

<b>Application Number:</b>	P/FUL/2024/04613		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land to Rear of 156-172 South Street Bridport. DT6 3NP		
<b>Proposal:</b>	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		
<b>Applicant name:</b>	Churchill Living Ltd		
<b>Case Officer:</b>	Penny Canning		
<b>Ward Member(s):</b>	Cllr D Bolwell; Cllr B Bolwell; Cllr Williams		
<b>Publicity expiry date:</b>	1 November 2024	<b>Officer site visit date:</b>	07 Oct 2024
<b>Decision due date:</b>	27 December 2024	<b>Ext(s) of time:</b>	None
<b>No of Site Notices:</b>	17	<b>SN displayed reasoning:</b>	To publicise the application.

## 1. Summary of recommendation:

1.1. Refuse

## 2. Description of Site

2.1. The site is situated to the south of Bridport town centre and is currently used predominately for aggregate storage. South Street runs to the east of the site connecting the town centre with the main A35. The River Brit bounds the site on its western side with residential to the north. A mix of residential and commercial buildings are located along South Street to the east, and the former Mineral Water Plant at Bridport Old Brewery is located to the south. On the other side of the river, to the west, there is a large open area with sports pitches and associated parking that serve Bridport Football Club, Rugby Club and Leisure Centre. The site is well connected to the town centre and shops, and there is a large supermarket on the opposite side of South Street.

2.2. Access on to the site is currently obtained via two access' off South Street. Two buildings are situated adjacent to the southern boundary, one comprising a red brick 'Nissan hut' style building with a curved corrugated roof form and a single storey rectangular building used as a site office. The remainder of the site comprises areas of hardstanding, scrub and waste ground.

## 3. Description of Development

3.1. The planning application seeks permission to redevelop the site to provide 48 Retirement Living Apartments and 25 2 bed retirement living cottages, including communal facilities, access, car parking and landscaping. The mix of apartment living comprises 32no. one bedroom apartments and 16no. two bedroom apartments. The communal facilities proposed to be included are set out in the Planning Policy Statement as follows:

- A lodge manager employed by a Management Company to provide assistance and security for the owners of the apartments;
- A video entry system which is linked to the owners' television in their apartments;
- An owners' lounge is provided for use by all residents and their guests within the building;
- Communal lifts are provided for use by residents and visitors;
- A communal toilet for use by residents and visitors;
- A communal landscaped garden area;
- A guest suite for use of relatives of property owners who wish to stay overnight;
- A communal car parking area for use by residents who have a car (unallocated);
- An area for mobility scooters and bicycles to be sorted and charged; and a communal refuse store.

3.2. It is the applicant's aspiration that the development would form an integrated retirement community.

#### **4. Relevant Planning History**

4.1. P/PAP/2024/00128 - Decision: Response given - Decision Date:  
02/04/2024

Redevelopment of land to create retirement housing

Advice given:

*I am unable to encourage you to submit a planning application based upon the current proposals which fail to accord with planning policy requirements. The key constraints with this site is the location within flood zone 2 and 3 and the previous contamination of the land. These would need to be addressed before considering any detail of the development.*

4.2. WD/D/14/001050 - Decision: Response given - Decision Date:  
27/05/2014

Pre-application consultation - Development of site for residential housing and could include retail use on part

Advice given:

*The key constraints with this site is the location within flood zone 2 and 3 and the previous contamination of the land. These would need to be addressed before considering any detail of the development.*

4.3. 1/W/84/000485 - Decision: GRA - Decision Date:  
25/10/1984

Modify existing vehicular access

4.4. 1/W/91/000001 - Decision: GRA - Decision Date:  
08/02/1991

Modify existing vehicular access

## **5. Constraints**

- 5.1. The site falls within the Defined Development Boundary.
- 5.2. The site falls within the setting of Listed Buildings, including 158 South Street; 2 West Bay Road; 'South Bridge' and the bridge over the River Brit; Bridport Old Brewery, the former mineral water plant at Bridport Old Brewery, cottages within Bridport Old Brewery and the Maltings at Bridport Old Brewery; all Grade II Listed buildings.
- 5.3. The site falls outside of the Bridport Conservation Area (the boundary of which is located approximately 54m away). There is a statutory duty upon Local Planning Authorities to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).
- 5.4. The site falls within the Dorset National Landscape (former AONB). There is a statutory duty upon Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000
- 5.5. A Right of Way lies adjacent to the site.
- 5.6. The site falls within 5km of the Special Area of Conservation (SAC): Chesil & The Fleet
- 5.7. The site falls within Flood Zone 2, 3a and 3b, falls adjacent to a 'main river' benefiting from flood defences.
- 5.8. The site is at risk from surface water flooding extent 1 in 100 (medium risk) and 1 in 1000 (low risk).
- 5.9. Potential contaminated land.

## **6. Consultations**

- 6.1. All consultee responses can be viewed in full on the Council's website.

### **6.2. Consultees**

6.2.1. **Bridport Town Council** object to the application on the following grounds:

- The application does not contribute to affordable housing provision and does not address local housing need (contrary to Neighbourhood Plan (NP) Policy H5(c)), which relates to an acute need for smaller, social rented accommodation, particularly for young people, and affordable premises for retirees of limited means (as set out in the Housing Needs Assessment);
- Lack of need for additional open market retirement accommodation due to a current over-supply;
- An inconsistent approach is taken to the search area for applying the sequential test and housing needs assessment.
- Unjustified loss of an employment site, contrary to policy ECON3;
- The proposals are in contravention with NPPF para 7 and 8 relating to achieving sustainable development;
- Design; impact of the design on the occupiers of future residents (raised floor levels); the overall design and materials fail to maintain and enhance local character, conflicting with NP Policy D8; and the design of the vehicular access arrangements contravenes NP Policy AM2(a) by utilising an access with poor visibility;
- The proposals would put a strain on local infrastructure, including local health provision and sewerage, conflicting with NPPF para 11.
- The benefits of the proposal are outweighed by the material disadvantages.

6.2.2. **Symondsburry Parish Council** object to the application on the following grounds;

- Concerns over land contamination;
- Concern that the proposal fails to offer a mix of housing types, as required by NP Policy H4, and fails to address the local housing need of small family homes. Cumulatively, there is concern that this would have a detrimental impact on the viability of the town.
- Concern that the proposal fails to demonstrate a proven need for additional retirement living, contrary to NP Policy H5.
- Lack of consultation with the community, contrary to NP Policy D2.
- The proposal is considered to fall short on the requirements of NP Policy D1, harmonising with the character of the surrounding area; and NP Policy D4 in terms of the mix of uses.
- Lack of affordable housing, and concern over the viability assessment.
- Impact on existing local services and infrastructure, including health care.
- Concern relating to design and materials. The large mass and form created by the apartment and communal areas block is considered out

of keeping. The form and detailing of the building and lack of reference to the existing built form and materials create an unacceptable solution. The cottage river elevation provides a continuous monotonous elevation without relief. A predominance of brickwork does not provide a link reference to the palette of materials found surrounding the site and in the local area.

- Further consideration should be given to landscaping;
- Concern relating to the appropriateness and effectiveness of the drainage scheme.
- Concern that there is insufficient parking, and that careful consideration needs to be given to pedestrian links and the vehicular junction with South Street.

6.2.3. **The Highways Authority** object to the proposal having regard to endangering road safety and causing highway problems as a result of the following:

- Concern relating to the proposed gated entrance;
- Concern relating to the junction radii with Dr. Roberts Close;
- Insufficient detail of proposed road improvements to South Street;
- Lack of appropriate footways on site;
- Concern relating to number of stepped entrances.

6.2.4. **The Design and Conservation Officer** considers the impacts of the proposal on the setting of nearby listed buildings/structures and identifies no harm.

6.2.5. **The Archaeological Officer** comments on the confused format and presentation of the desk based study and geotechnical investigations, but following detailed analysis concludes that the proposed development is unlikely to result in significant impacts on below-ground archaeological implications.

6.2.6. **The Urban Design Officer** makes the following comments:

- Stepped entrances hinder access for all, contrary to National Design Guide para 8;
- The parking arrangements are unevenly distributed and offer potential for indiscriminate parking;
- There is no reference to EV charging points being provided;
- Amendments to the roofline, and refinement of the design details, including fenestration, would improve the appearance of the building;
- The material palette is considered appropriate.

6.2.7. **The Natural Environment Team** advise that further detail would be required relating to how the mitigation hierarchy has been applied having regard to reptiles, and if translocation is proposed, full details of translocation in line with the requirements of the Natural England

standing advice. Other matters relating to securing the recommendations of the Preliminary Ecological Appraisal, a lighting scheme, and Construction and Environmental Management Plan could be secured through condition.

- 6.2.8. **Natural England** raise no objection subject to the satisfactory completion of an Appropriate Assessment (AA), which addresses recreational pressures impacting upon European Protected Sites (Chesil and the Fleet). Natural England have since agreed the completed AA.
- 6.2.9. **The Landscape Officer** raises no objection subject to conditions relating to hard and soft landscaping.
- 6.2.10. **The National Landscape (AONB) Team** consider that the proposals would have limited implications for natural beauty and therefore do not wish to comment further.
- 6.2.11. **Public Health Dorset** raise concern surrounding the following:
  - risk of flooding; and the implications this has in terms of limiting the provision of adequate, accessible communal outdoor green space to support the health and wellbeing of all residents;
  - lack of affordable housing; the proposed unviability of affordable housing as part of this development is of concern, especially if it is considered that the type of development itself is a contributory factor toward the assessment outcome;
  - EV charging; this is not currently proposed and highlighted as an 'amber' risk in the Building for a Healthy Life assessment;
  - Building ventilation; further detail is required to ensure good indoor air quality to prevent damp and mould and prevent either causing or exacerbating respiratory health conditions of residents.
- 6.2.12. **Environmental Protection** raise no objection subject to conditions relating to noise and odour.
- 6.2.13. **WPA** raise no objection subject to conditions relating to land contamination remediation.
- 6.2.14. **Lead Local Flood Authority** raise no objection subject to conditions.
- 6.2.15. **Environment Agency** object to the proposal due to concerns over obtaining on going maintenance of the flood wall.
- 6.2.16. **Planning Policy** recommend that the sequential test is not passed.
- 6.2.17. **The Affordable Housing Officer** advises that there is a high demand for affordable housing within the area, and that a development of this size would be expected to make an on-site affordable housing contribution.
- 6.2.18. **The District Valuer Service (DVS)** confirm that based on the submitted costs outlined within the Viability Appraisal, a policy compliant (35%) provision of affordable housing would be unviable, but that it would be viable to secure a lower (30%) provision of affordable housing.
- 6.2.19. **Building Control** raise no objection.

6.2.20. **Dorset and Wiltshire Fire and Rescue** highlight the need at the Building Control stage to comply with the relevant parts of the Building Regulations and makes recommendation to improve safety and reduce property loss in the event of a fire.

6.2.21. **South West Water** have no comment to make.

### 6.3. Representations Received

6.3.1. 129 third party comments have been received, 2 in support of the application and 127 objecting to the proposal, including the Bridport Local Area Partnership.

6.3.2. Those in support of the application identify a desire for more retirement living for local people, which they consider would free up local family homes.

6.3.3. Those objecting to the application, raise the following concerns:

- 99% of objectors consider that the proposed housing for the older generation would fail to address local housing need, which they consider most greatly lies with young people. In this regard the following comments have been received:
  - Lack of need for more retiree accommodation contrary to NP policy H5; the town has an abundance of retirement living accommodation, including vacant units for sale on the market; the submitted Needs Assessment considers a far wider area than Bridport itself such that the demand is misrepresentative; 'need' for retirement living is not comparable to someone in housing need;
  - The proposal does not address the greatest need (as identified within the Bridport Area Housing Needs Assessment) to provide affordable homes for younger people and families who can't afford to stay in their hometown; the inclusion of no affordable housing falls contrary to NP policy H1 and H3, and Local Plan policy HOUS1; the properties released onto the market by those moving to retirement living are unlikely to be affordable homes to meet the needs of the town;
  - The imbalance of creating homes for the older demographic, as opposed to the younger demographic and/or a mix of demographics is resulting in an unbalanced and unsustainable community, contrary to NP policy H4 and H6, and Local Plan policy HOUS3, and to the detriment of the vitality and viability of the town.
- Over quarter of all objectors raised concerns that additional housing for the older generation would impact local infrastructure, and in particular health care; impacts on sewerage/drainage/power infrastructure is also raised;

- Other concerns include the following:
- Loss of employment site
- Insufficient parking provision
- Highway safety and increased traffic related concerns; poor pedestrian access;
- Concerns regarding land contamination. Ongoing extensive monitoring would be required of ground contaminants, atmospheric emissions and ground water movements given contamination on site.
- The land should not be built on as it comprises a flood plain and could put vulnerable people at risk;
- Unsympathetic design to the setting of listed buildings and properties on South Street; out of keeping with the area; limited architectural detailing; the number of steps and ramps would not be ideal for the elderly; internal design does not take into account mobility and access requirements; design falls contrary to Local Plan policy ENV12;
- Failure by the developer to fully consult with local people.
- The site is located at the bottom of South Street where residents would need to negotiate an upwards incline to reach the town;
- Additional homes in Bridport not needed
- Biodiversity net gain has not been addressed;
- Impact of light pollution;
- The proposed scheme fails to represent sustainable development due to failure to address the core social and economic challenges of the town.
- Impact on occupiers of Dr. Roberts Close through poor access arrangements, impact to sunlight; and noise and disruption during construction.

## **7. Duties**

- 7.1. s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.
- 7.2. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.3. Under Section 40 of the Natural Environment and Rural Communities Act (as amended by the Environment Act 2021), all public authorities in England have a duty to consider how they can conserve and enhance biodiversity. The PPG confirms that 'in complying with this duty all public authorities must 'have regard' to any relevant local nature recovery strategy'.
- 7.4. Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 places a 'duty' on relevant authorities to 'seek to further the purpose of' conserving and enhancing the natural beauty of the AONB.

## **8. Relevant Policies**

## 8.1. Development Plan Policies:

### 8.1.1. West Dorset, Weymouth and Portland Local Plan (2015)

- INT1 - Presumption in Favour of Sustainable Development
- ENV1 - Landscape, Seascape and Sites of Geological Interest
- ENV2 - Wildlife and Habitats
- ENV4 - Heritage Assets
- ENV5 - Flood Risk
- ENV9 - Pollution and Contaminated Land
- ENV10 - The Landscape and Townscape Setting
- ENV11 - The Pattern of Streets and Spaces
- ENV12 - The Design and Positioning of Buildings
- ENV15 - Efficient and Appropriate Use of Land
- ENV16 - Amenity
- ECON3 - Protection of other employment sites
- HOUS1 - Affordable Housing
- HOUS3 - Open Market Housing Mix
- SUS1 - The Level of Economic and Housing Growth
- SUS2 - Distribution of Development
- COM7 - Creating A Safe and Efficient Transport Network
- COM9 - Parking Standards in New Development

### 8.1.2. Bridport Neighbourhood Plan (2019)

- 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
- AM5 - Connections to Sustainable Transport
- H1 - General Affordable Housing Policy
- H2 - Placement of Affordable Housing
- H4 - Housing Mix & Balanced Community
- H5 - Retirement Living Development
- HT1 - Non Designated Heritage Assets
- HT2 - Public Realm
- L1 - Green Corridors, Footpaths, Surrounding Hills & Skylines

- L2 - Biodiversity
- L5 - Enhancement of the environment
- COB1 - Development in the Centre of Bridport
- D1 - Harmonising with the Site
- D2 - Programme of Consultation
- 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 the local character
- D9 - Environmental performance
- D11 - Building for Life
- D12 - HAPPI (Housing our Ageing Population: Panel for Innovation) Principles

8.1.3. Emerging Local Plans:

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

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

8.1.5. The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

**8.2. Other material considerations**

8.2.1. National Planning Policy Framework (2023)

8.2.1.1. As far as this application is concerned the following sections from the NPPF are particularly relevant:

- Section 2 Achieving sustainable development
- Section 3 Plan Making
- Section 4 Decision-making
- Section 6 Building a strong, competitive economy

- Section 7 Ensuring the vitality of town centres
- Section 8 Promoting health and safe communities
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

8.2.2. National Planning Policy Guidance (DCLG) (NPPG);

8.2.3. National Design Guide;

8.2.4. Housing our Ageing Population: Panel for Innovation (2009);

8.2.5. BS8300 - Design of an accessible and inclusive built environment (Buildings - Code of Practice);

8.2.6. Department of Transport's Inclusive Mobility guidance (2021);

8.2.7. The Dorset and BCP Local Housing Needs Assessment (November 2021);

8.2.8. Strategic Housing Availability Assessment (2018);

8.2.9. Dorset Council's Annual Position Statement on Housing Land Supply (2024);

8.2.10. The Association of Directors of Environment, Economy, Planning & Transport (ADEPT) and the Environment Agency's joint Flood Risk Emergency Plans for New Development (2019);

8.2.11. Flood Risk Assessment Guidance for New Developments, Phase 2, Technical Report DS2320/TR2' (2005);

8.2.12. Dorset Landscape Character Assessment;

8.2.13. West Dorset Landscape Character Assessment (2009);

8.2.14. Housing Needs Assessment for Bridport (2019);

8.2.15. Design and Sustainable Development Planning Guidelines (2009).

8.2.16. Dorset Bournemouth and Poole Parking Guidelines

8.2.17. Dorset Council Natural Environment, Climate and Ecology Strategy 2023-25

8.2.18. Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

## **9. Human rights**

- 9.1. Article 6 - Right to a fair trial.
- 9.2. Article 8 - Right to respect for private and family life and home.
- 9.3. The first protocol of Article 1 Protection of property.
- 9.4. 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.

## **10. Public Sector Equalities Duty**

- 10.1. As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:
  - Removing or minimising disadvantages suffered by people due to their protected characteristics
  - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
  - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 10.2. 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.
- 10.3. In this case, Bridport has a range of facilities and infrastructure within reach of the proposed development, providing opportunity for future occupiers to access a wide range of facilities through sustainable means. Its sustainable location means there is access to services to support future occupiers, including those with protected characteristics, and while third party comments raise significant concern relating to the strain on local infrastructure, and in particular the public health service, the development would be CIL liable, and make appropriate contributions towards local infrastructure. In turn, the provision of housing could also help support existing facilities and services to ensure these remain viable. These factors could have a positive impact on rural isolation.
- 10.4. The provision of retiree accommodation can support the older demographic to downsize into suitable accommodation to support their needs, and the inclusion of shared facilities can support older people from feeling isolated. There are clear benefits associated with this. The realisation of such benefits of course relates to their being an identified need for such accommodation. This is discussed within the body of the report. Failure to provide affordable housing means that the development could not be regarded as having a positive effect on people in socio-economic deprivation. The benefits of providing additional housing for the older generation needs to be weighed against the impacts of providing no affordable housing having regard to

minimising disadvantage suffered by people owing to their protected characteristics.

- 10.5. Mobility Guidance provides guidance to ensure that the design of places meets the needs of disabled people, people travelling with small children or carrying luggage or heavy shopping as well as people with temporary mobility problems and older people. Inclusive Mobility Guidance, recommends footways be designed to accommodate appropriate widths to support people using a stick, cane, wheelchair and/or pushchair. The minimum recommended width is 2m as this would allow enough space for two wheelchair users, or mobility scooters, to pass. In all cases, the width of the pavement is less than 2m and in some cases, the width of the footway is less than the recommended 1.5m width accepted in exceptional circumstances owing to physical constraints. This is not considered to address the needs of those with protected characteristics and is unjustified.
- 10.6. Priority crossings are recommended to aid ease of movement and tactile pavement and changes in materials/colours to delineate crossings and priorities should be incorporated to aid movement for those with a disability, as per Inclusive Mobility Guidance. Owing to a lack of detail within the submitted plans relating to crossings, including the proposed 'improvements' to South Street, this cannot be understood.
- 10.7. Owing to the raising of floor levels to take account of flood risk, entrances are generally stepped, with alternative ramped accesses available. While the provision of ramped accesses are essential to take account of those with restricted mobility, there is concern in relation to their siting, which fails to provide the most direct and convenient route to many of the homes.

## **11. Environmental Implications**

- 11.1. The application is supported by an Energy Statement in response to local policy, including NP policy CC1, CC2 and CC3 in relation to carbon emissions and securing sustainable energy, as well as NP policy D9 which addresses the environmental performance of development.
- 11.2. This Energy Statement recognises that the site is located within the settlement boundary of Bridport and adjacent to existing built residential development. Its location on the edge of an existing town would reduce the reliance on the car to reach key facilities.
- 11.3. The statement details matters relating to fabric energy efficiency (a measure of the efficiency of the building fabric) and sets out that the development is proposed to adopt a 'fabric first' approach to energy efficiency such that there would be a significant uplift on the minimum standard required under Part L of the Building Regulations. With regards to the thermal envelope as a whole, it states that well insulated cavity walls, roof, floors and triple glazed openings would provide a comfortable environment within the development, assist in temperature control and reduce the buildings' reliance on the main heating system.
- 11.4. The use of an electric heating solution is intended to provide efficiencies of up to 100% and a mechanical ventilation system is proposed within the

apartments and bungalow which is considered to reduce the need for electric ventilation.

- 11.5. While it has not been possible to connect to a district heating system due to the distance between the site and nearest connection point, it is also proposed to utilise photovoltaic panels to contribute to total energy demand and reduce carbon emissions. The Energy Statement seeks to breakdown and review the proposed carbon emissions associated with the development and indicates an approximately 52% reduction against the notional emissions associated with the development, highlighting the benefits of the design specification proposed. Further, the development's proposed solar PV installation is predicted to significantly exceed the 10% requirement for unregulated energy as stipulated by Policy CC3.
- 11.6. The Energy Statement sets out that to ensure planned water usage does not exceed the Building Regulations Requirement of 125 Litres/person/day, the development seeks to incorporate efficient, water saving sanitaryware to meet this goal. Where this is not possible, flow restrictors will be installed to limit water use of sanitaryware items.
- 11.7. The Energy Statement also addresses building orientation and energy consumption considerations, seeking to maximise solar and thermal energy and using a combination of passive measures and mechanical ventilation to avoid overheating.
- 11.8. An effective site waste management system adopting waste hierarchy principles of reduce, reuse, or recycle will be employed during the construction and will strive to select materials from suppliers who operate responsible sourcing practices, and from local suppliers where possible.
- 11.9. Further clarity is required to ensure where possible electric vehicle charging is provided, but it is considered that this could be secured through a condition. In light of the above, the proposed development is considered to appropriately address environmental considerations having regard to energy consumption and carbon emissions, and the provisions set out within Local Policy.

## **12. Planning Assessment**

### **12.1. Principle of development**

- 12.1.1. The Local Plan, Neighbourhood Plan (NP), and National Planning Policy Framework (NPPF) are underpinned by the objective to achieve sustainable development. The Local Plan and the NPPF outline sustainable development as '*development which meets the needs of the present without compromising the ability of future generations to meet their own needs*'. This is based on economic, social and environmental factors needed for sustainable development (these are set out in para 7-14 of the NPPF). Para 15-243 of the NPPF, are based on these principles and, taken as a whole, sets out the Government's view of sustainable development.
- 12.1.2. The environmental, economic and social criteria are the basis for new housing being located within larger settlements with a range of facilities, denoted within the Local Plan by Defined Development Boundaries, in

order to provide opportunities for people to make sustainable choices. Local Plan policy INT1 places a presumption in favour of sustainable development that will improve the social, economic and environmental conditions within the area.

- 12.1.3. In this regard, the site is in a sustainable location, falling within a defined development boundary where development is supported by Policy SUS2 (Distribution of Development). The site is well served by the local bus network which includes the Jurassic Coaster linking Weymouth with Axminster, and it is in walking distance of local amenities including the adjacent supermarket on the opposite side of South Street and Bridport town centre which, from the main site access, is a short walk with connecting footpaths and lighting on both sides of the road.
- 12.1.4. There are also other environmental benefits, such that the proposed development would see the development of an underused previously developed and contaminated site, which currently contributes poorly to the character of the area. This weighs in favour of the proposal but needs to be considered in light of other ecological and environmental impacts. It is not considered that these benefits should outweigh the need to safeguard protected species in the interests of nature conservation, which is captured within Local Plan policy ENV2, in line with the NPPF environmental objective, which amongst other things, seeks to protect the natural environment. The proposal has not demonstrated that it would not have a significant impact on protected species, weighing against the proposal.
- 12.1.5. Further to the above, and connected to all three strands of sustainable development, but falling within the environmental objective, is the need to mitigate and adapt to climate change. This means locating development to areas at least risk from flooding, which can otherwise lead to significant social, economic and environmental impacts on the area and occupiers of building and land. In this regard Local (policy ENV5) and National Policy seek to direct development to areas at least risk through the application of a sequential approach. The submitted detail fails to demonstrate the appropriate application of the sequential test in this case, and this further impacts the proposal's ability to demonstrate that the environmental objectives of sustainable development are met.
- 12.1.6. In respect of the economic dimensions of sustainable development, there would be some small benefit to the economy during the construction phase, but otherwise the proposed development would be entirely housing led. In this regard, consideration has to be given to the loss of the site as employment land, and the impacts that this would have.
- 12.1.7. The application site is not a 'key employment site' as identified within the Local Plan. In such cases, policy ECON3, which seeks to protect 'other' employment sites is relevant. This policy supports the redevelopment of employment land where development proposals are considered to comply with other policies. As per above, the principle of residential development in this location is supported by policy SUS2. The support provided by policy ECON3 is nonetheless subject to criteria. Having regard to these, the proposed development would utilise the entirety of

the site, making efficient use of the land in line with the objectives of policy ENV15 and Neighbourhood Plan (NP) policy D5, and removing the potential for any conflict between the proposed use of the site for residential purposes and use of the land for employment purposes. The redevelopment of the site has the potential to offer important community benefits through enhancing a previously developed contaminated site of poor visual and environmental quality, while addressing housing need within the locality. Further detailed consideration is given to these potential benefits within the remainder of the report. Notwithstanding the realisation of any such benefits, the site is located within a sensitive location owing to its residential neighbours, with buildings which would not easily lend themselves to other employment purposes, and contaminated land being a further constraint. The submitted Planning Statement advises that the current use employs approximately 5 staff, and owing to the constraints of the site within a predominantly residential area, any future employment use would need to be carefully considered having regard to its intensity and potential impacts.

- 12.1.8. In light of this, while it is considered that there would be some loss of employment opportunity, it is not considered that the redevelopment of the site would result in a significant loss of jobs, with the site arguably currently under used. It is also recognised that some jobs would be created in terms of a warden manager and staff to maintain the shared facilities. Taking on board the above, policy ECON3 can be regarded to have been met and the loss of employment land is not considered to be a barrier to the redevelopment of the site.
- 12.1.9. Relating back to the above consideration, in terms of the economic impacts of the proposal, it is considered that there would be some loss of employment opportunity, but that the impact would not be significant, and on balance, having regard to the economic benefits of building the scheme the economic impacts of the proposal would be neutral.
- 12.1.10. Having regard to the social dimensions of sustainable development, the proposal has the potential to benefit the vitality of the town, such that new occupiers would bring additional support to the existing local services. There is clear concern that new occupiers would place unacceptable pressure on local services. To address this, any such development should be subject to infrastructure contributions to support local infrastructure.
- 12.1.11. The site is presented as 'retirement living' accommodation and Local Plan policy HOUS5, which relates to 'residential care accommodation' is not therefore considered to be relevant given the basis the application is presented. To clarify, the proposed scheme is not intended to present a traditional 'care home' nor is it considered to present the package of care that would be associated with 'extra care living'. The scheme instead sets out to provide purpose built accommodation (falling within Class C3 'dwellinghouses' of the Town and Country Planning (Use Classes) Order (as amended)) specifically designed to meet the needs of independent retired people, providing self contained accommodation for sale, designed within a block with communal space, including a lounge, coffee

bar and garden, to promote social interaction, and with the added security of a lodge manager, employed by a management company. The Local Plan Glossary confirms that sheltered or age restricted housing schemes for older persons fall within the same use class as dwellinghouses and are not considered to be care accommodation.

12.1.12. Planning Policy Guidance addresses such accommodation as follows:

*“Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.”*

12.1.13. The Planning Statement goes on to address the aims of the scheme stating the following:

*“Without a range of housing options for older people, they are left with no choice but to stay in their own home, which can become unsuitable as people age, with lots of steps, or maintenance requirements. This puts additional pressure on social care services to deliver additional care at home, before people move into high dependency care homes.”*

*“Providing opportunities for people to downsize into suitable and adaptable accommodation, with support on hand should they need it, meets the Government’s agenda of encouraging much greater independence in old age, and reduces the pressure on social care services.”*

12.1.14. To secure the use of the apartments/dwellinghouses as ‘retirement living’ the applicant proposes to sell the units with a lease containing an age restriction which ensures that only people of 60 years and over with a spouse or partner of at least 55, can live in the development. It is suggested that this is also secured by condition. This type of accommodation is considered within NP policy H5 which seeks to support such schemes subject to them meeting an identified local need. This is a matter considered in detail within the report.

12.1.15. It is also relevant, when considering how the proposed scheme contributes to society, to recognise that the scheme would not provide affordable housing provision, as would be expected by Local Plan policy HOUS1 and NP policy H1, H2 and H4. The impacts of this are discussed within the body of the report, but weighs against the proposal in terms of its contribution to the social aspects of sustainable development.

12.1.16. Having regard to the principle of development, the development is situated in a sustainable location where Policy SUS2 supports development. While it would see the loss of employment land, the impacts of this are not considered to be significant, and when considered on balance with other competing considerations having regard to seeking the most efficient use of the land, addressing housing need and cleaning up a contaminated and visually poor site, the loss of the site to employment could be accepted. The restriction of the units as ‘retirement

living', and whether this is a benefit of the scheme is less clear cut, and certainly the lack of affordable housing provision weighs significantly against the proposal and its potential to appropriately address local housing need and in turn the social aspects of sustainable development. There is no direct policy in the Local Plan which seeks to address this niche of accommodation, but NP policy H4 and H5 indicate that such 'benefits' are dependent on there first being an identified need for such accommodation, and that major housing schemes should provide a range of accommodation to meet a range of needs. This is considered in detail within the report, but is not considered to have been demonstrated. The principle of development is also dependant on the impacts of the proposal. In this case, the proposal fails to appropriately address flood risk, and the impacts on ecology, and there are also issues in relation to highway safety. As such, it is difficult to conclude that the development proposed truly addresses the sustainable development objective underpinning Local and National policy, and owing to the circumstances of the proposed scheme, the principle of development is not met.

## 12.2. Impact on Heritage Assets

12.2.1. Local Plan policy ENV4 seeks to ensure development respects its historic environment and this is supported by NP Policy HT1. Section 16 of the NPPF, and specifically paras 212-216, requires great weight be given to the conservation of heritage assets having regard to their significance and the effects of the proposal on their significance.

12.2.2. The application site falls outside of the Conservation Area, but within the setting of a number of listed buildings. This includes 158 South Street, located adjacent to the site access, comprising a Grade II listed 2 storey property dating from the early C19. The Listing describes the building as having a hipped slate roof with deeply overhanging eaves on cut brackets, and with 2 ranges of sashes with glazing bars to the front. The applicants Heritage Statement defines the building's significance as follows:

*158 South Street is of high heritage significance which derives from its historic and architectural interests inherent in the physical fabric, form and function of the building and it forming part of the expansion and growth of Bridport along South Street during the post-medieval period.*

*It cannot be fully concluded from the available mapping that there was no historical association between the gasworks and 158 South Street, although any such historical association has since been severed with the removal of the former gasworks and reuse of the Site. The setting of 158 South Street today therefore derives from its position on South Street, with garden to the rear (west). It is best understood, experienced and appreciated from the immediate environs along South Street.*

12.2.3. Two Grade II Listed bridges lie within the setting of the application site, one on South Street dated 1877, rebuilt as a single reinforced concrete span, but retaining ashlar piers with sunken panels, and hammer dressed stone flanking walls. The second bridge relates to the bridge over the

river Brit, a mid C19 iron single span bridge with an ornamental iron parapet, 4 ashlar pier, with sunken panels and pyramidal caps. The Heritage Statement assess the significance of these bridges as follows:

*The high heritage significance of these bridges derives from their form, function and fabric and historical development associated with the River Brit and transportation through Bridport. Their setting therefore derives from their position spanning the watercourse and the associated road network.*

*The Site does not contribute to the setting or heritage significance of these bridges. During the site visit, views from the bridges were noted to encompass the Site, although the Site's appearance in such views did not provide a significant or meaningful contribution.*

- 12.2.4. Bridport Old Brewery, the former mineral water plant at Bridport Old Brewery, cottages within Bridport Old Brewery, 2 West Bay Road, adjacent to South Street, and the Maltings at Bridport Old Brewery are all Grade II Listed buildings forming a prominent group. Buildings at the Brewery site range in height, from the domestic proportions of the cottages and No2, to industrial proportions of the brewery buildings. The flank fronting Skilling Road comprises 1, 2 and 3 storeys in height, with hammer-dressed stone elevations. The single storey element to the front of the site, adjacent to South Street, has a thatched roof, making it the only remaining thatched brewery in the UK, with the taller buildings having a pitched corrugated iron roof, with water wheel behind. A small connecting bridge spans above the road between the Old Brewery Buildings and the former mineral water plant, a red brick building under a slate roof. The group as a whole form an important group of industrial buildings dating back to 1974 and represent the commercial and industrial heritage of this part of South Street, which contributes to their overall significance. The submitted Heritage Statement makes the following comments:

*Within the Bridport Historic Town Survey, these buildings are identified to provide a 'historic industrial aspect' to this part of Bridport. The buildings are of high heritage significance, individually and cohesively as a group, with the significance deriving from the historic, architectural and archaeological interests. As a group, they form a cohesive complex of buildings with shared materials and setting.*

- 12.2.5. In terms of the current site, there is no evidence to suggest that the site formed part of the brewery. Historically the brewery originated south of Skilling Hill Road and extended beyond it to the north in the late nineteenth century. Due to proximity, a level of intervisibility is afforded between the two, though as predominately functional buildings, the brewery complex would not have been designed with views outward in mind. The Heritage Statement concludes the following:

*Given the lack of known or functional association, and absence of positive or meaningful contribution to views, this heritage statement has concluded that overall the Site makes a neutral contribution to the setting and thus heritage significance of Bridport Old Brewery. The*

*neutral contribution derives from the shared industrial/commercial character.*

12.2.6. Part of the site formed part of the former gasworks, however subsequent redevelopment and alteration has resulted in the loss of much of the former complex. Surviving features comprise:

- *Nos. 152-154 South Street which comprised the former gasworks showroom; dated 1899.*
- *No. 156 South Street which comprised the former gasworks manager's house; dated 1872.*

12.2.7. The historic interest in these buildings is reduced through loss of any physical connection, resulting from the demolition of the gasworks, and resulting from change of use of the buildings. The buildings are unlisted and, assessed against the criteria outlined within the NPPF, they are not considered to comprise non-designated assets. This is consistent with NP Policy HT1 which provides a list of non-designated heritage assets within the town; neither property is included within the list.

12.2.8. The Heritage Statement comments as follows:

*Due to the level of change which has occurred within the Site, the association, historic interest and context is best understood, experienced and appreciated from cartographic and documentary sources. The buildings themselves are aesthetically pleasing but are of a level of negligible heritage significance. They are not therefore considered to fall within the minority of buildings which would merit identification as non-designated heritage assets.*

12.2.9. Further away from the site (located approx. 0.2km to the north) is the Grade I listed Church of St. Mary, which stands prominent within the townscape and is a building of both architectural and historical significance. The Heritage Statement addresses the impact of the development on the Grade I listed Church and considers that through careful consideration of the proposed positioning, height and orientation of the proposed development, glimpsed views from Hill Road bridge are retained, and the effects of the development are reduced to an acceptable level.

12.2.10. While there are no listed buildings within the application site which the proposal would impact directly, the site falls within the setting of these heritage assets. On this basis, the scheme has been assessed by the Design and Conservation Officer on its affect toward identified heritage assets, in the context of perceived degrees of impact on their setting, having regard to their individual and collective contribution toward the significance, and appreciation of the asset, and the degree to which the proposals would influence the setting by enhancing or detracting from their significance and ability to appreciate it.

12.2.11. The NPPF defines the setting of a heritage asset as follows:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*

*Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

- 12.2.12. The Design and Conservation Officer concurs with the assessment of significance and impact as set out within the submitted Heritage Statement.
- 12.2.13. Taking the site as it is today, the redevelopment would undoubtedly change the site's character from an industrial/commercial site, which has limited built development and is of a low overall visual impact, to a domestic built complex of a scale and density unlike the existing. If assessed purely against the current form of the site, this is clearly a notable change. However, from a historical perspective the site would have looked very different to what it does today. Part of the site would have accommodated the meandering River Brit which once weaved its way through the site until it was re-routed west, circa 1940s. The other part of the site would have accommodated the C19 gasworks up until circa 1960s. The resulting built up form of the proposed development arguably better responds to the historic built nature of part of the site, its scale and form responds appropriately to its industrial context, and its residential use would be in keeping with the residential character of the area to the north.
- 12.2.14. The Design and Conservation Officer expresses some concern over the suitability of the scheme's overall proposed presentation, particularly in respect of its impact on both static and transient views obtained from east and west approaches along Skilling Hill Road and from within the Palmers car park extent, to the north and NW respectively, where the development could be deemed to affect the setting of the Bridge over the River Brit and Brewery and brewery building assemblage. While the material palette is considered to be acceptable, it is considered that there is opportunity for enhancement to the elevational treatment and detailed design, and the Design and Conservation Officer, while deferring to the Urban Design Officer for detailed comment, recommends adopting an innovative design approach to seek to better embrace the architectural sensitivity of the local area.
- 12.2.15. Notwithstanding the above, overall, the Design and Conservation Officer identifies an overall betterment to the site, and from a heritage conservation perspective identifies no harm to the significance of the setting of listed buildings. Following review of the submitted desk based study and geotechnical investigations, the Archaeologist concludes that the proposed development is unlikely to result in significant impacts on below-ground archaeology. As such, having regard to Section 16 of the NPPF, and specifically paras 212-216, the proposed development is considered to be acceptable on heritage grounds, and is considered to accord with Local Plan policy ENV4 and NP policy HT1.

### **12.3. Design, layout, scale and appearance**

- 12.3.1. Policy ENV11 and ENV12 seek to ensure the design and positioning of buildings responds appropriately to the surrounding built form and seeks

to ensure streets and spaces are well defined, safe and pleasant to use. Policy ENV12 seeks to ensure the design and scale of buildings respond appropriately to the surrounding built form and reflects the purpose for which the buildings are proposed, and policy ENV10 seeks to ensure proposals respond to the local distinctiveness and character of the surrounding area. These objectives are carried forward by Neighbourhood Plan Policy D6 (definition of streets and spaces), D7 (creation of secure areas) and D8 (contributing to the local character). In turn, Policy ENV16 seeks to safeguard residential amenity. Local Plan Policy COM7 and COM9, together with Neighbourhood Plan Policy AM1 (promotion of active travel modes), AM2 (managing vehicular traffic) seek to ensure appropriate parking provision, safe efficient routes and priority to pedestrians. Local Plan policy ENV15 and NP policy D5 seek to ensure the efficient use of land.

- 12.3.2. The importance of ensuring that proposals reflect and reinforce the character and identity of the surrounding area, in terms of both landscape and built form, is fundamental in creating a development which is embedded within its local context. In terms of built form, referencing local context includes street patterns, building heights, density, materials, and detailed design features. It is also accepted that there needs to be some flexibility so that layouts and street patterns can prioritise pedestrians and cyclists, minimise the impact of parked cars and make more efficient use of land, while also ensuring that there is space for open spaces, sustainable drainage features, trees and other landscaping.
- 12.3.3. The proposed buildings comprise a mix of cottages and apartments ranging in height from 1 ½ to 3 storey units with a variety of rooflines which the Urban Design Officer notes adds interest. Lower scale properties are located within the northern extent of the site with the grander 3 storey apartment block located at the site's south western extent. Many of the units are orientated to maximise views over the River Brit and the development is considered to largely respond to site boundaries in line with the requirements of NP Policy D6, while making efficient use of the land in accordance with Local policy ENV15 and NP Policy D5.
- 12.3.4. Units are situated around a road network which relies on vehicles adopting a one way system, entering the site from its existing entrance and exiting via a gated entrance onto Doctor Roberts Close. It is unclear whether a further pedestrian access leading on to South Street would be available for use. Parking is arranged adjacent to a number of the units, but is not evenly distributed across the site, with limited parking overall (35 car parking spaces: 73 units of accommodation). The terraces are allocated 6 parking spaces to serve 8 or 9 dwellings; and 17 parking spaces are allocated to serve the 48 apartments. The area in front of Terrace 6 lacks footways and has the potential to be dominated by the car, contrary to the aims of NP Policy D6, though on-site parking generally is limited. In terms of parking the Transport Assessment states the following:

*The parking proposals are considered to be appropriate given the location of the site, and are in line with the demand from the parking surveys undertaken at existing CRL sites.*

- 12.3.5. Due to flood risk within the area, many of the properties have raised floor levels, resulting in stepped or ramped accesses. An element of landscaping is proposed within the edges of the site, with a small communal garden area proposed to the south east of the apartment block, enclosed by proposed planting. Gardens are provided for 8 units; these are relatively small in nature, though it is accepted that large gardens to maintain are not always sought for a development catered towards the older demographic; they are thus considered to be appropriate in size and the development makes efficient use of the site. It is nonetheless important that access to open space is achieved. The remaining 17 cottages rely on a small raised terrace to the rear of their properties measuring approximately 2m in depth and 5.4m in width, which are considered to be particularly small. Balconies associated with the apartments are even smaller in scale, measuring approximately 2.5m by 1.7m. Conditions could be applied to secure appropriate boundary treatments to ensure balconies offer an area of private amenity space as sought for under NP Policy D7, and future residents would have access to shared amenity space around the units and main complex, the small scale nature of the spaces for future occupants is nonetheless disappointing.
- 12.3.6. Comments from Bridport Town Council, Symondsbursh Parsh Council and third parties have been received raising significant concern over the design of the development, with issues raised relating to the material palette, scale and form of the complex of buildings, which they consider to be out of keeping with the local context.
- 12.3.7. The Urban Design Officer reviews the character of the area as follows, and picks up on a number of detailed design aspects where there is scope for improvement:

*“Although South Street has a very strong character with tightly knit housing sitting on the back edge of the pavement, this ends abruptly and the context changes to more of a fringe/ edge of town character where the site is located. In this area there is a lack of cohesive built form with greater variety in building heights, scale, architecture and materials.”*

*“The design of cottages in block 2, 4, 5 and 6 would be improved if the ridgeline was reduced to be in line with the apex of the gable ridge. Block 5 would also benefit with a more symmetrical approach to the side roof profile – both hipped or gable end but one of each unbalances the building.”*

*“The north elevation of the apartment building lacks coherence in design, there are too many different elements in terms of design, materials, window sizes and position, brick banding etc. While it is appreciated that the variation has been an attempt to break up the bulk*

*of the building it would benefit from some refinement to bring the elements together.”*

*“Overall the proposed materials and the dominant use of slate roofs is supported and are in keeping with the surroundings.”*

12.3.8. The Urban Design Officer shares concerns in relation to the design of the proposed buildings, but this is in relation to aspects relating to the detailed design as opposed to raising any principle objection to the general scale and form of the proposed buildings. The Urban Design Officer considers the proposed pallet of materials to be appropriate, as does the Design and Conservation Officer, but recommends design related changes to improve the appearance of the building and built form. It is regrettable that further detailed pre-application advice was not sought prior to submission to address matters relating to detailed design and appearance, which could have contributed to a more sympathetic and higher quality development. However, the overall design is not considered to adversely affect the character of the area such that the impacts would be significant enough to warrant refusal of the application.

12.3.9. NP Policy D1, seeks that proposals harmonise with their site and context, and NP Policy D8 seeks that new development should demonstrate a high quality of architecture and seek to maintain and enhance local character. This is in line with Local Plan policy objectives. In this regard, the proposed scheme to some extent responds appropriately to the more varied fusion of building forms, heights and character within the immediate setting, which is dominated by a mix of residential, commercial and industrial uses all of varying scale and heights. The context is one defined by both historic industrial uses and modern development with plot patterns varying in shape and size. The site's set back position from South Street reduces its influence at the street level, with buildings tending to engage more closely with the natural boundary of the river rather than the thoroughfare of South Street. In this regard the buildings respond appropriately to the river and adjacent footpath offering surveillance and definition of the site boundary. The open area afforded by the playing fields to the west offers the opportunity for the site to accommodate a larger scale building. While the Town Council and third party comments are understood, and the design of the buildings arguably lack innovation, it is difficult to argue that they would be incongruous in their context and setting such that the design would warrant refusal of the application. This conclusion is shared by the Urban Design Officer.

12.3.10. In addition to comments on scale and appearance, the Urban Design Officer provides comments relating to the overall layout of the scheme having regard to movement, connectivity and parking:

*“The site is in a highly sustainable location and adequate provision for pedestrians (whether residents or employees) should be made in the layout and design of the internal streets. This should include pavements and level access to enable easy and safe movement both within the site and to enable access to it.”*

12.3.11. Concern is raised in relation to the layout and accessibility of the site itself, resulting from a predominance of stepped accesses as the most convenient means of accessing properties, lack of footways, and issues over low numbers of inconveniently located parking spaces which has the potential to encourage unsociable parking. The Urban Design Officer comments as follows:

*“Due to the flood risk of the site, the ground floor has been elevated and includes stepped entrances. This limits the accessibility of the units...”*

*“Although car ownership may be lower in the older demographic there also needs to be provision for visitors, employees, carers etc; it is not clear where this has been accommodated. Due to the distribution and low number of spaces there is the potential for indiscriminate parking – particularly cars parking over curbs, this should be designed out of the scheme – for example tree planting alongside the main road will help deter cars from being parked over the curb here.”*

12.3.12. Having regard to the dominance of stepped entrances, all units are accessible by ramp; however, the location of ramped accesses relative to parking and/or footway links is poor, for example if mobility was restricted, the occupier of unit 25 would have to walk an additional (approx.) 110m to access their property from the parking space opposite, or if approaching from Bridport Town to the north in order to avoid steps. Parking is limited and not always located conveniently; this is the case also in relation to some of the parking for the apartments. Further, pedestrian footpaths are limited or narrow increasing the need for pedestrians to walk within the street. Failing to provide a clear and direct route between front doors and on-street parking is a red flag within Building for Life, endorsed by Policy D11 of the Neighbourhood Plan.

12.3.13. In terms of accessibility, Para 120 of the National Design Guide seeks ‘*well designed homes and buildings [which are] functional, accessible and sustainable*’. The desire to ensure proposals create places that are safe, inclusive and accessible and which promote health and well-being is further embedded at para 135(f) of the NPPF. It is noted that the importance of creating accessible homes is further supported by the principles set out in Housing our Ageing Population: Panel for Innovation (HAPPI) which seeks to ensure developments for the elderly are ‘care ready’ and that spaces prioritise pedestrian safety (a principle also supported by NP Policy AM1); these principles are enshrined within NP Policy D12. Chapter 4 of BS8300 - Design of an accessible and inclusive built environment (Buildings - Code of Practice), further supports the need to create accessible developments as does Local Plan Policy ENV12: Design and Positioning of Buildings, which seeks at criteria (ii) adaptable and accessible homes in accordance with the latest government guidance. In light of these conflicts, the Urban Design Officer is unable to support the scheme.

12.3.14. Owing to the placement and width of footways, and the layout of parking and access ramps, the proposed development fails to meet the expectations of Inclusive Mobility Guidance and conflicts with the aims of

para 117 of the NPPF which makes clear that applications for development should '*address the needs of people with disabilities and reduced mobility in relation to all modes of transport*'. This is further supported by the National Design Guide which states the following at para 102:

*'In well-designed places, streets are public spaces that are open to all. They encourage people to walk and cycle rather than to depend upon cars, particularly for short, local journeys. They are accessible to all and designed to meet the needs of their most vulnerable users'*.

12.3.15. Further consideration is given to highway related matters within the 'Highway Safety' element of the report, but having regard to the above, and the Public Sector Equalities Duty as set out in the Equalities Act 2010, the scheme is considered to respond poorly to the above aims of Local and National Policy. Consequently it cannot be concluded that the proposed layout conforms with policy objectives to provide an inclusive, safe and accessible development for all, having regard to the aims of para 115-117 and 135 of the 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).

#### **12.4. Highway Safety**

- 12.4.1. Local Plan Policies COM7 and COM9, together with Neighbourhood Plan Policy AM1 (promotion of active travel modes) and AM2 (managing vehicular traffic) seek to ensure appropriate parking provision, safe efficient routes and priority to pedestrians. This is supported by para 109-117 of the NPPF which seeks schemes to prioritise pedestrian movement. Inclusive Mobility Guidance provides guidance to ensure that the design of places meets the needs of all abilities.
- 12.4.2. In order to fully assess the impacts on Highway Safety, the applicant has submitted a Transport Statement. This considers traffic flows within the area and the likely impact of developing the site on the local transport network. Contrary to the submitted Planning Statement which identifies a negligible increase in car movements within the Local Highway, the Transport Statement, through analysis of existing and proposed trip generation, concludes that the proposed development would be expected to produce fewer trips, and a significant reduction in HGV vehicle movements from the site, such that the proposed development would result in a betterment to the highway network. Whether the Planning Statement or Transport Statement is taken as the authoritative document, both conclude that the proposed development would not have a severe impact on local highways. The conclusions within the Transport Statement having regard to trip generation are not challenged by the Highway Authority.

- 12.4.3. In terms of the internal layout, and design of accesses and egresses, the Transport Statement describes the proposed vehicular and pedestrian arrangements as follows:

*“A new main vehicular and pedestrian access is proposed to be created from Dr Roberts Close to serve the proposed development. This would comprise an all-movements access (entry and exit) at a new simple priority junction. A secondary, entry-only access will be taken from the existing access between 158 and 156a South Street.”*

*“It is proposed to widen the existing footway on South Street between 156a and Dr Roberts Close, to provide a continuous carriageway width along this stretch of road, whilst simultaneously providing a widened footway and shorter uncontrolled crossing point.”*

*“Access for pedestrians, cyclists and mobility scooters will be at the same locations as the vehicle accesses with vehicle crossovers provided to aid level access to the existing pedestrian infrastructure on South Street and Dr Roberts Close.”*

- 12.4.4. The Transport Statement identifies the site as having good connections to the town and nearby facilities through a series of well-lit footways. While footways on the western side of South Street diminish within the immediate vicinity, pavements connecting the site to the town to the North from both Dr. Roberts Close and the proposed vehicular entry into the site exist, with proposed improvements to the intervening footway. Footpaths South of this point diminish on the western side of South Street, making it unsafe to walk south from these points without crossing to the other side of the road. At this point, pedestrians would be required to cross South Street via an uncontrolled crossing and rely on the continuous footway which runs north / south on the eastern side of South Street, providing access to the supermarket and Skilling Road.
- 12.4.5. From the plans, it would appear possible for pedestrians to access the supermarket and Skilling Road via the existing pedestrian link between 160 and 164 South Street, though this would require pedestrians to cross a private parking area associated with the adjacent commercial enterprises, with a footway later emerging further down South Street, and a pelican crossing further south. There is no safe pedestrian footway along South Street between the vehicular and pedestrian entrance to the site and this most southern access, without the need to cross the busy thoroughfare of South Street, such that residents using the southern pedestrian access would not have safe pedestrian access to the north. The Transport Statement makes no mention of this southern access, and it is unclear whether this is proposed to be retained as a pedestrian access or whether it is to be blocked off. Either way, the above set up is not ideal as it requires occupiers to traverse within the site to ensure they come out at the appropriate and safest access linked to their destination, which would require some occupiers having to walk further to find a safe route. If the southern access is not proposed to be relied upon, for safety reasons, occupiers within terrace 6 would need to first traverse the site in a north westerly and then north easterly direction, before turning

southbound on arrival to South Street, which would be less than ideal. This fails to reflect good design, where pedestrian movement is prioritised and opportunities to provide the most direct pedestrian links are secured, in line with M2 (Active Travel) of the National Design Guide, para 115(c) of the NPPF and NP Policy AM1.

12.4.6. Notwithstanding failure to secure the most direct pedestrian routes, which is in part owing to the lack of footways outside of the site on South Street, the lack of suitable footways internally, to enable safe mobility across the site, further inhibits pedestrian movement. Currently, the plans place greater importance on vehicular movement within the site than pedestrian movements (contrary to the aims of para 115(a) and 117(a) of the NPPF, M2 of the National Design Guide and AM1 of the Bridport Neighbourhood Plan), by securing vehicular routes and parking at the cost of suitably sized footpaths and pedestrian links to serve all. In this regard, footpaths are shown on one side of the road, measuring approximately 1.1 – 1.5m in width.

12.4.7. The Highway Authority confirm the following, from a highway safety perspective:

*“The plans show a lack of appropriate footways on site. 2m width footways should be available to all properties to allow for safety, inclusive mobility, visually impaired people, and residents with mobility scooters or wheelchairs etc.”*

*“The lack of footways on site fall contrary to the guidance provided by the National Planning Policy Framework (NPPF) [para. 115(b)] in that the development does not ensure that ‘safe and suitable access to the site can be achieved for all users’.”*

12.4.8. Mobility Guidance provides guidance to ensure that the design of places meets the needs of all, including disabled people, people travelling with small children or carrying luggage or heavy shopping as well as people with temporary mobility problems and older people. Inclusive Mobility Guidance subsequently requires footways to be designed to accommodate appropriate widths to support people using a stick, cane, wheelchair and/or pushchair. The Guidance supports the advice of the Highway Authority and is as follows:

*‘Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters.’*

12.4.9. In this case, the proposed scheme has not been designed to these standards, contrary to Government Guidance, and no justification has been provided to evidence why appropriate widths are not achievable. Not only does the scheme fail to prioritise the pedestrian (contrary to para 115(a) and 117(a) of the NPPF, and NP policy AM1), failure to design safe and suitable access and routes that is designed to address the needs of people with disabilities and reduced mobility (as sought under para 115(b) and 117(b) of the NPPF), and to minimise the scope for

conflicts between pedestrians using the footway through good design (as per para 117(c) of the NPPF), results in a scheme that puts highway safety at risk, leaving the most convenient route for someone using a mobility scooter as the road, designed for vehicular traffic. Consequently, the proposed development is considered to fall contrary to the above referenced policy objectives and guidance, and para 116 of the NPPF.

- 12.4.10. Issue is also raised with the entrance opposite Jewson (proposed only for access), which would allow vehicles to exit the site, making it hard to enforce the proposed one way system. The Highway Officer explains that the layout should stop vehicles accessing and exiting the site at this location, such that only access to the rear parking areas for the buildings on South Street is allowed. This is in the interests of ensuring safe and suitable access to the site is secured, having regard to para 115(c) and 116 of the NPPF, Local Plan policy COM7 and NP policy AM2. Use of this access as a main site entry and/or exit would result in highway safety concerns owing to its positioning, width and poor sight lines.
- 12.4.11. The Highway Authority raise additional concerns, seeking further information in respect of highway adoption and the positioning of an electric gate at the entrance to the site (between the development site and Dr. Roberts Close), which has the potential to impact safe access and egress from the site and within Dr. Roberts Close. Clarification is also sought in respect of the junction and junction radii with Dr Roberts Close (the highway authority state that the width of the site entrance should be 5.5 metres for 30 metres, to fit with adoptive requirements, but the road quickly narrows to approx. 4.8m). The need for a swept path analysis to show all vehicles using this junction would be required to demonstrate that the site would not have a severe impact on highway safety, contrary to para 116 of the NPPF. Further details relating to the Traffic Statement, and further detail on the proposed improvements (road narrowing) and works to South Street is also sought. The lack of detail means that it cannot be demonstrated that the scheme would not endanger road safety or present other highway problems.
- 12.4.12. The Highway Authority conclude that as submitted the proposed scheme as shown would have an unacceptable impact on highway safety, when consideration is given to paragraphs 115 to 117 of the National Planning Policy Framework (NPPF). Further information would be required to rule out highway safety concerns. Further, the proposed development is considered to conflict with the objectives set out under Policy COM7, which seeks to ensure submitted schemes can demonstrate that detrimental effects to road safety can be eliminated or mitigated, and NP policy AM1 and AM2, which seek to prioritise the pedestrian and secure convenient and safe access onto adjacent roads. This has not been demonstrated in this case. The proposal also fails to take on board Government guidance on Inclusive Mobility and advice within the National Design Guide.

## 12.5. Flood Risk

- 12.5.1. Local Plan policy ENV5 seeks to safeguard development against flood risk. Paragraphs 170, and 173-175 of the National Planning Policy Framework (NPPF) seek that development should be steered to areas with the lowest flood risk. This advice relates to risk from all forms of flooding. Further advice is provided in the National Planning Policy Guidance (NPPG).
- 12.5.2. The site falls within the extent of flood zone 2 & 3. Flood zone 3 is subdivided into zones 3a and 3b, the latter being classified as functional floodplain. The Strategic Flood Risk Assessment (SFRA2) identifies the application site as falling within flood zone 3a and adjacent to flood zone 3b. In terms of the extent of site falling within an area of flood risk, the majority of the site falls within flood zone 2, and flood zone 3a encapsulates the southern portion of the site, affecting proposed development at terrace 4, 5 and 6 and the apartment block. Applying a 47% climate change allowance (based on a period of 2080 and 50% of the possible peak flow scenarios occurring within that period) flood risk would increase but would not significantly alter the buildings affected on site. Applying a 63% climate change allowance (based on a period up to 2080 and 70% of the possible peak flow scenarios for that period being realised), most of the site would be affected by flood risk, including terrace 1, 2 and 3, with the exception of individual units 1 and 2.
- 12.5.3. The site falls outside of an area at risk from surface water flooding taking into account a climate change allowance of 20% and 40%, and is outside of any known area at risk from groundwater flooding. Outside of the application site, on South Street, affecting the access and egress to the site, is an area at medium risk of surface water flooding now and in the future, having regard to the 1 in 100 year and 1 in 1000 year even, plus the 1 in 100 year event applying a 20% and 40% climate change allowance.
- 12.5.4. Being located within flood zone 3 indicates the site is at a high risk of fluvial flooding and the above referred to mapping indicates that the site is at a high risk from existing and future flood events. In line with the NPPG, this risk of flooding triggers the policy requirements to consider the sequential test.
- 12.5.5. Planning practice guidance clarifies the responsibilities of different parties around the application of the sequential test. In summary it states:
  - Decision takers have responsibility for determining whether the test has been passed (having regard to the information which they hold on land availability);
  - Planning authorities should determine the area of search when applying the test (having regard to development type and relevant spatial policies); and that
  - Applicants should identify whether there are any other reasonably available sites within the area of search which have not already been

identified through site allocations policies or land availability assessments (including sites available on the open market).

- 12.5.6. Within the submitted Sequential Test (June 2024), the applicant defines the typical requirements for a successful retirement living development as follows:
- A high profile location, on active roads with good transport links;
  - Within 0.5 miles of town or local centres and amenities;
  - On brownfield land;
  - 0.4 to 1.5 acres. (0.16 to 0.6ha)
- 12.5.7. Taking account of these considerations, the applicant has chosen in broad terms to limit their search for alternatives to the parish of Bridport, and more specifically to a 0.5mile radius from the town centre which they have stipulated is a requirement for a successful retirement living development. This is on the basis that Churchill Retirement Living are looking to deliver a development specifically within Bridport to meet local housing needs and the applicant considers it is not appropriate to expand the catchment area borough-wide.
- 12.5.8. However, policy officer advice is that this approach is considered a narrow application of the 'area of search'. Planning practice guidance offers direction around how the area of search should be defined. It states that: *'for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.'*
- 12.5.9. The Dorset and BCP Local Housing Needs Assessment (November 2021) has assessed the need for older persons housing for the period 2021-38 and concluded that there is *"a need for around 500 housing units with support (sheltered/retirement housing) in BCP (2021-38) and 2,600 units in Dorset (mainly in the market sector in Dorset)"*.
- 12.5.10. The need for older persons housing arises from Dorset Council as a whole. The evidence does not suggest that this need specifically arises from any single area or specific locations.
- 12.5.11. The agent has submitted in support of their application an Assessment of need for a retirement housing scheme of sheltered/supported housing at South Steet Bridport, dated 2024. The report analyses information on the supply of housing for older people in West Dorset, with additional considerations given to the local need within Bridport and the surrounding area. The report identified an under supply of open market retirement accommodation within the district, with a need ranging from 930 to 1,369 units of sheltered housing. At a marginally more local level, applying the same methodology to Bridport and surrounding wards (including the town of Beaminster, and extending to the edge of Lyme Regis to the West and Chickerell to the East), the report identifies a need ranging from 303 to 430 units.

- 12.5.12. Officers consider that this evidence demonstrates that there is a general and broad need for this type of accommodation across the Dorset Council area as a whole and within West Dorset. The need is clearly not exclusive to Bridport, though does not necessarily exclude Bridport either, with the submitted report identifying a demand for the type of housing proposed across a large portion of West Dorset, including the towns of Bridport and Beaminster, but failing to focus on the likely catchment of Bridport town itself. Nonetheless, recognising the need is District wide, narrowly restricting the area of search to Bridport town has the effect of discounting potentially suitable and available sites at lower risk of flooding which could sustainably meet the area's needs. The area of search should instead be informed by the settlement hierarchy (Policy SUS2) in the development plan (West Dorset and Weymouth and Portland Local Plan 2015). It is noteworthy that the 'lack of' need for further retirement living within the town is a clear concern held by the Town and Parish Council.
- 12.5.13. The application of a 0.5mile buffer is also considered to be arbitrary. Policy H5 Retirement Living Development of the Bridport Neighbourhood Plan expects new retirement living to "*be located within a defined development boundary and be of an appropriate scale in relation to its setting.*" Policy H5 also requires proposals to "*be located so as to afford reasonably level and easy access to shopping and social facilities whether on foot or by use of mobility scooter or similar.*"
- 12.5.14. Planning policy officers advise that the scope of the search is widened to encompass alternative sites within defined development boundaries from the West Dorset, Weymouth and Portland Local Plan 2015. The applicant should consider the council's Strategic Housing Availability Assessment (SHLAA), the council's annual position statement on housing land supply and the allocations in the adopted local and neighbourhood plans as sources of information on alternative sites. This approach would also be more in the spirit of national flood risk policy to avoid areas at risk of flooding, through a wider pool of sites.
- 12.5.15. Paragraph 174 of the NPPF states that councils will need to consider whether there are 'reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding...'
- 12.5.16. Planning practice guidance seeks to clarify a 'reasonably available site' as a site in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.'
- 12.5.17. The council holds several different records of potential alternative development sites. These include:
- i) the sites listed in its latest land availability assessments;
  - ii) the sites listed in the latest 5-year housing land supply report;
  - iii) the sites allocated in relevant development plan documents where work on implementing any planning permission has yet to begin;
  - iv) any other sites available on the open market at the time the assessment was undertaken.

- 12.5.18. The submitted Sequential Test (June 2024), has considered five housing sites in the adopted Local Plan (2015) and two further sites in the emerging Local Plan (March 2021). The report also considers six sites within the Council Strategic Housing Land Availability Assessment (SHLAA), published in September 2020 and updated in 2021. The assessment also considered the Brownfield Register published in April 2020, but concluded these sites had been previously considered in the earlier categories. No alternative sites were however identified with the majority considered too small. Residential applications that created new units within Bridport over the last five years are also considered. Two of these other sites were considered further at Oxenbury & Sons and Hope & Anchor but again discounted.
- 12.5.19. Policy officers have reviewed the sites assessed within the submitted sequential test. This review considers the possibility that the development could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'. It is therefore possible that the alternative sites could comprise a group of smaller sites.
- 12.5.20. In addition, whilst sites do not need to be owned by the applicant in order to be 'reasonably available', if a site has planning permission and work on implementing the planning permission has begun (creating a presumption that this work would be completed) it should be treated as no longer available for development.
- 12.5.21. The Officer review has noted that although emerging Policy BRID5 Bridport Gateway (LA/BRID/0007 & LA/BRID/008) is identified as an option, no assessment in the table at paragraph 5.6 has been undertaken. This site should be assessed.
- 12.5.22. Regarding the assessment of Bradford Builders Merchants (LA/BRID/002), the SHLAA records that only 2% of the site is located in Flood Zone 2 rather than fully within Flood Zone 3. Similarly, Sidney Gale House (LA/BRID/001) is located within Flood Zone 1 and is not considered an unreasonable distance from the town centre. It is recommended that a review of current availability of both sites is explored further.
- 12.5.23. The Dorset Council SHLAA has recently been updated in October 2024 and may contain new sites and / or updated information reflecting the latest Flood Risk data.
- 12.5.24. This review is subject to the earlier recommendation that a wider area of search is undertaken.
- 12.5.25. In light of the above the sequential test is not considered to have been appropriately applied and cannot be considered to have been passed. 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 Local Plan policy ENV5 and para 173-176 of the NPPF.

- 12.5.26. Due to the sequential test having not been passed, it is not necessary to go on to consider the merits of any mitigation measures proposed, as the very principle of the sequential approach is to direct development to areas at lowest risk such that risk is avoided in the first instance, as opposed to requiring mitigation. This approach minimises the pressures placed on emergency responses to flood events, through avoidance measures. Nonetheless, for completeness, and without prejudice to the above conclusions, consideration has been given to the exception test, and associated measures proposed to reduce the impacts of a flood event.
- 12.5.27. NPPF, paragraph 177 explains “if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.”
- 12.5.28. The NPPF, Annex 3 identifies buildings used for dwelling houses and residential institutions such as residential care homes, as ‘more vulnerable’ uses, and these are considered a more vulnerable use than the existing use on site. Table 2 of the NPPG: Flood Risk Vulnerability and Flood Zone Compatibility, considers more vulnerable uses, such as the proposed development would be compatible with flood risk zone 3a subject to the exceptions tests being passed. For the avoidance of doubt this does not withdraw the need for the sequential test to have first been met.
- 12.5.29. Planning practice guidance states that in order to pass the exception test it should be demonstrated that: ‘development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall’.
- 12.5.30. The accompanying Flood Risk Assessment (June 2024) argues that “In terms of the Exception Test, this brownfield re-development would provide wider sustainability benefits to the community in providing specialist accommodation for older people in an area where there is a demonstrable need. Provision of such accommodation would also be likely to release other housing stock to the market which would assist in meeting the wider short term housing need in the area, meeting the requirements of Part (a) of the exception test.
- 12.5.31. Planning practice guidance suggests that councils should set their own criteria for assessing wider sustainability benefits, and that these should flow from the objectives in their local plan’s sustainability appraisal. Here 11 objectives are set, of particular relevance is objective 6, which seeks to limit the effects of flooding and coastal change by, amongst other measures, ensuring that development does not expose people and property to risk of flooding. Also of particular relevance is objective 9 which seeks to promote wellbeing and healthy communities, by amongst other things, encouraging social interaction by providing mixed use

development, strong neighbourhood centres and improved local accessibility and connectivity, to encourage a more inclusive society and prevent rural isolation. Objective 10 seeks to deliver a wide choice of high quality homes and infrastructure, by seeking to supply the housing required to meet the needs of present and future generations, including affordable housing, in sustainable locations.

- 12.5.32. Considerations relating to objectives 9 and 10 are considered in more detail within the 'Affordable Housing and Housing Need' section of the report which concludes that the proposed development fails to address the mix of uses required to meet the local housing need within Bridport. Following consideration of the sequential test, it is equally difficult to conclude that the development satisfies objective 6. Further consideration is given in the 'Principle of Development' section of the report to the above objectives and wider sustainability objectives, where it is concluded that owing to the above issues, the development would not comprise sustainable development. As such, it is not considered that the wider sustainability benefits of the proposal in this case outweigh the flood risk, and as such, part (a) of the Exceptions Test can not be considered to have been passed.
- 12.5.33 In terms of ensuring development is safe over its lifetime (part (b) of the Exceptions Test), the application is accompanied by a site specific Flood Risk Assessment (FRA) providing a detailed assessment of the risks from all sources of flooding. The FRA also includes design solutions to addressing the impacts of flood risk. It argues that "Part (b) of the exception test can be addressed by setting appropriate finished floor levels (FFLs) above the design flood level; implementing a Flood Warning and Emergency Plan (FWEP); ensuring no loss of flood storage throughout the site, and through implementation of a suitable Surface Water Management Plan (SWMP), which limits peak rates of discharge from the site so flood risk within the downstream catchment is not increased.
- 12.5.34 In terms of demonstrating that development would not increase the risks from flooding elsewhere, development may displace flood water from storage areas (within the functional floodplain, Flood Risk Zone 3b), deflect or constrict flows or have another impact on downstream flood risks. The accompanying Flood Risk Assessment (June 2024) suggests the analysis of flood compensation volumes achievable on site indicate the development is expected to have a neutral effect on flood storage volumes on the site.
- 12.5.35 The FRA should consider measures to reduce the causes and impacts of flood risk where development would increase the numbers of people living or working in areas of flood risk. The accompanying Flood Risk Assessment (June 2024) suggest "This Flood Risk Assessment has been assessed in line with the NPPF. It is concluded that the development can be undertaken in a sustainable manner, whilst also reducing the flood risk to existing properties in the downstream catchment."

- 12.5.36.1 In order to fully assess the approach and measures set out in the FRA, the Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted.
- 12.5.37 Existing mitigation is provided by a flood wall, which forms part of the Bridport Flood Alleviation Scheme and lies to the west, south-west and south of the site.
- 12.5.38 Proposed mitigation measures relate to the raising of finished floor levels (FFLs) having regard to the site's flood risk, providing a freeboard (distance between FFLs and the peak flood level) of at least 600mm for apartments and 300mm for cottages, which have a second storey for safe refuge. The resultant FFLs for the apartments would be 6.7m AOD, and 6.4 AOD for the cottages. These levels provide at least 0.3-0.6m of freeboard in a 1 in a 100yr flood event, applying a 47% allowance for climate change. The elevated floor levels are all above the 1 in 1000year defended and undefended flood levels for the site. The EA confirm that the design principles of this would be acceptable to protect the development from risk of flooding from fluvial sources.
- 12.5.39 Below a number of the buildings, floodable sub-floor voids have been incorporated in order to increase the flood volume compensation for the site. Flood water will access the voids through external grills. The FRA confirms that the volumes occupied by the proposed constructions on site can be fully compensated in the 1in1000 defended and 1in100 and 1in1000 undefended flood scenarios, and therefore the impact on the wider flood plain is considered to be neutral.
- 12.5.40 Having regard to fluvial flooding, flood risk within Bridport Town is managed by a combination of measures, including fluvial defences such as the flood wall adjacent to the application site, maintained by the Environment Agency. This defence forms part of their West Dorset Catchment Flood Management Plan (2012). The FRA sets out that a 6-8m easement is to be provided adjacent to the flood wall, with some grasscrete surfacing provided for vehicular access and maintenance of the flood defence along the River Brit. On commenting on the scheme, the Environment Agency raised an initial objection, advising that there should be no gardens/private land adjoining the flood wall or other structures planting, fencing etc. on or within 8m of the flood wall. This is to ensure access to the flood defence is not impeded and to avoid any negative impacts on the structural integrity of the flood wall and associated toe drainage. The Environment Agency also raised concern relating to the suitability of the proposed grasscrete hardstanding for maintenance vehicles to obtain access for maintenance of the flood defence, together with concerns relating to the position of one of the attenuation tanks and the robustness of the maintenance access.
- 12.5.41 In response to this an updated FRA and amended Landscape Strategy has been submitted (Rev G) showing no planting, level changes or private gardens within the easement of the flood wall. It also confirms that any tanks located within trafficked areas must be designed with sufficient protection from 22 ton trafficking loads. This has addressed the Environment Agency concerns in this regard. However, the

Environment Agency maintain an objection in relation to the maintenance access/easement surfacing. In this regard the updated landscape strategy continues to show grasscrete to provide access to the southern flood defence gate, with the remaining land inside the flood defence wall easement proposed to be grassed. The Environment Agency raise significant concerns that the grassed areas could be damaged by large vehicles turning and moving back and forth during works and that this could prohibit their ability to maintain the flood defence. The EA advise that whilst the surfacing does not need to be to a highways standard, there would need to be some level of hard standing / compacted surface (or similar grasscrete as proposed to provide access to the southern flood defence gate) for all easement / maintenance access areas. Policy ENV5 (iv) is clear that development will not be permitted where it would adversely impact on the future maintenance, upgrading or replacement of a flood defence scheme. Further para 181 of the NPPF seeks to ensure that flood risk is not increased elsewhere and seeks that applications demonstrate that any residual risk can be safely managed. It is not considered this has been demonstrated, with potential implications on the EAs ability to maintain the wall, which could in turn impact upon the Flood Management Plan for Bridport. It is considered that this can be overcome by amending the proposed surfacing details, but it has not been possible to seek this in the absence of an agreed extension of time, and given failure to pass the sequential test, making the scheme unacceptable as a whole, it has not been pursued.

- 12.5.42 Turning to the Drainage Strategy, this relies on attenuating surface water runoff into underground storage tanks and discharging at a restricted rate to the main river via existing on-site surface water drainage connections. The FRA sets out that the use of sustainable urban drainage systems (SuDSs) in this case would be unsuitable due to unfavourable ground conditions. A Drainage Strategy is provided at Appendix J setting out the proposed drainage layout.
- 12.5.43 Following receipt of further detail relating to the rationale behind the proposed strategy, and exploration of scope to minimise the use of pumping, the LLFA and EA are supportive of the strategy put forward. In this regard the FRA sets out that the final drainage scheme should seek to prioritise attenuated gravity discharges to the River Brit as far as practicable, before relying on the use of surface water pumps. The LLFA also acknowledge that the redevelopment of the site would result in reduced surface water discharge rates from the site.
- 12.5.44 In terms of flood risk from local sources (surface water, groundwater, ordinary watercourses) the LLFA confirm that the mitigation measures proposed would address impacts of flooding from these sources, and the submitted detail demonstrates that a viable surface water management strategy can be delivered for the proposed development. As such, no objection is raised by the LLFA, subject to conditions.
- 12.5.45 In terms of securing safe access and egress from the properties, having regard to para 181(e) of the NPPF, the FRA sets out that a

Flood Warning and Evacuation Plan (FWEP) would need to be in place and activated during extreme events. Planning Policy Guidance advises (para 043: ref. ID: 7-043-20220825) that Emergency Plans would be required to fully consider whether new development is safe in circumstances where flood response is an important component of ensuring such safety. The Association of Directors of Environment, Economy, Planning & Transport (ADEPT) and the Environment Agency's joint Flood Risk Emergency Plans for New Development (2019) (FREP) document confirms that it will very rarely be appropriate to use a planning condition to defer the provision of an Emergency Plan to a later date, because it may show that the development cannot be made safe and therefore call into question whether the development is acceptable in principle. In line with the advice set out in FWEP, EPs should thus be submitted if relevant pedestrian and/or vehicular access and escape routes of a proposed development would be affected during a design flood event from any source. This is stated to apply even if the proposed buildings would not be affected by flooding.

- 12.5.46 In this case no Emergency Plan (EP) or FWEP has been submitted. The FRA does nonetheless set out what the FWEP should include. It states that the FWEP would ensure use of the EA's flood forecasting and warning service and set out the proposed safe refuge protocol for the development, together with provision of emergency contacts. The safe refuge protocol would rely, in the main, on using the buildings as safe refuge, where finished floor levels will be set above the design flood level. This does not however address access and egress from the site.
- 12.5.47 FREP notes that routes should allow voluntary and free movement of people during a design flood event taking into account climate change (eg, 1 in 100 year flood event + 40% climate change) and vehicular access to allow emergency services to safely reach the development during a flood event should normally be required.
- 12.5.48 In this regard the SFRA, which considered surface water flooding, indicates that the site would have flood free access to South Street at the 1 in 30 year rainfall event. However, less frequent but more severe rainfall events, including the 1 in 100 flood event would result in surface water flooding that may restrict access to/from the site. The FRA considers this, and estimates flooding in South Street to reach depths of 150mm–300mm in the 100 year return period flood. The latest NaFRA data is also in line with this statement and indicates that surface water flooding in South Street is not likely to exceed 300mm in the 100 year rainfall event plus climate change. The FRA does not however go on to address this within an EP or FWEP despite acknowledging that vehicular access during a flood event may be impeded. The FRA considers that pedestrian connectivity could still be provided to South Street, south of the mapped flood, but it is not clear at what point. This presumably relies on the potential pedestrian access adjacent to Terrace 6, though as previously discussed there is no certainty in the plans surrounding this access, and this needs to be made clear. In terms of those flood waters, the EA surface water

mapping indicates that the predicted velocity of surface water in South Street is likely to be fairly slow between 0.1 m/s and 0.5m/s.

- 12.5.49 FREP Guidance advises taking into account the likely depths and velocity of flood water to assess safe access and escape, and states that pedestrian routes should not be subject to a flood hazard rating of 0.75 ('significant') and vehicular routes should not exceed 30cm in depth (less if water is fast flowing). It also makes clear that the public should not be expected to drive vehicles through flood waters as part of an EP.
- 12.5.50 In this case, the depth would be less than 30cm, and would be relatively slow flowing based on the latest mapping, indicating that while the public could not be expected to drive through flood waters, access via emergency vehicles may be possible.
- 12.5.51 In terms of the hazard rating of pedestrian routes (which seeks to define the danger to people), the FRA does not seek to define this. Guidance on calculating this can be found in 'Flood Risk Assessment Guidance for New Developments, Phase 2, Technical Report DS2320/TR2' (2005), and table 3.1 of the document seeks to summarise the risk to people. The output of the 'Flood Hazard Rating' calculation, assuming pedestrian access via the two main site access', indicates a hazard rating of greater than 0.75 for the development site. Having regard also to table 3.1 and the above maximum depth and velocity, the guidance indicates that the level of flooding of pedestrian egress routes at the site could present 'danger for most', which broadly relates to the general public as well as children and the elderly, but excludes emergency services.
- 12.5.52 The above assessment takes into account the risk of flooding from surface water, but it is also important to note that in the event of fluvial flooding (either through flood defence failure or exceedance) flood depths on site and in the surrounding streets could be in excess of 300mm, and this would need to be addressed within a FWEP in consultation with the EA in order to more fully assess whether safe access and egress can be established. Consideration should also be given to the possibility of surface water flooding occurring in combination with fluvial flooding.
- 12.5.53 In the absence of a FWEP to demonstrate safe access and escape routes can be achieved taking into account flooding from all sources, and having regard to the above guidance, taking into account water depth and velocity, for securing safe pedestrian access and egress routes, the submission fails to demonstrate in line with para 181(e) of the NPPF that safe access and egress can be achieved in a flood event. This may be overcome through the submission of a detailed FWEP offering clarity over the proposed pedestrian access and egress to the site during a flood event, and an updated FRA offering a more thorough assessment of the depths and velocity of water at the site entrances having regard to all sources of flooding, but it has not been possible to seek this in the absence of an agreed extension of time,

and given failure to pass the sequential test, making the scheme unacceptable as a whole, it has not been pursued.

12.5.54 In light of the above, had the application passed the sequential test, and had the exception test been a relevant consideration, it is not considered that part (b) of the Exception Test would be passed. This is because the proposed development would fall contrary to the provisions of Policy ENV5 and para 181 of the NPPF. This is taking on board the EAs objection and resulting implications of the detailed design on the accessibility of the flood defences at the site, affecting the EAs ability to ensure the long term maintenance of the flood defence scheme for Bridport. It is also owing to the lack of a FWEP to demonstrate safe access and egress can be achieved during a flood event from all sources of flooding. While, the issue raised in relation to surfacing material is not insurmountable, and concerns over safe access and egress may be possible to overcome, having regard to both part (a) and (b) the Exception Test cannot be considered to have been passed. Notwithstanding this, for the reasons set out in this report, the proposed development fails to pass the Sequential Test contrary to the provisions set out in Local Plan Policy ENV5 and NPPF para 173-175.

## **12.6 Ecology**

12.6.1 The Council has a legal duty to conserve and enhance biodiversity, having regard to the Habitat Regulations, and this is supported by policy ENV2 of the Local Plan and policy L2 of the Neighbourhood Plan. These policies seek to minimise harm to biodiversity through avoidance, mitigation and, as a last resort, compensation, and seek to support biodiversity net gain.

12.6.2 The application site is located within 5km of the Chesil & The Fleet Special Area of Conservation (SAC), Sidmouth to West Bay SAC, Lyme Bay and Torbay SAC and West Dorset Coast Site of Special Scientific Interest (SSSI). The application has consequently been assessed under the Habitats Regulations through an Appropriate Assessment.

12.6.3 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. The proposed development is approximately 1.9km to the north of the Chesil and the Fleet European site and will result in an increase in population. Therefore, the proposed development would result in a likely significant effect upon Chesil and the Fleet.

12.6.4 In light of Natural England's concerns, Dorset Council recognise that a longer term strategic solution is required to tackle the effects of recreational pressure upon the Chesil and the Fleet European site. This would ensure that future development which comes forward through the emerging Dorset Local Plan which is currently scheduled for adoption in 2026, will not affect the integrity of the Chesil and the Fleet European site. Substantial evidence, which includes site-specific data on the recreational use of Chesil Beach and the Fleet, would need to be

gathered to ensure that the strategy comprehensively addresses the issue.

- 12.6.5 In the interim period, prior to evidence being gathered and a strategy being adopted, an interim strategy has been introduced to temporarily address the effects of recreational pressure prior to a more permanent strategy being adopted. The Interim Strategy provides a mechanism for collecting financial contributions from new development and using them to deliver a package of mitigation measures costed by NE (based on an average occupancy of 2.4 per dwelling) to ensure that any adverse effect upon the integrity of the Chesil and the Fleet European Site is avoided. The cost of these mitigation measures is £191,673 per year, which over the period to 2038 equates to a total cost of £3,450,114.
- 12.6.6 The anticipated housing supply within 5km of the Chesil and the Fleet over the period to 2038 equals 6,904 dwellings. The cost charge per dwelling is therefore  $\text{£}3,450,114 / 6,904 = \text{£}499.73$ . An administration fee of 5% of the total contribution is also applied to the per dwelling charge to account for Dorset Council's cost of collection and distribution of the obligation, resulting in a contribution of £524.72 per dwelling.
- 12.6.7 Dorset Council has committed to using the Community Infrastructure Levy (CIL) to fund the interim mitigation strategy agreed with Natural England. In this regard, the proposed development comprises CIL liable development. Mitigation in respect of Chesil Beach and the Fleet would thus be addressed via the CIL fund in this case. A completed appropriate assessment has been considered by Natural England, who concur with the assessment conclusions, providing that the noted mitigation measures are appropriately secured.
- 12.6.8 Turning to the impacts of the development on protected species, the applicant has completed the Dorset Biodiversity Checklist, which confirms the requirement in line with the Dorset Biodiversity Appraisal Protocol (DBAP) that an Ecological Impact Assessment (EclA) 'must' be included with any submitted application. In this case the applicant has not submitted a full EclA, but have instead submitted a Preliminary Ecological Appraisal (PEA). Based on preliminary surveys, information from Dorset Environmental Records Centre (DERC) and an assessment of the localised habitat, the PEA identified badgers, dormice, great crested newts, otter and water vole to be likely absent from the site. Though otters and water vole are considered likely to be present within the River Brit, the PEA considered the affects of the development on these species would likely be negligible. The habitat and structures on site have been identified as being unsuitable for roosting bats, and the site as a whole is considered to be of low suitability for foraging and commuting bats.
- 12.6.9 It is possible that the site could accommodate nesting birds and likewise, owing to the grassland, scrub habitat and hibernation opportunities on site, together with identifiable links to other terrestrial habitat, the site would be highly suitable for reptiles. It is also possible that the scrub, grassland and ruderal habitats on site are likely to provide shelter and a food resource for common invertebrates.

- 12.6.10 The PEA recommend further otter surveys be carried out pre-development, and preventative measures such as heras fencing, or similar, should be installed around the perimeter of the site to prevent otter from accessing the site during the construction phase. This should form a condition of any consent. Pre-commencement checks would also be required to check for the presence of nesting birds if commencement were to fall within the bird nesting season. This could be secured by a condition, requiring the development to proceed in line with the recommendations as set out in Table 4 of the PEA. The Natural Environment Team also recommend a Construction Environmental Management Plan (CEMP) should be secured through condition, to be agreed with the LPA prior to any construction/site clearance. This would be expected to include mitigation for all the construction impacts identified within the PEA.
- 12.6.11 It states that lighting installed as part of both the construction phase and operational-phase lighting must be directed away from the river and adjacent habitats to avoid and minimise potential adverse impacts on otters and bats from suitable commuting and foraging habitat. The lighting scheme as described in table 4 of the PEA could be secured by condition, to be agreed with the LPA prior to first occupation. This condition should secure a dark corridor of a minimum 10m width from the river corridor due to the presence of light averse species in the local area which may use the river corridor for commuting/foraging.
- 12.6.12 The PEA also confirms that tree planting along the south and western boundaries of the site would be required to provide natural screening effect to further reduce light spill onto the river corridor. Due to the need to retain an 8m unplanted boundary from the river flood defence wall, and owing to the extent of the development, this would not be achievable within the current scheme.
- 12.6.13 For bats, there is the potential for impacts on foraging and commuting bats during both the construction and operational phases of the development. The PEA recommends any potential impacts of the development on foraging and commuting bats should be detailed within the DBAP document for the site. Unfortunately, an EclA has not accompanied the application.
- 12.6.14 Enhancement measures including the installation of bat, swift and bee bricks within the new building on site is also recommended and could be secured through condition.
- 12.6.15 Further targeted reptile surveys are recommended in order to better assess the effects of the development upon reptiles. In response to this recommendation the applicant has submitted a Reptile Survey dated June 2024. This identifies a good population of slow worm, likely breeding, on site. Section 41 of the Natural Environment and Rural Communities Act 2006 lists slow worms as species of Principal Importance for the conservation of biodiversity in England. They are also protected species under the Wildlife and Countryside Act (1981). The Survey Report sets out the following:

*“Without mitigation there are likely to be adverse effects on reptiles through loss of habitat, severance of connectivity, killing and injury and disturbance during the construction and operational phase of the proposed development. This would be a breach of the Wildlife and Countryside Act (1981) (as amended) and contrary to local and national planning policy”.*

- 12.6.16 The impacts described above could be significant, though no assessment of the significance of harm is provided. Consequently, the Survey recommends, amongst other measures, identification of a suitable receptor site to enable translocation, and seeks to ensure connectivity is retained between the north, north western and southern vegetation boundaries on site.
- 12.6.17 However, no details have been provided in respect of the receptor site, nor do the proposals provide evidence that the mitigation hierarchy has been applied with respect to reptiles. Translocation should be the last resort, as specified by Natural England’s Standing Advice for reptiles. Furthermore, the current design does not maintain a N-S connection across the site as recommended. There is no explicit reason given on why this cannot be achieved or of the impact of not achieving it on the local reptile population. Instead, reptile translocation offsite is proposed, contrary to the biodiversity mitigation hierarchy. Further to the lack of information as to why translocation is the only option, the PEA does not provide sufficient certainty regarding translocation of the reptiles offsite. Full details of the receptor site should be provided, which should include written agreement from the land-owner/manager, to ensure this does not pose a block to building the proposal, should it be approved. Guidance makes clear that the translocation site ‘must’ be capable of supporting reptiles, and this currently isn’t evidenced. The Natural Environment Team recommend refusal on this point.
- 12.6.18 In light of the above, it cannot be concluded that protected species would be suitably safeguarded, and that impact and disturbance would be suitably minimised through application of the mitigation hierarchy. Para 193(a) of the NPPF makes clear that ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused’. This is supported by criteria (iv) of Local Plan policy ENV2 and para 2 of NP policy L2. In line with the mitigation hierarchy, avoidance should be the first aim. In this case, it has not been demonstrated that harm to reptiles can be first avoided, and insufficient detail has been provided in respect of translocation.
- 12.6.19 Turning to consideration of Biodiversity Net Gain (BNG), the application has indicated that offsite biodiversity units would be obtained to provide the required 10% net gain in habitats and watercourses, with a 10% net gain being achievable onsite for hedgerows. BNG does not take protected species into account, therefore guidance is that habitats required for species mitigation can only contribute to providing no net loss, the 10% net gain must be provided on top of this. The metric

calculation submitted does not appear to take species mitigation into account (reptile habitat, dark corridors for bats), it does not separate out the areas of habitats required for species mitigation from those which can be considered a net gain. At the pre-commencement stage, it would be expected that the metric be recalculated to take species mitigation into consideration, this may impact the number of offsite units required to achieve the 10% net gain. It is also relevant to note that taking on board the comments from the Environment Agency, who seek changes to the habitats proposed within the riparian zone, this has the potential to impact the metric calculations and the number of offsite river units required to achieve the 10% net gain. At the pre-commencement stage it would be necessary to provide evidence to the LPA that the correct number and type of units have been bought from a registered biodiversity gain site.

12.6.20 The submission currently falls short of the information required to demonstrate the Government's mandatory 10% biodiversity net gain would be achieved for the site. However, the statutory framework for biodiversity net gain seeks to secure the 10% BNG objective through condition, and subsequently there would be other options and opportunities open to the applicant to address biodiversity net gain; this could be through on-site or off-site measures. Consequently, Planning Policy Guidance sets out that it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective would not be met. In this case, it is therefore considered that while there are doubts over the current Net Gain Plan, it would still be possible for the applicant to meet the BNG objective in some other way at the condition stage. Owing to the on-site habitats being of medium and higher distinctiveness in the biodiversity metric, the existing habitats would be regarded as 'significant'. Consequently, a S106 legal agreement to require creating or enhancing the habitats and managing and monitoring the habitats for at least 30 years from the date the development is completed would be needed, and this can be agreed post decision, and secured by condition. Subject to this, the proposed development would meet the aims of Local Plan Policy ENV2 alongside para 185-186 of the NPPF, which seek to encourage opportunities for biodiversity enhancement, and likewise, the mandatory 10% net gain as required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), would be met.

## **12.7 Landscape Impact (including impact on the National Landscape)**

12.7.1 The site sits within a highly sensitive area, within the designated Dorset National Landscape (formerly referred to as Area of Outstanding Natural Beauty (AONB)). The southern and western portions of the site lie within the Undulating River Valley Dorset Landscape Character Type, and the whole of the site lies within the Brit Valley National Landscape Character Area.

12.7.2 The National Planning Policy Framework (NPPF) places great weight on conserving and enhancing landscape and scenic beauty, offering National

Landscapes (AONB's) the highest status of protection in relation to these issues (para 189 of the NPPF). The need to safeguard the character and visual quality of the landscape, with particular regard to the natural beauty of the National Landscape, is further supported by Local Plan policy ENV1 and NP policy L1.

- 12.7.3 In Dec 2023 the Levelling Up and Regeneration Act (LURA) amended the 'duty' placed upon relevant authorities to 'have regard' to conserving and enhancing the natural beauty of the AONB, such that Section 85 of the Countryside and Rights of Way (CROW) Act 2000 now places a 'duty' on relevant authorities to 'seek to further the purpose of' conserving and enhancing the natural beauty of the AONB, placing a more proactive duty upon public bodies to ensure the primary purpose of the designation 'to conserve and enhance natural beauty' is at the forefront of decision making.
- 12.7.4 The acceptability of a proposal, having regard to the protection of the National Landscape, thus comes down to the overall impact of development on the designated area, the extent to which detrimental effects on the landscape can be moderated, and ultimately, having regard to the duty in respect of designated National Landscapes (AONBs), whether a proposal can demonstrate that natural beauty is conserved and enhanced. In order to assist consideration of these matters, the National Landscape Team and Landscape Officer have offered advice.
- 12.7.5 Other relevant policies include Local Plan policy ENV10 (the landscape and townscape setting) and ENV11 (the pattern of streets and spaces), which seeks that development proposals contribute positively to the maintenance and enhancement of local identity and distinctiveness, are appropriately landscaped, and streets and spaces are well-defined, safe and pleasant to use.
- 12.7.6 In this case, the site falls within the built-up part of the settlement. Close views of the site are possible from the roads and footpaths which immediately surround it where the site would be seen within the context of the adjacent built form. Middle distant views from within the town itself are likely to be screened or filtered due to the relatively flat topography of its immediate surroundings, the existing urban fabric of the town, and intervening vegetation. While middle distant and distant views towards the town are likely to be possible from the higher ground to its north, east, south and west, within these views the proposed development is unlikely to be readily discernible from the existing built fabric of the town.
- 12.7.7 Having regard to the immediate landscape character, the Undulating River Valley Dorset Landscape Character Type is based on the river valleys of the Brit and Axe, and their meandering flat river floodplains with rolling adjacent hills are characteristic features, as is its diverse character ranging from open rolling countryside to market towns such as Bridport.
- 12.7.8 Long open views along the valley floor and market towns with strong industrial heritage are noted as a key characteristics and special qualities of the Brit Valley National Landscape Area and while, away from Bridport and Beaminster, the area has largely retained its strong undeveloped rural

character, tranquillity, remoteness and dark night skies this clearly does not apply to the proposed development site. However, protecting the area from the influence of further intrusive development is a key objective as is ensuring that settlement growth is directed to areas of least sensitivity, and the inclusion of appropriate landscape mitigation measures in any such development.

- 12.7.9 The planning guidelines included in the character area description state that it should be ensured that new housing development is complementary to settlement scale, form and density and that appropriate mitigation measures are secured; that the use of previously developed land where well connected to settlement form should be promoted before greenfield sites; that appropriate materials and architectural detailing should be appropriate; and the impact of associated features including, lighting, parking and access should be reduced.
- 12.7.10 Owing to the sites position, utilising previously developed land within the built-up part of the settlement, its impact upon the wider landscape beauty would be limited, such that the Landscape Officer advises that it would not be considered to have a significant adverse impact on the character or special qualities of the National Landscape. The AONB Team, while not commenting in detail, concur with these conclusions, noting the context of the development site and concluding that the proposed development would have limited implications on natural beauty. In light of the above advice, it is considered that the proposed development would conserve the natural beauty of the National Landscape in line with policy objectives.
- 12.7.11 Having regard to local landscape character, the Landscape Officer advises that the location and design, together with the incorporation of on site landscaping, would not detract from and, in comparison to the site's current use, would be likely to enhance local landscape and townscape character. As such, the proposed development would be unlikely to significantly adversely effect the character or visual quality of the local landscape or the surrounding townscape. The Landscape Officer considers the proposed development would likely secure visual enhancement of an existing visually poor quality site, thereby contributing positively to the maintenance and enhancement of local identity and distinctiveness.
- 12.7.12 In terms of the detailed landscape design, the applicant has submitted a Landscape Strategy but does not include a detailed hard and soft Landscape Plan, which would be expected for the scale of development proposed. Having reviewed the Landscape Strategy, the Landscape Officer notes the removal of a number of trees, predominantly located on the northern boundary of the site, but does not consider them to be significant landscape features, with their loss mitigated through the planting of new trees within the site. Notwithstanding this, the Landscape Officer identifies a number of missed opportunities for additional tree planting, and notes that the current scheme fails to address the requirements set out within para 136 of the NPPF for new streets to be tree-lined. Noting opportunities do exist to incorporate more trees within the street, this is a matter which could be overcome through the submission of a detailed Landscape Plan,

and as such, this should be secured by condition. Therefore, the Landscape Officer raises no objection, subject to conditions relating to the implementation and maintenance of hard and soft landscaping.

12.7.13 A third party comment has been received in respect of potential light pollution. The dark night sky is recognised as a special quality of the AONB. Owing to the siting of the development within the existing built form of development adjacent to other light receptors, the impacts are not however considered to be significant in this respect.

12.7.14 In light of the above, the proposed development is not considered to impact upon the character or special qualities of the National Landscape and in turn would conserve its natural beauty. Further, subject to conditions securing additional tree planting, the proposed development would have an acceptable impact on, and enhance, the character and visual quality of the local landscape and surrounding townscape, thereby contributing positively to the maintenance and enhancement of local identity and distinctiveness. As such, the proposed development is considered to accord with the policy objectives as set out in Local Plan policy ENV1, ENV10 and ENV11, and NP policy L1; and subject to conditions securing more tree planting, could comply with the provisions set out at para 136 of the NPPF, and confirms with para 189 of the NPPF having regard to the protection of the National Landscape.

## 12.8 Contamination

12.8.1 Policy ENV9 of the West Dorset Weymouth and Portland Local Plan seeks to ensure development does not result in an unacceptable risk of pollution to waters, the environment, future occupiers or neighbouring uses. This is supported by para 196-197 of the NPPF.

12.8.2 The application site falls within an area of potential land contamination, with the former use of the site comprising a gasworks, and later a builder's merchant. There is subsequently a high risk of contamination being mobilised during construction, to both air and controlled waters.

12.8.3 To address potential land contamination, the applicant has submitted a Ground Investigation Report. This identifies 3 distinct areas within the site, referred to as areas A, B and C. Area A relates to the disused northeastern section of the site, formerly part of the gasworks which ceased operation in the 1950s; which includes concrete at surface level, significant buried structures and possible unrecorded tanks. This area is identified as being associated with substances and materials that exceed generic and site-specific risk assessment criteria regarding the protection of human health and controlled waters. Area B relates to the northwestern section of the site extending to the River Brit, which includes made up land following the realignment of the River Brit and is largely dis-used with some construction materials stored, it could contain possible gasworks-related materials and is identified as containing some contaminants. Area C comprises the southern half of the site bound by the River Brit and River Asker, and operational as the builders yard, includes an aggregate distribution facility. This is the only industrial/commercial activity recorded on this site, which is

made largely of 'made up' ground following realignment of the River Brit, and records minimal contamination.

- 12.8.4 In response to the above ground investigation, the report makes a number of recommendations, including pre-construction remediation works comprising removal of stockpiled materials, and remediation of impacted soils and groundwater, which for Area A would comprise bulk excavation, and backfilling with treated soil, and careful removal of any buried tanks and structures. Amongst other measures, placement of capping soils/barrier across all areas of proposed landscaping, installation of vapour-protection measures below proposed buildings, and use of piled foundation and suspended floors for proposed buildings is recommended. The report concludes that, prior to works on site, it would be necessary to prepare a detailed Remediation Strategy based on more detailed investigation, which provides additional details of the proposed works, control measures, environmental permit requirements, monitoring, and verification. However, initial ground investigations assessment indicates that it would be feasible to develop the site for residential use.
- 12.8.5 In terms of controlled waters, the Environment Agency advise that controlled waters are particularly sensitive in this location because the proposed development site is at the confluence of the River Brit and the River Asker and upstream of a licensed abstraction. Having reviewed the submitted Ground Investigation Report they conclude that it would be possible to manage the risks posed to controlled waters. It would nonetheless be imperative to seek further detailed information with regards to safeguarding measures prior to commencement, and the EA recommend that this be secured through condition.
- 12.8.6 In terms of land contamination, WPA has reviewed the investigation and remediation reports for the gasworks area to the north of the site boundary and notes that the 1997 remediation may not be to current standards. They note that the proposed remediation strategy for the development takes this into account and indicates that the development of the site as proposed would be feasible having regard to the currently determined potential contamination issues. WPA in turn note the advice of the Environment Agency having regard to controlled waters, and concur that the site could be developed subject to a detailed remediation strategy which could be secured using appropriate land contamination conditions.
- 12.8.7 In light of the above assessment and having regard to no objections being raised by WPA or the Environment Agency, the proposed works, subject to appropriate conditions, are considered to be acceptable, and to comply with the provisions of Policy ENV9 of the Local Plan and para 196-197 of the NPPF.

## **12.9 Affordable Housing and Housing Need**

- 12.9.1 Local Plan Policies HOUS1, HOUS2 and HOUS3, and Neighbourhood Plan Policy H1 (general affordable housing policy), H2 (placement of affordable housing), H4 (housing mix and balanced community) and H6 (housing development requirements) support an appropriate mix of affordable housing and tenure, to be distributed throughout the site. To comply with

Policy HOUS1 35% of the accommodation provided should be affordable housing, with any shortfall collected in the form of a financial contribution. Within this provision, 70% of the accommodation should be rented and 30% shared ownership.

- 12.9.2 The scheme would be expected to provide on-site affordable housing units, comprising a mix of 1, 2 and 3 bedroom accommodation based on local housing need, which could be accommodated within the proposed terraces. Based on a policy compliant provision of 35% affordable housing, this would equate to 17 rented and 8 intermediate units, and a commuted sum of £13,992 for the remaining 0.5 dwelling.
- 12.9.3 Due to substantial works required to bring the site forward for residential purposes, including removal of underground structures, making good the ground and incorporating flood risk mitigation measures, coupled with costs associated with bringing forward a retirement living complex with shared facilities, and the impact this has on land value, the applicant has submitted a viability assessment which sets out that no financial headroom exists to include an affordable housing contribution. They state that the inclusion of an affordable housing contribution (which at 0% on site would equate to a financial contribution of £646,738) would render the proposal financially unviable. They consider the outcome from their viability assessment is consistent with the typology testing for older people's housing set out within the plan wide Viability Assessment (2022) which acknowledges that the viability of housing older people is constrained and notes that a lower percentage of 10% would be viable. On this basis, the applicant considers that an exception should be made to the provisions set out within policy HOUS1, due to the housing typology.
- 12.9.4 The adopted Local Plan should be the basis for any decision, and while the evidence that sits within the emerging Dorset Council Local Plan is relevant, this assessment was drawn together in a different context, under a different NPPF, with different housing targets, a different geographical area, and a different draft policy context. Therefore, the approach within the viability appraisal should be given limited weight in the decision making process, and the application should be determined in line with current adopted policy, and a site specific viability assessment. NP policy H1 seeks affordable housing to be brought forward in accordance with the Local Plan. While the Local Plan recognises that viability may need to be considered in some cases, it does not prescribe a lower percentage of affordable housing for sheltered housing, with the clear expectation that 35% of such a proposed scheme should be affordable housing. It sets out that a lower level of affordable housing provision may only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought. This should be demonstrated through a viability assessment, and any viability work should reflect the site specific detail in the context of the adopted Local Plan. Material considerations include changes to national policy and the Housing needs Assessment.
- 12.9.5 Turning to National policy, the recently published NPPF is clear at para 66 that:

*'Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures'.*

- 12.9.6 Any allowance within the former NPPF for setting a lower affordable housing threshold for specialist development types has been removed in the 2024 updated framework, making the need for schemes to address local housing needs, without exception, clear. Any acceptance, in line with Policy HOUS1, of a lower level of affordable housing provision should thus be justified based on economic viability, rather than reliance on any such indicative exception within the 2022 Viability Appraisal relating to the draft Dorset Council Local Plan, which today carries limited weight.
- 12.9.7 The NPPG sets out that *'decision makers should consider the location and viability of a development when assessing planning applications for specialist housing for older people'* and should take a positive approach to schemes providing specialist housing for older people where such schemes address identified unmet needs for such developments. When considering viability the NPPG sets out that viability considerations at the application stage may be justified in particular circumstances. Amongst other things, these includes particular types of development such as housing for older people, which may significantly vary from standard models of redevelopment for sale. There is no inference that such schemes should be exempt from affordable housing provision, but that consideration may need to be given to viability where such schemes address an identified need for such developments. Given the high level of affordable housing need within the area, the Housing Enabling Officer recommends that any such viability assessment should be independently assessed.
- 12.9.8 Having regard to the above policy context, there are clearly two key considerations which need to be considered; one relates to the viability of the scheme having regard to the development proposed and the site context, which should be demonstrated through submission of a viability assessment in line with Policy HOUS1 and NPPG advice. It is considered reasonable that such an assessment should consider lower affordable housing provision before concluding no provision. The other key consideration, in line with policy HOUS1, is whether there is good reason to bring the development forward such that this would justify accepting a lower level of affordable housing provision. This should be considered in the context of the NPPF and local policy, including the NPPG, Local Plan policy HOUS4 and NP Policy H4 and H6, where the question of whether the development meets an identified local need becomes imperative in determining whether there is good reason to bring the site forward. Consideration should also extend beyond need to consider other contextual, or other related, benefits associated with the scheme.

## 12.10 **Viability**

- 12.10.1 A viability assessment has been submitted, and to assess the merits of the submitted viability assessment, advice has been sought from an external specialist, the DVS. The DVS has reviewed the methodology and

assumptions made within the applicant's viability assessment. While many of the conclusions are considered sound, the applicant's evidence and Market Value conclusions are considered unreasonable and cannot be accepted as suitable for determining the viability. This is due to the applicant's advisor reflecting a 100% market scheme without any affordable housing requirements met. In this regard, it would seem unreasonable not to consider on a cascade approach whether a lower percentage of affordable housing, ranging from 0-35%, could be delivered.

12.10.2 Turning to the developer costs, the DVS have considered a number of these to be unreasonable, such as the phasing of the empty property costs, the professional fees percentage applied, and the finance percentage. Consequently, these figures are adjusted accordingly within the DVS review. The DVS have also queried the £1,851,000 'abnormal costs' factored into the assessment. While not discounting these for the purpose of the valuation assessment, the DVS strongly recommend that these are reviewed by a quantity surveyor in the event that the viability is further challenged. The applicant's report sets out that the 'abnormal costs' relate largely to the constraints of the site having regard to flood risk and land contamination mitigation costs. The DVS advise that generally the proposed abnormal development costs total is regarded to be extreme when viewed on a crude 'per unit' and 'per acre' measure, compared with other schemes, equivalent to almost £25,000 per unit / £492,190 per net acre. Nonetheless, these have been accepted in the absence of an independent review of the development costs. This is on the basis that, for the purposes of the viability assessment, the conclusion of the DVS as to whether the development is or is not viable is not dependent upon this figure, and the overall outcome of the application would not alter, particularly given other reasons for refusal; but had the scheme been otherwise acceptable in all other respects, or if the decision is challenged at a later date, further consideration would need to be given to this figure through independent review of the abnormal costs to determine the reasonableness of the figure and the extent of affordable provision achievable on site.

12.10.3 Overall, the DVS surveyor concludes that when assessed with regards to full planning policy requirements (comprising of 35% affordable housing, S.106 contributions of £13,992 (relating to the remaining affordable housing provision for the part unit of affordable housing) and CIL contributions of £842,844) the above scheme would not be viable. Through a gradual reduction of policy contributions, the DVS surveyor considers that the scheme assessed with 30% affordable housing, S.106 contributions of £1,033 and CIL contributions of £842,844 would be viable. The DVS advise that this conclusion is very sensitive to the 'abnormal costs' and market conditions, and a small movement could affect the outcome of the conclusions. The DVS advise that the 'abnormal costs' are subsequently a significant contributing factor to the viability of the scheme, such that a reduction could enable the scheme to meet the full policy requirement.

12.10.4 The above advice confirms that viability could be an issue for the site, and if accepting the 'abnormal costs' a policy compliant scheme including 35% affordable housing would be unviable. The DVS advice is however

clear that, even accepting the 'abnormal costs' a scheme could be viable with 30% affordable housing provision. This could be provided within the cottages to the north. Policy HOUS1 makes allowances for a 'lower level of provision' but does not go so far as to say that 0% affordable housing would automatically be accepted if 35% is unviable. To discount a lower intermediate level of provision would go against the spirit of policy HOUS1 and para 66 of the NPPF, which seek affordable housing contributions on major development to address high levels of demand for affordable housing. The submitted assessment does not consider a minimum viable contribution, and in turn fails to sufficiently demonstrate that inclusion of a lower level of provision, which the DVS advise could be 30%, would be economically unviable. On this basis, the proposed development is considered to fail to address policy objectives set out within para 66 of the NPPF, and Local Plan policy HOUS1 and NP policy H1.

***Benefits of the scheme (considerations of local need and context)***

- 12.10.5 Having regard to the benefits of the scheme, it is considered appropriate that consideration is given to the need for affordable housing, as this is pivotal to the above considerations, together with the need for the retirement living units proposed, and whether the scheme as a whole addresses local need, a concern raised by the Town and Parish Council.
- 12.10.6 The NPPG makes clear that meeting identified unmet needs for the type of development proposed is a material planning consideration, and NP policy H5 is clear in its requirement that proposals for additional retirement living accommodation should first demonstrate a proven need. Reference is made to the Local Housing Needs Assessment which acknowledges a demand for retirement homes as well as other accommodation types.
- 12.10.7 Having regard to Local Plan policy HOUS3 and Neighbourhood Plan policy H4 and H6 it would seem appropriate that having considered whether there is an unmet need for retirement living accommodation, that this be considered within the context of local housing need generally; policy H4 and H6 making clear that major housing applications should contain a mix of housing types and sizes to meet a range of needs, guided by the Bridport Area Housing Needs Assessment.
- 12.10.8 Turning first to consider the need for affordable housing provision, figures provided by the Housing Enabling Officer confirms a high level of need for affordable housing within the town. The data can also help identify the area of greatest need in terms of affordable housing, having regard to the specific need for additional retirement living accommodation within Bridport.
- 12.10.9 Figures provided by the Housing Enabling Officer confirms a need across all spectrums of housing, including accommodation for the older demographic aged 60+, but with a far greater demand for housing to serve those aged 18-60. The current housing needs figures, for those with a local connection, indicate that 73% of applicants are aged 18-60, with a further 27% being over 60. 1 bedroom properties are in the highest demand with 56% of the applicants overall wanting a 1 bedroom property,

followed by 2 bedroom properties taking up 25% of the overall applications. A similar distribution is seen in respect of those without a local connection, but with Bridport identified as their preferred area, with 75% of the overall applicants aged 18-60 and 25% being over 60. 61% of applicants seek 1 bedroom properties and 23% seek 2 bedroom properties. There is also a need for the larger 4 bedroom properties identified.

- 12.10.10 The data confirms a high need for affordable housing overall. The Bridport Neighbourhood Plan within its housing section likewise identifies a significant need for affordable rented housing, and if anything suggests that the need exceeds the Local Plan requirement of 35%. The above figures also suggest that there is a clear need to accommodate older people, but that this need is not over and above the need for housing for the younger population.
- 12.10.11 While the above statistics are a useful tool, they do not provide a full picture as they focus on those on the housing register.
- 12.10.12 To support considerations, the applicant's submitted needs assessment seeks to further review the need specifically relating to retirement living. It sets out the health and wellbeing benefits associated with providing specialist housing for older people, together with the benefits related to freeing up larger homes. The described benefits are evidenced and recognised by Officers, and this is acknowledged as a benefit of the scheme and highlights the importance of addressing any unmet need within this sector. The report goes on to address the need for sheltered housing within the former West Dorset district area and specifically Bridport and surrounding wards, including Beaminster and extending to the edge of Lyme Regis to the West and Chickerell to the East. The broad need for additional retirement living homes across the former West Dorset district is acknowledged, and this conclusion is supported by the Dorset and BCP Local Housing Needs Assessment (November 2021). On a more local level, the submitted report identifies a need across the area of Bridport, Beaminster and surrounding wards as a whole. Expanding the search to include Beaminster, one of the former West Dorset district's larger settlements, together with large areas of the former District, which are served by other large settlements including Lyme Regis and Weymouth, means that the need within Bridport town and its immediate catchment has not been fully captured and cannot be relied upon as indicative of Bridport town's needs.
- 12.10.13 In terms of whether the proposal truly addresses local need consideration is given to the Housing Needs Assessment for Bridport (2019) which informed the NP. This supports the above identified need for affordable housing. In terms of open market housing, it identifies the greatest need to be for smaller sized 1 and 2 bedroom homes to serve a range of residents. In particular, small open market units are sought to benefit young adults still living with their parents (identified as the most pressing issue); it also recognises that those starting families and the elderly wishing to downsize would benefit from an increase in provision of smaller units. NP policy H4 and H6 seek to ensure major developments

respond to this need by containing a mix of housing types, sizes and tenures to meet a range of needs, and this is supported by Local Plan policy HOUS3.

- 12.10.14 The NP also considers the need specifically for retirement living, recognising that the area is home to a higher than average population of older residents. The Housing Needs Assessment which informed the NP identified a substantial need for specialist housing for the elderly and recommended policies that encourage and support the delivery of all types of specialist housing. The Housing Needs Assessment also recognises that this need should be considered against other housing needs, and while the NP area should include at least some of the specialist housing identified as sought, a District wide policy is needed to anticipate and adapt to the needs for the ageing population.
- 12.10.15 In conclusion, while recognising the concerns of the Town Council and third parties, it would be difficult to argue with any certainty that there is a complete lack of need for specialist housing for the elderly within the Bridport area. After all, it is clear there is a need for all housing types. Nonetheless, a more detailed assessment of the need within Bridport and its local catchment, taking into account vacant units on the open market, would be expected to confirm this in line with the expectations set out in policy H5. Subject to a need for specialist housing being identified, the proposal would clearly address any such need, which would be a benefit of the scheme. In such cases, NPPG advice is that a positive approach should be taken to such proposals. However, even if accepted that a local need for additional retirement living accommodation exists, in terms of whether a 100% retiree scheme truly addresses true local need, having regard to the more pressing need for smaller open market units, the need for affordable housing, and the aspirations of NP policy H4 and H6 to support mixed schemes which address a spectrum of needs, this cannot be considered to be the case, which weighs against the proposal. While housing for the elderly, which meets an unmet need, can be regarded as a benefit, a clear disadvantage of the scheme is that it fails to address local need as a whole, both in terms of the wider housing need, and affordable housing provision, and in this regard it conflicts with the requirements of NP policy H4 and H6, and the spirit of policy HOUS3.
- 12.10.16 In addition to housing need, the scheme would also bring other environmental benefits through cleaning up an underused contaminated site. The development would make efficient use of the land in line with Local Plan policy ENV15 and has the potential to regenerate the site to the betterment of the environment, subject to ecological impacts. Loss of land for employment needs to be factored into considerations and weighed against the housing need, but overall, subject to appropriate ecological safeguards for protected species, and appropriate mitigation measures during construction, the environmental benefits of regenerating the site would be a further 'good reason' to bring the development forward, having regard to policy HOUS1. In this case though, the Natural Environment Team raise significant concerns relating to the safeguarding of protected species, and as such, the harm is considered to outweigh the environmental benefits set out.

12.10.17 There are also highway safety concerns identified by the Highway Authority and Urban Design Officer, further compromising the 'benefits' of the scheme.

### **12.10.18 Conclusions**

12.10.19 Turning to the key policy considerations relating to affordable housing provision, including viability, and the benefits of the scheme, having regard to need and local context; together with other policy requirements as set out in NP policy H4 and H6, the following conclusions are drawn.

12.10.20 The DVS advise that while a policy compliant scheme would be unviable, subject to further justification relating to the 'abnormal costs', it is nonetheless considered viable, and in turn reasonable, that a lower level of affordable housing provision could be sought at least. In turn, the resulting mixed use scheme would arguably better address the range of local housing need within the town (in line with NP policy H4 and H5), having regard to the need for retiree accommodation and affordable housing need, while ensuring the scheme was economically viable in line with the provisions of Policy HOUS1. This is based on the advice from the DVS that a lower percentage of affordable housing (30%) would likely be viable, and subject to more detailed review of the 'abnormal costs' a policy compliant provision of 35% could also be viable.

12.10.21 It is thus considered that a scheme devoid of any affordable housing provision would be unacceptable, with the provision of 0% affordable housing having not been justified, failing to address the requirements of Local Plan policy HOUS1 and HOUS3 and NP policy H1, H4 and H6.

12.10.22 Further, while there are a number of potential benefits identified with bringing the site forward (pending a further more detailed assessment of local need), under the circumstances, and turning to criteria (iii) of policy HOUS1, it is not considered that there is sufficient 'good reason' to bring the development forward with an unjustified lack of affordable housing. In this regard, the benefits of the scheme are not considered to outweigh the need for affordable housing. This is taking into account the advice of the DVS and the concerns of the Natural Environment Team, Urban Design Officer and Highways Officer.

### **12.11 Residential amenity**

12.11.1 Policy ENV12 seeks development to achieve a high quality of sustainable development and requires all housing to meet the national technical space standards. NP policy D7 seeks to ensure a basic level of privacy at the rear of homes, either through sufficient rear garden depth, or orientation and screening to prevent direct overlooking. Policy ENV16 confirms that development should be designed to minimise its impact on the amenity of existing and future occupiers, and in doing so seeks to secure appropriate living conditions within developments. Policy ENV16 also confirms that proposals will only be permitted provided that they do not have a significant adverse impact on the living conditions of occupiers and neighbouring residential properties through loss of light, privacy of general amenity through other impacts. NP policy D2 seeks to ensure residential amenity is not adversely affected by traffic.

- 12.11.2 The proposed development would be situated adjacent to the existing residential development of Dr. Roberts Close and would be compatible with the residential use of the area. The main outlook from the most western apartment blocks within Dr. Roberts Close (no. 7-18 and no.19 to 38) is to the east and west, but with some outlook onto the application site (to the south) from the most western block. Adjacent to these properties (to the south) terraces 4 and 5 are proposed. These would be of a 1 ½ storey nature (though elevated owing to the flood risk at the site), with their outlook to the east and west. The proposed terraces would be set back from the boundary, at their nearest point, by approximately 1.8m, with a further set back from the neighbouring built form of at least 5m.
- 12.11.3 Terrace 2 and 3, also of a 1 ½ storey nature but with raised floor levels, would be located to the east of No.s 7-18, with an outlook looking west and a west facing garden. Owing to the intervening vehicular route and parking area, there would be in excess of 15m between properties and 18m between the existing and proposed built form, such that there would be no significant overlooking impacts.
- 12.11.4 The eastern block of residential units at Dr. Roberts Close (nos. 1-6) has its main outlook north and south, looking onto the application site. The proposed terrace 1 and 2 situated to the south of the existing built form would be 1 ½ storey and would have their main outlook north and south, with their garden to the north. Between the built form is Dr. Roberts close providing a separation distance between the existing and proposed residential properties of approximately 7.5m, and approximately 13.5m between the built form.
- 12.11.5 Having regard to the positioning, scale and location of windows, the proposed residential development is not considered to significantly compromise the residential amenity of neighbouring occupiers at Dr. Roberts Close.
- 12.11.6 Concern has been raised regarding the impact upon amenity during the construction of the properties, which is a short term impact that would not be reason to refuse the application. In the interests of safeguarding the amenity of nearby residential properties, Environmental Protection recommend a condition requiring a written report identifying external noise and odour producing plant, its effects on residential receptors, and recommended noise/odour mitigation. Conditions should be placed on any consent requiring assessment and securing any mitigation measures recommended. Subject to conditions, Environmental Health Raise no objection.
- 12.11.7 In terms of future occupiers, the proposed units are considered to meet the recommended space standards in line with Local Plan policy ENV12. Individual private amenity space is provided for all properties in line with NP policy D7, and conditions should be placed on any consent to secure appropriate boundary treatment/screens in the interest of the privacy of future occupiers. Having regard to amenity space, terraces 1, 2 and 3 would benefit from individual garden areas serving the properties, which are considered to be of an appropriate size. Elsewhere, private amenity space would be limited to small balconies, but with additional shared

amenity space adjacent to the apartment block and terrace's 4, 5 and 6. The small scale nature of the balconies is disappointing, but in combination with the outdoor areas would provide outdoor amenity space for future occupiers. There are no prescribed standards within the Local Plan in respect of size of amenity gardens. Policy HOUS5, which relates specifically to residential care accommodation rather than retiree accommodation, seeks that sufficient private amenity space is provided within the site for the likely future occupants, normally comprising at least 20%. While the proposed development does not comprise 'care accommodation' (as defined within the Local Plan) invoking this policy, its expectations in respect of amenity provides a useful guide. Policy L5 of the Bridport Neighbourhood Plan seeks that housing developments include good quality outdoor space, and policy D7 seeks to ensure private amenity space is secured. In this case, while individual amenity space is limited in some cases, it is considered that a reasonable proportion of amenity space across the site is provided such that occupants would have access to both private and shared amenity space.

12.11.8A third party comment has been received raising concern relating to the internal layout of the complex having regard to Building Regulations, and in particular corridor widths and number of lifts. A building control Officer has reviewed the proposed development and had regard to the third party comments in relation to Building Regulations. At the planning stage, the Building Control Officer reviews the plans to identify any fundamental issues they foresee at this early stage, but full assessment is reserved for a Building Regulations submission. Having regard to corridor widths, the precise detail would thus need to be considered at the Building Regulations stage and the resulting widths would need to take into account internal features such as door widths and obstructions, the detail of which could be subject to change notwithstanding planning permission being granted. These points are not considered likely to be fundamental matters which would prevent an acceptable internal layout being achieved. Likewise, the provision of a second lift to cover any maintenance periods would not be reason to refuse a planning application.

12.11.9 Commentary has been given to the overall layout of the scheme, including regard to the position of ramped access', and pedestrian footways. The layout in this respect does not lend itself to prioritising the pedestrian, which is considered particularly important having regard to both policy guidance and the type of development proposed. Highway related concerns would need to be addressed to satisfy NP policy D2. However, having regard to the key policy objectives relating to residential amenity, the proposed development is considered to accord with policy ENV12 and ENV16, together with NP policy D7.

## **12.12 Other matters not addressed above**

12.12.1 Dorset and Wiltshire Fire and Rescue highlight the need at the Building Control stage to comply with the relevant parts of the Building Regulations and makes recommendation to improve safety and reduce property loss in the event of a fire. These are matters for consideration at the Building Regulation Approval stage, but having regard to the recommendations set

out, and having consulted with Building Control, it is not considered that the recommendations set out could not be achieved, and as such, the principle of the development in this regard is considered acceptable.

### **13 Conclusion**

- 13.1 Having regard to the principle of development, the development is situated in a sustainable location where Policy SUS2 supports development. While it would see the loss of employment land, the impacts of this are not considered to be significant, and when considered on balance with other competing considerations having regard to seeking the most efficient use of the land, addressing housing need and cleaning up a contaminated and visually poor site, the loss of the site to employment could be accepted. The restriction of the units as 'retirement living', and whether this is a benefit of the scheme is less clear cut, and certainly the lack of affordable housing provision weighs significantly against the proposal and its potential to appropriately address local housing need and in turn the social aspects of sustainable development. NP policy H4 and H5 indicate that such 'benefits' are dependent on there first being an identified need for such accommodation, and that major housing schemes should provide a range of accommodation to meet a range of needs. This is not considered to have been demonstrated.
- 13.2 The principle of development is also dependant on the impacts of the proposal.
- 13.3 In this case, while the design of the development is underwhelming, the design and appearance of the resultant buildings would not harm the significance of the setting of nearby listed buildings (in line with Section 16 of the NPPF, Local Plan policy ENV4 and NP policy HT1), nor would it severely detract from the visual amenity of the area having regard to the varied fusion of building forms, heights and character within the immediate setting. It is considered that the buildings respond appropriately to the river and adjacent footpath offering surveillance and definition of the site boundary and would be acceptable in terms of its built form. While it is regrettable that more has not been done to improve the overall design and appearance of the buildings, the overall design is not considered to adversely affect the character of the area such that the impacts would not be significant enough to warrant refusal of the application. The proposed development is also unlikely to result in significant impacts on below-ground archaeology.
- 13.4 Having regard to landscape impact, the proposed development is not considered to impact upon the character or special qualities of the National Landscape and in turn would conserve its natural beauty. Further, subject to conditions securing additional tree planting, the proposed development would have an acceptable impact on, and enhance, the character and visual quality of the local landscape and surrounding townscape, thereby contributing positively to the maintenance and enhancement of local identity and distinctiveness. As such, the proposed development is considered to accord with the policy objectives as set out in Local Plan policies ENV1, ENV10 and ENV11, and NP policy L1; and subject to conditions securing more tree planting, could comply with the provisions set out at para 136 of the NPPF, and confirms with para 189 of the NPPF having regard to the protection of the National Landscape.

- 13.5 In terms of land contamination, the proposed works, subject to appropriate conditions, are considered to be acceptable, and to comply with the provisions of Policy ENV9 of the Local Plan and para 196-197 of the NPPF.
- 13.6 In turn, no significant adverse impacts have been identified in respect of residential amenity, with the proposed development confirming with policies ENV12 and ENV16, together with NP policy D7 in this respect.
- 13.7 Notwithstanding the above considerations, the proposed development is considered to be unacceptable in other respects.
- 13.8 Turning to the detailed design and layout of the site, having regard to the placement and narrow width of footways, and the layout of parking and access ramps, it cannot be concluded that pedestrian movement is prioritised and that the proposed layout conforms with policy objectives to provide an inclusive, safe and accessible development for all, having regard to the aims of para 115-117 and 135 of the 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). Further, the proposed development is considered to conflict with the objectives set out under Policy COM7, which seeks to ensure submitted schemes can demonstrate that detrimental effects to road safety can be eliminated or mitigated, and NP policy AM1 and AM2, which seek to prioritise the pedestrian and secure convenient and safe access onto adjacent roads. This is owing to a lack of detail relating to highway improvements, access radii, swept path analysis, placement of gates within the highway, and highway safety concerns surrounding the use of the secondary access, highway widths and visibility splays.
- 13.9 Having regard to ecological considerations, due to insufficient information having been submitted, it has not been successfully demonstrated that the impacts of the development would avoid significant harm to protected species, in particular reptiles. Furthermore, it has not been demonstrated that significant harm would otherwise be mitigated, and in turn compensated for, through application of the biodiversity mitigation hierarchy. As such, the proposed development fails to comply with the provisions set out in paragraph 193(a) of the NPPF and criteria (iv) of Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan and criteria 2 of policy L2 of the Bridport Neighbourhood Plan.
- 13.10 The proposed development, which would be devoid of any affordable housing provision, would be unacceptable, with the provision of 0% affordable housing having not been justified, contrary to the provisions of Local Plan policy HOUS1 and HOUS3 and NP policy H1, H4 and H6 which seek to support mixed developments which respond to local need, and which include the provision of 35% affordable housing. The proposed scheme is subsequently considered to inadequately respond to the identified local need for housing within Bridport having regard to providing developments which contain a mix of housing addressing the range of needs within the community.

- 13.11 Further, the proposed development would be sited within an area of high flood risk (located within flood zone 2 and 3) and it has not been demonstrated that there are no reasonably alternative sites at lower risk of flooding that could accommodate the proposed scheme, such that the sequential test cannot be considered to have been passed. Consequently, the proposed development fails to comply with the requirements of Policy ENV5 of the West Dorset Weymouth and Portland Local Plan (2015) and section 14 (and in particular para 173-176) of the National Planning Policy Framework (NPPF). Further, 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 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 para 181 of the NPPF.
- 13.12 In light of the significant issues highlighted having regard to highways, ecology, affordable housing and flood risk, it cannot be concluded that the development proposed truly addresses the sustainable development objective underpinning Local and National policy, and owing to the circumstances of the proposed scheme, the principle of development is not considered to have been met, with identified conflicts with the neighbourhood plan, local plan and NPPF as set out above.

## **14 Recommendation**

14.1 Refuse for the following reasons:

14.2 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 para 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 para 115-117 and 135 of the NPPF, Policy AM2 of the Bridport Neighbourhood Plan, and policy COM7 of the West Dorset Weymouth and Portland Local Plan (2015).

- 14.3 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 and criteria (iv) of Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan and criteria 2 of Policy L2 of the Bridport Neighbourhood Plan.
- 14.4 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 para 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).
- 14.5 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 para 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 para 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 para 177-179) of the NPPF.