provision; and insufficient justification has been provided to demonstrate good reason for bringing forward the proposed development devoid of any affordable housing provision, such that the associated benefits of the scheme do not outweigh the need for affordable housing. Further, the proposed scheme fails to provide a balanced development containing a mix of housing, such that it inadequately addresses the range of identified local need. Consequently, the proposed development fails to accord with the provisions set out within paragraph 66 of the National Planning Policy Framework (2024), Policy HOUS1 and HOUS3 of the West Dorset, Weymouth and Portland Local Plan (2015), and policy H1, H4 and H6 of the Neighbourhood Plan (2019).
4. The application site is located in an area at risk now and in the future from fluvial flooding, being located within flood zone 2 and 3, triggering the policy requirement to apply the sequential test. Having regard to the narrow application of the 'area of search' and the restricted scope of that search, excluding potential available sites, the sequential test is not considered to have been passed; and it has not consequently been demonstrated that there are no reasonably alternative sites at lower risk of flooding that could accommodate the proposed scheme, in line with the requirements of Policy ENV5 of the West Dorset Weymouth and Portland Local Plan (2015) and section 14 (and in particular paragraphs 173-176) of the National Planning Policy Framework (NPPF). Furthermore, had the sequential test been passed, and the exception test applied, the proposed scheme fails to demonstrate, through the submission of an Emergency Plan,

that safe access and egress can be achieved during a flood event, having regard to all sources of flooding, and the known risk of surface water flooding within South Street during the 1 in 100 year and 1 in 1000 year event, plus the 1 in 100 year event applying a 20% and 40% climate change allowance. Furthermore, it has not been demonstrated that ongoing maintenance of the flood wall can be effectively achieved such that the Flood Management Plan for Bridport would not be compromised. The application subsequently fails to meet the requirements of Local Plan policy ENV5 and paragraph 181 of the NPPF. Further, having regard to the potential flood risk implications, together with impacts on housing need, highways and impacts on ecology, it is not considered that the wider sustainability benefits of the proposal would in this instance outweigh flood risk. Consequently, the exception test (though not applicable due to the sequential test having been first failed), cannot be considered to have been passed, and the development would fall contrary to the provisions set out in Local Plan policy ENV5 and Section 14 (and in particular paragraphs 177-179) of the NPPF (2024).

Informatives:

1. The plans that were considered by the Council in making this decision are:

- 10128BP-PA00 Location Plan
- 10128BP-PA01 B Site Plan
- 10128BP-PA02 A Ground Floor Plan
- 10128BP-PA03 A First Floor Plan
- 10128BP-PA04 A Second Floor Plan
- 10128BP-PA05 A Roof Plan
- 10128BP-PA06 A Apartment Block - Elevation 01
- 10128BP-PA07 A Apartment Block - Elevation 02
- 10128BP-PA08 A Apartment Block - Elevation 03
- 10128BP-PA09 A Apartment Block - Elevation 4
- 10128BP-PA10 A Cottages Terrace 01 & 02
- 10128BP-PA11 A Cottage Terrace 03 & 04
- 10128BP-PA12 A Cottage Terrace Block 5
- 10128BP-PA13 A Cottage Terrace 6
- 10128BP-PA14 A Cottage Terrace 6
- 10128BP-PA15 Mobility Scooter & Bin Stores
- 10128BP-PA16 Site Gate
- JBA23-126-SK02 E Landscape Strategy
- 22162-3 Tree protection
- 3 A Post-Development Plan
- 4 A Retention Plan

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. National Planning Policy Framework

In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

-The applicant took the opportunity to enter into initial pre-application discussions, but did not progress these to enable more detailed comments to be made on the issues raised and elements discussed. The applicant was also advised that the proposal did not accord with the development plan, and was given the opportunity to address comments early on; following receipt of further consultation responses the agent was later advised that there were no material planning considerations to outweigh the concerns raised, and in the absence of an extension of time being agreed, the application would need to be determined based on the detail submitted.



Decision Date: 21 March 2025

Mike Garrity
Head of Planning
Economic Growth and Infrastructure

Planning Decision Notes

Power to refuse planning permission

This decision is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015.

Site Notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

Pre application advice:

The Council has been unable to support your application at this time for the reasons set out in the decision notice and the officer's report. You may wish to consider using the Council's pre application advice service to review your proposals with an officer.

The aim of this service is to provide a better understanding of the way a proposal will be considered against the national, regional, and local planning policies and other relevant issues (known as 'material considerations'). We can also give you advice about potential issues you may need to overcome and what specialist input might be necessary. Full details of the pre application service can be found on our website at <https://www.dorsetcouncil.gov.uk/w/pre-application-advice> including the fee for the service. A follow up service is available if you have recently received pre application advice for the same proposal.

It must be emphasised that pre application advice in no way binds Dorset Council as local planning authority into making any decision on any future planning application and there is no guarantee that the reasons for refusal can be overcome.

Using the pre application service does not affect your right to appeal against our decision to refuse your application but please note **the right to appeal this decision is time limited** please see the appeal section below.

Appeals

If you disagree with our planning decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within Six Months of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against our enforcement notice, then you must do so within 28 days of the date of service of the enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. <https://www.gov.uk/appeal-planning-decision>.

An appeal must be made by the applicant. Forms are available on-line at Appeals - Appeals - Planning Portal

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it

without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

For further information about making can be found at www.planningportal.co.uk.

Southern Gas Networks – Overbuild Advisory

There are several risks created by building over gas mains and services. If you plan to dig, or carry out building work to a property, site or public highway you should check your proposal against the information held at <https://www.linesearchbeforeudig.co.uk/> for any underground services.

Purchase Notices

If either the Council or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner, in exceptional circumstances, may claim that neither the land can be put to a reasonably beneficial use in its existing state, nor can the land be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

If this happens, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).