

Planning Committee – Update Sheet

Western and Southern Area Planning Committee 7 September 2023

Planning Applications

Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2022/07710	Newlands Farm, Coldharbour, Chickerell	5a	29 - 42
<p><u>National Planning Policy Framework 2023</u> A revised version of the NPPF was published on 5th September 2023. The updates from the previous (2021) version are limited to Chapter 14 ‘Meeting the challenge of climate change flooding and costal change’ and Annex 1.</p> <p>The updates relate to renewable energy development and do not affect the conclusions reached in the Committee Report. All paragraph references to the NPPF (2021) within the Committee Report remain unchanged in the latest version of the NPPF (2023).</p>			
Application Ref.	Address	Agenda ref.	Page no.
P/OUT/2021/05309	Land Adjacent Broadmead, Broadmayne	5b	43 - 58
<p><u>National Planning Policy Framework 2023</u> A revised version of the NPPF was published on 5th September 2023. The updates from the previous (2021) version are limited to Chapter 14 ‘Meeting the challenge of climate change flooding and costal change’ and Annex 1.</p> <p>The updates relate to renewable energy development and do not affect the conclusions reached in the Committee Reports. All paragraph references to the NPPF (2021) within the Committee Reports remain unchanged in the latest version of the NPPF (2023).</p> <p><u>Nutrient neutrality (Pages 6-7)</u> As noted at Para. 7.25 of the Committee Report, the Government announced it would amend the Levelling Up and Regeneration Bill (LURB) to allow for the delivery of homes held up by nutrient neutrality requirements.</p> <p>A letter from the Department of Levelling Up Housing and Communities (DLUCH) to Chief Planning Officers was issued on 1 September 2023. The letter provides more detail on the changes being introduced and explains what the amendments to the LURB would mean in practice when commenced.</p> <p>Of relevance to the determination of the application, the letter confirms:</p>			

“...Until the provisions come into effect, it is important that planning decision-making continues and decisions will need to be taken on the basis of the current legal framework. While this letter is being sent to all local planning authorities, the proposed changes to the HRA [Habitats Regulations Assessments] would apply only to areas affected by nutrient neutrality, and would not change the HRA considerations for other areas or issues (such as water neutrality)... Given the intention to continue investing in mitigation projects, the Government hopes that progress on live projects will continue to be made in advance of these changes coming into effect, during which time developers will still need to source credits as necessary and planning decisions will be made on the basis of the existing legal framework...”

Accordingly, it currently remains necessary to secure off-site mitigation in accordance with the proposed Section 106 Heads of terms outlined within the Committee Report. To allow flexibility to respond to changing requirements in the near future, it is proposed that members provide delegated authority to the Head of Planning and the Service Manager for Development Management and Enforcement to modify and/or remove the Section 106 obligation related to nutrient naturalty should legislation be enacted to no longer require bespoke mitigation to be provided. This change is proposed via an update to Recommendation A (see below).

In the event that the Section 106 Agreements are completed prior to new legislation it is proposed that the Section 106 Agreements include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.

Management of open space (Pages: N/A)

Given landscaping is a Reserved Matter it is necessary to secure the management of any publicly accessible and/or other open spaces (such as allotments) via the Section 106 Agreement. Accordingly, a minor change to Recommendation A is proposed to require details of management of any allotments and other publicly accessible open spaces.

Revised Recommendation A (Pages: 1 and 7-8)

Update Recommendation A (underlined text) to read as follows:

“Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Legal Agreements to secure the following:

- 1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to intermediate affordable housing.*
- 2. Provision of a Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management of the LAP, any allotments and any other publicly accessible open spaces in perpetuity.*

3. *Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:*
 - i. *No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;*
 - ii. *Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;*
 - iii. *Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;*
 - iv. *Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and*
 - v. *Access only signage to Bramble Drove, which is a private road.*
4. *Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan*
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 Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings. 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 Agreements are completed prior to new legislation being enacted the Section 106 Agreements shall include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.*

And the conditions detailed at Section 9 of this [Committee] Report.”

Further representations received (Appendix 1 Pages: 18-22)

Two additional objections has been submitted by local residents. The objections raise concerns in relation to:

1. Surface water flooding within the site and at Littlemead – The comments of 4 September provide photographs of recent flooding and ask that members consider the photos. The photos have been published on the Council’s Planning Register alongside the other representations.
2. Hydrological report – The comments of 5 September note the report is not impartial and considers the methodology to be incorrect.

By way of response, similar concerns raised by local residents are summarised at page 21 of the Appendix 1 Committee Report. Flood risk and drainage are addressed at Paras. 15.62-15.65 of the Report and appropriate planning conditions in relation to surface water drainage are proposed as recommended by the Council's Flood Risk Management Team (Lead Local Flood Authority).

Correspondence issued to members of the Western and Southern Area Planning Committee

The below correspondence from the applicant, members of the public and Broadmayne Parish Council has been issued to members of the Planning Committee:

1. Briefing Pack from the applicant (20 July 2023)
2. Statement from Broadmayne Parish Council (18 August)
3. Email from Mr Eason (23 August)
4. Email from Mr Petty (23 August)
5. Email from Mr Ryall (29 August)
6. Email from Mr Gant (31 August)
7. Email from Ms Keeple (31 August)
8. Email from Mr Eason (4 September)
9. Email from Mrs Spenceley (5 September)

The planning matters raised have already been addressed in the Committee Report and Appendix. All correspondence has been circulated to members of the committee and is available to view on the Council's Planning Register.

Request for the application to be called in for determination by the Secretary of State

The correspondence from Broadmayne Parish Council advises the Parish Council has contacted the Secretary of State to request that the application be 'called in' for determination by the Secretary of State.

Officers have since responded to DLUHC to make it aware that the application is due to be considered at Thursday's Planning Committee. Officers note the application falls outside of the scope of the Town and Country Planning (Consultation) (England) Direction 2021 – which requires local planning authorities to consult the Secretary of State before granting planning permission for certain types of development.

To date, Dorset Council has not received any correspondence from DLUHC requesting that the application be called in or advising that Dorset Council may not determine the application. In the absence of a formal call in request Dorset Council is able to determinate the planning application.

Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2021/0525	Land Adjacent Broadmead, Broadmayne	5c	105 - 124

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The updates relate to renewable energy development and do not affect the conclusions reached in the Committee Reports. All paragraph references to the NPPF (2021) within the Committee Reports remain unchanged in the latest version of the NPPF (2023).

Condition numbering

The numbering of the conditions noted below should be updated as follows:

Condition No. stated in report	Correct condition No.
5 – Access details	4 – Access details
6 – Haul road details	5 – Haul road details
7 – Vehicle access construction	6 – Vehicle access construction
8 – Visibility splays	7 – Visibility splays

Application Ref.	Address	Agenda ref.	Page no.
P/OUT/2022/00852	Land at Newtons Road, Weymouth, DT4 8UR	5d	145 - 203

National Planning Policy Framework 2023

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Off-site affordable housing contribution (Pages: various)

The Committee Report refers to the off-site affordable housing contribution being £45,000 and £48,000. The correct figure is £48,000. All references within the report (including at Recommendation A) should refer to an off-site contribution of £48,000.

Assessment of impacts on the Sir Thomas Fowell Buxton Monument (Pages 36-40)

A monument to Sir Thomas Fowell Buxton was installed in Bingleaves Green in 2016. The monument was designed by Peter Loizou who together with students at Weymouth College Masonry Department undertook the carvings. The monument is not listed but can be considered a Non Designated Heritage Asset.

Buxton was elected Member of Parliament for Weymouth in 1818 and from 1819 took a prominent role in the parliamentary campaign against slavery. Buxton's persistence paid off when the level of support for his private bill in 1832 prompted Lord Grey's government to take up the measure. The abolition of slavery in British dominions was

given royal assent in August 1833, and the law came into force on 1 August 1834. Buxton also worked to soften the penal code for which the death penalty applied to many minor crimes.

The significance of the monument lies in its commemoration of Buxton through inscribing on each of the four sides of the plinth, including two elephants (symbols of Buxton) one tearing apart some manacles and the other a hangman's noose. A noticeboard next to the monument provides details celebrating his achievements. The setting within Bingleaves Green with views towards the sea and Portland Harbour makes a positive contribution to the setting of the monument. The setting is defined the surrounding open space, long distance views and nearby residential properties. Given the maximum height of proposed buildings has been reduced to below the adjacent cliff tops, the proposed development would not harm the significance of the monument. This is confirmed by viewpoint 6 of the applicant's Landscape and Visual Impact Assessment. Accordingly, there would be no harm to the assets' significance and the balancing exercise required by the NPPF (Para. 203) is not engaged.

Table 6.1 (Page 5)

Replace Table 6.1 with below table. This includes maximum AOD heights for clarity.

Table 6.1 Maximum building heights

Building	Maximum Heights	
Apartment Block 1A	5-6 storeys	24.655m AOD
Apartment Block 1B	4-5 storeys	22.050m AOD
Apartment Block 1C (including restaurant at ground floor)	4 storey	18.280m AOD
Apartment Block 2A (including leisure at ground floor)	5 storey	22.200m AOD
Apartment Block 2B	5 storey	22.200m AOD
Townhouses	3 storey	16.185m AOD
Offices/Light Industrial Building	4 storey	16.345m AOD
Care Home	3 storey	15.320m AOD
WC and changing block	1 storey	Not specified

Condition 4 (Page 48)

Update planning Condition 4 to include the maximum AOD heights noted above, as follows:

“The scale of buildings shall comply with the maximum storey heights shown on drawing 9464-P1 Rev K Parameters Plan and the following maximum AOD heights:

- Apartment Block 1A: 24.655m AOD
- Apartment Block 1B: 22.050m AOD
- Apartment Block 1C: 18.280m AOD
- Apartment Block 2A: 22.200m AOD
- Apartment Block 2B: 22.200m AOD
- Townhouses: 16.185m AOD
- Offices/Light Industrial Building: 16.345m AOD
- Care Home: 15.320m AOD

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

Condition 11 (Page 49)

Expand planning Condition 11 as below (underlined) to require submission of a Car Parking Management Plan. This expanded wording is considered necessary to ensure the appropriate phasing, provision and management of car parking between the different occupiers of the development.

“Notwithstanding the information shown on the plans approved by this application, no development of any phase must commence until precise details of: the access; geometric highway layout; turning and parking areas serving the relevant phase; together with a Car Parking Management Plan identifying the designation of parking spaces have been submitted to and agreed in writing by the Planning Authority. The internal access arrangements of the development shall provide a footway/cycleway promenade in the location identified on the approved Parameter Plan (ref: 9464-P1 Rev K). The relevant phase shall thereafter proceed in accordance with the approved details, completed prior to occupation of the relevant phase and maintained for the purposes specified for the lifetime of the development.

Reason: To ensure the proper and appropriate development of the site and ensure suitable access and public benefit in accordance with the objectives of Policy WEY9.”

Additional comment from member of the public (Page: N/A)

A member of the public has provided the below statement in support of the proposals. They are unable to attend the meeting to speak in favour of the proposals and request the statement is brought to the attention of members.

“The proposed development, will enhance the profile of Weymouth as an attractive, desirable place to live. This part of the town including the Newton’s Road site with other projects being currently undertaken badly need regeneration to prevent terminal decline and dereliction. The impact of this quality proposed development on Weymouth will be positive and considerable. It will act as a catalyst to an upward spiral of improvement, further interest in and investment in the town, enhancing its overall appeal as a thriving, forward looking place to live, work and do business in.”

Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2022/06311	West Bay Holiday Park, Forty Foot Way, West Bay, DT6 4HB	5e	205 - 218

A revised version of the NPPF was published on 5 September 2023. The updates from the previous (2021) version are limited to Chapter 14 ‘Meeting the challenge of climate change flooding and costal change’ and Annex 1 (implementation).

The updates relate to renewable energy development and do not affect the conclusions reached in the Committee Report. All paragraph references to the NPPF (2021) within the Committee Report remain unchanged in the latest version of the NPPF (2023).

Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2023/00384	Highlands End Holiday Park, Highlands End, Eype	5f	219 - 238
<p>A revised version of the NPPF was published on 5 September 2023. The updates from the previous (2021) version are limited to Chapter 14 'Meeting the challenge of climate change flooding and costal change' and Annex 1 (implementation).</p> <p>The updates relate to renewable energy development but do not affect the conclusions reached in the Committee Report as they relate primarily to proposals for the repowering of existing installations. All paragraph references to the NPPF (2021) within the Committee Report remain unchanged in the latest version of the NPPF (2023).</p> <p>Corrections to officer's report:</p> <p>Paragraph 6.2 – Peak capacity of the system is designed to be 198 kW</p> <p>Paragraph 15.1 – Annualised generation capacity of the system is estimated as 225MWh (225,000 kWh)</p>			
Application Ref.	Address	Agenda ref.	Page no.
P/FUL/2022/06870	Meadow Barn Care Farm Land West Of Seaview Farm Ash Lane Salwayash	5g	239 - 257
<p>A revised version of the NPPF was published on 5 September 2023. The updates from the previous (2021) version are limited to Chapter 14 'Meeting the challenge of climate change flooding and costal change' and Annex 1 (implementation).</p> <p>There are no changes to the NPPF that are material to the report and recommendation and all paragraph references to the NPPF (2021) within the Committee Report remain unchanged in the latest version of the NPPF (2023).</p> <p>.</p>			