

Planning Committee – Update Sheet

Planning Applications

Application Ref.	Address	Agenda ref.	Page no.
P/OUT/2021/05309 & P/FUL/2021/05255	Land adjacent to Broadmead, Broadmayne	5.a	17-138
<p>Nutrient Neutrality</p> <p>As noted in Section 2.0 of the Committee Report (page 18), negotiations in respect of the two nutrient neutrality-related Section 106 Agreements are ongoing and the applicant is exploring alternative credit-related options in respect of phosphorus mitigation.</p> <p>As noted within the appended assessment table of the Committee Report (pages 20-21 and 30-31), the Council awaits a second Government announcement in respect of the exempted wastewater treatment works. This is due by 1 April 2024. As an alternative to the proposed off-site mitigation strategy a credit-based solution may be acceptable subject to consideration by officers, consultation with Natural England and a further Habitats Regulations Assessment.</p> <p>To provide flexibility for a credit-based solution to be pursued as an alternative to off-site mitigation, and if Members are content that the revised material considerations do not affect their previous resolution to grant planning permission, it is recommended that the Section 106 Heads of Terms in respect of nutrient neutrality are amended as <u>underlined</u> below:</p> <p><i>“5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with the submitted Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023 <u>or alternatively a nutrient credit-based solution subject to a Habitats Regulations Assessment and satisfactory consultation with Natural England. Off-site upgrades or credit-based solution</u> to be provided prior to the occupation of any new dwellings.</i></p> <p><i>If legislation comes into force which no longer requires the proposed mitigation to be secured, members delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to amend and/or remove this planning obligation prior to completion of the S106 Agreement(s) in consultation with the Chair of the Western and Southern Planning Committee. In the event that the Section 106 Agreement(s) are completed prior to new legislation being enacted the Section 106 Agreement(s) shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.”</i></p> <p>Applicant & Abri Letter to Members</p> <p>The Applicant (Southern Strategic Land) and their housing association partner (Abri) have issued a joint letter to Members of the committee outlining progress since the previous resolution and commenting on decision making and growing housing need. The letter has been published on the Council’s online planning register.</p>			

By way of clarification, the 'main Section 106 Agreement' covering matters of affordable housing, play space, open space, off-site highway works and the SANG has been signed by the applicant. The Section 106 Agreement can only be countersigned by Dorset Council and completed following satisfactory resolution of nutrient neutrality matters (as outlined above) and further resolution by Members of the committee in respect of the new material planning considerations outlined in the Committee Report.

Level 1 Strategic Flood Risk Assessment (SFRA)

Dorset Council published a Level 1 SFRA covering the emerging Dorset Local Plan area on 5 March 2024. The assessment does not raise any new flood risk related implications for either planning application and does not affect the conclusions reached in the earlier committee reports.

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P/FUL/2023/00324	Steepleton Manor B3159 Junction A35t to Rew Manor Winterbourne Steepleton Dorset DT2 9LG	5b	139 - 163

Level 1 Strategic Flood Risk Assessment (SFRA)

Dorset Council published a Level 1 SFRA covering the emerging Dorset Local Plan area on 5 March 2024. The assessment does not raise any new flood risk related implications for the planning application beyond that already set out and considered in the committee report.

Agents additional supporting letter-

The **Adults Commissioning Manager for Care Homes** stated that: "The Adults Commissioning Manager-Care Homes has previously commented that in this particular case, the relatively small size, rural location, coupled with the constraints of the historic layout of the listed building does not lend itself particularly well towards catering for residential care." This is consistent with the evidence provided in the recent Stat Dec about the lack of commercial viability of the care home operation and hence the likelihood that it was going to have to shut down in any event.

The **Social Services** Team state that any other operator would probably not be inclined to take on the risk of continuing a care home operation on this site, given that the EA has since placed on the record their own concerns due to flooding: "Whilst it is not known if another care home operator would take it on, it has not been marketed as such, it seems unlikely for the reasons given by Social Services and doing so may actually be worse in respect of evacuation measures in the event of a flood bearing in mind a care home use would involve, by definition, more vulnerable persons." This point further underscores the point that the current care home use is commercially 'blighted' now that the EA has been demonstrably concerned about the flood risk in this case.

These comments present a clear and persuasive picture that the care home operation would have closed down in due course regardless of whether the applicant would have acquired the property and that a sale to a developer for a use outside of care home use would have been likely now given the constraints on the existing building in heritage terms and the EA's flood risk objection (especially of concern in a care home setting with elderly or infirm residents). The Advice from the KC confirms how this should be considered within the policy framework relevant to affordable housing and vacant building credit and, given the circumstances of this application, this is a relevant and material consideration to this application.