

DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 25 SEPTEMBER 2019

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Cherry Brooks, Robin Cook, Mike Dyer, Beryl Ezzard, Barry Goringe, David Morgan, David Tooke, Bill Trite and John Worth

Apologies: Cllrs

Also present:

Officers present (for all or part of the meeting):

Philip Crowther (Senior Solicitor - Planning) and Kim Cowell (Development Management Team Leader)

27. Apologies

No apologies for absence were received at the meeting.

28. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

29. Minutes

The minutes of the meeting held on 31 July 2019 were confirmed and signed.

30. Public Participation

There were no statements or questions from Town and Parish Councils, nor public statements or questions at the meeting.

31. 3/18/3305/OUT - Development of land South of Leigh Road, Wimborne

The Committee considered an application - 3/18/3305/OUT - to vary the provisions of planning application 3/18/3305/FUL: this having been granted planning permission for the development of land south of Leigh Road, Wimborne by East Dorset District Council's (EDDC) Planning Committee at its meeting on 20 March 2019.

This permission provided for:-

- an outline application for the erection of 174 dwellings, with all matters reserved, save for means of access.
- a full planning application for the erection of a community sports facility comprising club house, playing pitches, parking and landscaping together with the change of use of the land to leisure.

This grant of permission was subject to the applicants' firstly entering into a S106 Legal Agreement, within an agreed timeframe, to secure a range of infrastructure provisions necessary to enable the development to progress successfully, and a number of conditions to guide the final form of the development. In the event that the S106 legal agreement was not secured within the agreed timeframe, the Committee had resolved to refuse the application. The basis for those planning obligations was that they met the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

With the aid of a visual presentation and taking into consideration the provisions of the Update Sheet appended to these minutes, officers put into context what the main proposals and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; what was being proposed to complement the development; and particularly, the reasoning for the variations which were now being proposed as a means of benefitting the development and what this entailed.

Plans and photographs provided an illustration of the location, dimensions and design of the development, with the presentation also confirming what the highways, traffic management, parking and access arrangements being proposed would be; how the enhancements would look and their setting; showed the development's relationship with the characteristics of the surrounding town development and landscape, the local highway network; other residential development and civic amenities in Wimborne and Colehill and its setting within the town. It was confirmed that this development was on land which had been allocated in the adopted Christchurch and East Dorset Local Plan for development, with this planning application needing to be considered on its individual merit.

Originally, following a viability assessment, a contribution of £943,938 was available to fund both off-site highway works and a proportion towards educational provision. This comprised £443,938 towards educational needs and £500,000, attributed for off-site works to be carried out by the developer, to mitigate the perceived traffic generated by this scheme - at the junction of Wimborne Road West (B3073) and the Canford Bottom Roundabout. However, the education element had only been partially funded due to the costs of the highway works, with the full education contribution of £899,694 which had been sought being based on an agreed methodology which calculated a proportionate, fair and reasonable contribution towards education from each new eligible dwelling, had only been partially funded due to viability constraints.

Subsequently however, from further transport assessments made by the applicants, it had been established that those proposed highway improvements were seen to be unnecessary in mitigating the impact of the development on the local highway network, given that it since had been determined that the volume of vehicles generated by the site would only make a marginal difference to the overall movements at that junction.

On that basis it was considered that given there was now no requirement for this funding to be used for that purpose, that contribution – the principle of which had been agreed – could now more readily benefit the educational needs which would arise from the scheme, so as to fully satisfy what had originally been assessed as being necessary.

Consequently, the applicant now proposed to reapportion the funds to education and therefore to meet in full the requested contribution of £899,694. This still left some £44,000 from what had been previously viability tested, that was unallocated and unapportioned from the total amount, which was still available for necessary infrastructure.

The percentage of affordable housing that would be delivered by this site was determined to be 28%, which was below the policy requirement of 50%. This was justified through a Viability Assessment and had been supported by EDDC, due to the cost of combined infrastructure contributions including the direct delivery of the new on-site sports village. The proposed change in contributions had now led to a slight increase in the viability of the site. The National Planning Policy Guidance (NPPG) made allowances for the review of viability where circumstances changed, as it did here.

Given the circumstances and the advanced stage that this site had reached in the planning process, it was recommended that the £44,000 could be secured as a contribution towards the shortfall in affordable housing, in being secured as a financial contribution towards the delivery of affordable housing off-site in the parishes of Wimborne Minster or Colehill.

Officers considered that this off-site affordable housing contribution, in combination with the on-site affordable housing previously agreed, was proportionate, fair and reasonable and met the statutory tests of the NPPG.

Given that the impact of the development on the highway network would not be significant, and would be below the level of impact previously considered acceptable by Dorset Highways, officer's concluded that the Grampian style planning condition and the obligation for a £500,000 contribution towards off-site highway works was not now necessary to make this development acceptable in planning terms and this formed the basis of their recommendation. It was clarified that members' focus should solely be on what was being recommended - the s106 aspect of the application - rather the merits of the development itself or what it had to offer, as this was not part of their consideration.

The Committee were informed of what consultation had taken place and what measures to actively manage the process had been put in place as a result of the responses received to this.

Public Participation

Denis Verguson made the point, on behalf of other residents of Leigh Road, that this application conflicted with the core strategy and that what had been decided upon by the District Council should not be varied as proposed as this would set a precedent for other variations down the line. He considered that the development was too exclusive and extensive and would adversely affect local resources, services and quality of life and should, if anything, include more affordable housing. He was reminded by the Chairman that this was not

an opportunity to revisit the grant of permission, but only to be concerned with what was being recommended.

Katherine Miles for the applicant - Gleesons Strategic Land Ltd - wholly supported what was being proposed, for the reasons given, which was designed to deliver socio economic enhancements that would complement the development and those who benefitted from it. On that basis, she asked the Committee to endorse the recommendation.

One of the Ward members for Colehill and Wimborne Minster East, Councillor Janet Dover, asked the Committee to reconsider the investment in the highways network as had been originally proposed as she considered this would be necessary given her perception of the traffic which would be generated from this scheme. As Canford Bottom roundabout was busy as it was, greater traffic volumes would only exacerbate this considerably. If these highway improvements were not to take place, she questioned what would happen if it were necessary for future works to address matters and who would be responsible for doing this. On that basis she considered the variations should not be proceeded with.

The other Ward member, Councillor Maria Roe, had been given the opportunity to speak, but did not feel it necessary to do this.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and from invited speakers, with officer's providing clarification in respect of the points raised. Officers explained that the revised traffic impact assessment had been scrutinised by highways officers and Highways England and concluded that the assessment was robust in concluding that the level of traffic from the development was insufficient to justify the previously required highway scheme. It was considered that the full education contribution and affordable housing contribution were more beneficial to mitigate the impact of the development than those which might be achieved from any enhancement to the highway infrastructure. Of importance was the need for any enhancement to directly complement the development and its effect, so there was no scope for highways improvements not associated with that, however desirable this might seem.

As a means of allaying the concerns of some that the planning obligations might not necessarily be fulfilled by the developer, the Senior Solicitor confirmed that the s106 Agreement was a binding obligation between the developer and had to be in place before planning permission would be granted.

Officers considered that given all of this, together with those changes made to the proposals in response to the representations received to the formal consultation process, now satisfactorily addressed what concerns there had been so, on that basis, officers were recommending that permission be granted for the approval of the application. Having heard what officers had to say about this, members were largely satisfied with the responses received in their more meaningful understanding of what the variations entailed.

Nevertheless, some members remained concerned that the highways were not now to receive the funding that might be necessary for them to function as effectively as they might. They felt that a development of this size would have some considerable effect on increasing the traffic movements to the south of Wimborne and Colehill, despite the engineering predictions. Given this, they felt there should be some means by which that infrastructure commitment could be maintained. However, they accepted that the basis of assessments made were on tried and tested modelling used elsewhere for such purpose, in being fundamental to the Council's highways strategy.

However other Councillors expressed the view in that what was being proposed went

some considerable way to achieving all that was necessary in satisfactorily complementing the development, in ensuring that the funding available for the facilities now to be provided brought the greatest benefits that were possible and practicable. They accepted the technical assessment made by officers and traffic engineers about what traffic volume and movements would arise from the new estate - in that there would be no significant additional detriment to traffic congestion or generation. Moreover, they were confident in their understanding that Highways England had made a commitment to address any necessary improvements to optimise the capacity of the roundabout in the near to medium term. They considered this would adequately manage all that was needed at that junction and accepted the assessment made.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report, what they had heard at the meeting from the case officer, legal advisor and those invited speakers, the Committee were satisfied in their

understanding of what the variations were designed to do and why they were seen to now be necessary in addressing the educational and affordable housing needs of

the development. On that basis – and on being put to the vote – the Committee considered that the variation to the planning application should be approved and permission granted on that basis, subject to the conditions set out in the officer's report, and having regard to the provisions of the Update Sheet.

Resolved

That planning permission of application 3/18/3305/FUL be varied by 3/18/3305/OUT for the Development of land South of Leigh Road, Wimborne by reason of/ in that :-

- Condition 15 of application 3/18/3305/FUL being removed,
- The requirement for £500,000 contribution to the Canford Bottom Roundabout /Wimborne Road West junction improvement being no longer required in the Heads of Terms for the S106 Agreement, and
- The full education contribution of £899,694 be required as part of the Heads of Terms of the S016 Agreement.
- That the residue of the collective S106 sum be allocated towards an off-site Affordable Housing contribution of

£44,000 be required towards the delivery of affordable housing in the parishes of Wimborne Minster or Colehill so as this might increase that proportion from the current 28%

- That the period for the preparation of the Agreement be extended to 31 October 2019

subject to the conditions set out in the officer's report and having regard to the provisions of the Update Sheet.

32. Appeals summary

The Committee received a summary of appeals decisions made, the reasoning for this and what the outcomes were, with officers providing some relevant background detail to each.

Members considered this to be most informative in assisting their better understanding of this process and its practicalities.

Noted

33. Urgent items

There were no urgent items for consideration.

34. Update Sheet

Planning Applications

Application Ref.	Address	Agenda ref.	Page no.
3/18/3305/FUL	Land South of Leigh Road	5	19
<p>Update(s): Replacement of the first two paragraphs on page 20 with the following:</p> <p><i>In part the legal agreement sought to secure the following contribution:</i></p> <ul style="list-style-type: none">• £443,938 as a proportionate contribution towards education. <p><i>In addition to the legal agreement, a Grampian style pre-occupation condition (no. 15) was proposed to secure off-site works (estimated to cost £500,000) at the junction of Wimborne Road West (B3073) and the Canford Bottom Roundabout as follows:</i></p> <p>Update to second paragraph of section entitled <u>Conclusion</u></p> <p><i>Given that the impact of the development on the highway network will not be significant, and will be below the level of impact previously considered acceptable by Dorset Highways, it is concluded that the Grampian style planning condition and the obligation for a £500,000 contribution towards to deliver off-site highway works is not necessary to make this development acceptable in planning terms.</i></p> <p>Update to second bullet point in section entitled <u>Recommendation</u></p> <ul style="list-style-type: none">• <i>The requirement for £500,000 contribution of works to the Canford Bottom Roundabout /Wimborne Road West junction improvement no longer be required in the Heads of Terms for the S106 Agreement, and</i>			

New section to be added after section entitled Education Contribution on page 21

Affordable housing

A contribution of £1.0m was agreed with the developer (paragraph 8.234 of the 20 March 2019 report) following viability assessment. The total financial cost of the contributions sought towards Education and Canford Bottom Roundabout works through the resolved Heads of Terms and conditions was estimated at £943,938, with contributions towards SAMM and local surgeries making the total to £1.0m. The total contribution now sought towards Education alone is £899,694. This is a reduction in total infrastructure contribution of approximately £44,000.

The percentage of affordable housing that will be delivered by this site was set in the previous resolution at 28%, which is below the policy requirement of 50%. This was justified through a Viability Assessment and supported by EDDC due to the cost of combined infrastructure contributions including the direct delivery of the new on site sports village. The proposed change in contributions leads to a slight increase in the viability of the site. The NPPG (ref ID 10-009-20190509) provides support for the review of viability where circumstances change.

Given the circumstances, the scale of the change in viability, and the advanced stage that this site has reached in the planning process, it is recommended that the £44,000 be secured as a financial contribution towards the delivery of affordable housing off-site in the parishes of Wimborne Minster or Colehill.

New paragraph to be added at the end of the Conclusion section on page 22

The affordable housing contribution sought is based on assigning residual viability within the site as an off-site affordable housing contribution, given that the proposal has become slightly more viable as a result of the change proposed to other contributions. This ensure that the opportunity is taken to review and make the site more policy compliant in light of changing circumstances, as recommended in the NPPG. The off-site affordable housing contribution, in combination with the on-site affordable housing previously agreed, is proportionate, fair and reasonable and meets the tests of Regulation 122 (2).

New bullet point to be added to Recommendation A)

- An off-site Affordable Housing contribution of £44,000 be required towards the delivery of affordable housing in the parishes of Wimborne Minster or Colehill*

Duration of meeting: 10.00 - 11.15 am

Chairman

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