**SYMONDSBURY PARISH COUNCIL** Email: clerk@symondsbury-pc.gov.uk

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**Symondsbury Parish Council Planning Committee**

**Monday 29 July 2024, 14:00 – 15:10**

**Meeting in Person, The Potting Shed, Symondsbury Estate**

**Minutes**

**Attendees:**

**Committee Members
Steve Ralph SR Chair
Steve Evans SE
Paul Hartmann PH
Philip Colfox PC**

**In Attendance:
Public:** There were no members of the public present and no press in attendance.

**Summary of Action Points arising**

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| --- | --- | --- |
| No | Item  | Action |
| 1 |  5 | PH to generate planning reports. |

1. **Welcome and apologies:**

1.1 The Chair opened the meeting and thanked attendees for coming. The Chair confirmed that with the Councillors present, the Committee was quorate. Apologies had been received from Cllr Elwes.

1. **Declarations of interest:**

 2.1 There was a declaration of interest from Councillor Colfox regarding item 4.2 of the agenda. However, on explanation of his historic involvement through the ownership of the land by his immediate relatives, it was agreed that he should continue in the consideration.

1. **Approval of the minutes of the November Meeting:**

 3.1 The minutes of the June 2024 Planning Meeting (incorporated in the Main Parish Council Meeting) were not available for confirmation of accurate notes of the meeting.

**4. DEMOCRATIC HALF HOUR** during which members of the public are invited to raise general matters of interest.

4.1 There was no Public representation and no general planning matters were raised.

**5. Planning Applications and to consider any other planning/enforcement issues:** (public verbal comments limited to 3 minutes per representation prior to Committee consideration).

**5.1 Agenda Item 4.1 ref: P/RES/2024/03002** Proposal: Outline application WD/D/17/000986 was an EIA application and an Environmental Statement was submitted with that application.

Reserved matters approval is subsequently sought for appearance, landscaping, layout and scale for: “the construction of 136 dwellings, pedestrian, cycle and vehicular links, drainage works, landscaping and associated infrastructure” Location: Phases1C(ii) and 1C(iii) Land at Foundry Lea.

**5.1.1** Introduction:The application is for an amended reserved matters application specifically for phases 1c(ii) and 1c(iii), with the remainder of the reserved matters consent granted in July 2022 adjusted to accommodate the requirements of the agreed section 106. The application suggests only modest changes to the phases have been made. The key is the covering letter and the detailed section on affordable housing units together with amended plans. In essence the changes cover the type and bedroom accommodation for the affordable housing units, the split between affordable rent and shared ownership and the removal of category 2 accessible units from the above phases. There were a number of issues to consider.

1) The changes to affordable housing provision in the phases above including housing type, tenure and numbers.

2) The removal of category 2 affordable rented units from phases 1C(ii) and 1C(iii).

3) The overall provision of affordable housing across all the phases of the development.

4) The suggested overprovision of affordable housing.

**Consideration:**

1. In reviewing the detail, it appears that the affordable housing content for phases 1C(ii) and 1C(iii) equates to the Section 106 requirement of 35% (48 of 136 housing units provided). However, the detailed provision of the affordable units does not equate to the 70/30% split of affordable rented properties to affordable to purchase properties as stated in the 106. The suggested percentage change is 65% affordable to rent and 35% affordable to purchase. In addition, the submission states that this phase will not provide category 2 affordable accessible rented units as required by the section 106.

In addition, the type of properties as shown in the covering letter considerably changes the make-up of dwelling types providing for example, far more 1 bedroom 2 person flats than the consented scheme.

The Parish Council felt that on balance and accepting the smaller household unit provision could be beneficial, at this very early stage of the development, noting the detail of the submission, this initial delivery change of tenure type was not beneficial for the local area requirements.

1. The submission confirms that the category 2 housing requirement will not be provided in phases 1C(ii) and 1C(iii). The Parish Council felt this was unacceptable.
2. The submission states that the overall affordable housing provision across the development does not change for the base provision and the additional 7 units. It also suggests that the overall Section 106 detail percentage delivery requirements of affordable housing for the whole consented site does not specifically relate to individual phases of the development. As such it is suggested that as long as the overall site delivers the affordable housing content then the individual phases can be amended. The applicant refers to the recent caselaw of the Pilkington principle which it suggests does not apply in this case. This suggests to the Parish Council that the applicant is nervous about the outcome of the new reserved matters application. The Parish Council felt that notwithstanding the changes of type the actual percentages of affordable to rent and to purchase should be as stated in the consented reserved matters consent.
3. The submission makes detailed reference to a commitment to provide 7 additional affordable housing units. This is in addition to the agreed base provision of 35% and does not form Part of the 106 Agreement. The submission also states that the additional units are subject to funding being available. As such whilst the suggested commitment is recognised by the Parish Council the units are considered speculative and have been ignored in the review of the submission.

It can be seen that the biggest change is around 1 bed 2 person flats for rent which have increased in number considerably at the expense of 2 bed 4 person affordable homes for sale. However, the developer is at pains to point out that the overall mix for the whole development has not changed dramatically and the numbers for the whole development still conform to the Section 106 Agreement.

The developers statement states “Table 2 demonstrates that the bedrooms and bedspaces proposed for the affordable dwellings in Phases 1C(ii) and 1C(iii) within this reserved matters application do not fully accord with the Section 106 requirements. However, it should again be acknowledged that the Section 106 does not require the accommodation mix to be met for each phase of development, nor does it require each reserved matters application to accord with it. The requirement is on a site wide basis, meaning that the overall affordable housing provision for the wider Foundry Lea site must meet the requirements set by the Section 106. An analysis of the overall affordable housing tenure mix for the wider Foundry Lea site is provided in Section 4.”

This may be the case but do the changes reflect the need of the area and also what if the development does not continue in the same vain with the same developer? The safeguard is that the planning consent relates to the land and not the developer and so anyone wishing to change in the future must gain a different consent. The developer does cite a case law principle that it considers is not invoked due to the inconsistencies created in the main amendments not being material to the original consent. The developer states “ Consequently, it is the Applicant’s view that, whilst this reserved matters application will lead to inconsistencies between the first and second reserved matters applications in the north eastern area of the wider site, these inconsistencies are not considered to be a material deviation away from the development that benefits from reserved matters approval P/RES/2021/04848, as amended by Section 73 application P/VOC/2023/06334. Consequently, they consider that the Pilkington Principle, which was explored most recently in the Hillside Parks Ltd v Snowdonia National Park Authority Supreme Court Judgment, is not engaged in this instance.”

In considering the application the amendments to the phases 1c(i) and 1c(ii) appear not to change the basic layout substantially but rather alterations to the individual units and their form.

The consent also still has the caveat that the providers of affordable home must have the funds to build which means if the developer cannot make a profit from them then the developer can apply to have the number of affordable homes reduces. This issue happened recently in Weymouth and Dorset declined the application by the developer.

The location of the affordable homes does not appear to have changed. The developer still says that the homes are pepper potted across the whole development which is correct however they are not pepper potted within the individual phases as they are still in blocks especially the flats. This is still considered a poor approach by the Parish Council as “Ghetto’s” can be created but the layout is as approved.

Overall, it depends on whether the Committee see the mix as reflecting the current and immediate future need of the area. The Committee felt it did not.

In addition, as outlined on the plans an issue that presented itself was that the main loop road does not appear to be completed in this first phase and that the eastern access will be used by construction, services and residents. This is a poor suggestion and has serious safety issues. It is recommended that questions be asked about the completion of the loop road in its entirety before residents occupy the residential units.

It is suggested that in consideration of the latest reserved matters submission the general approach appeared not to be acceptable. In addition, the Committee felt they should mention the issues about relevance of housing need, the loop road completion and health and safety, the latter being part of the construction management plan.

The local plan considerations are Clauses 5.2.6, 5.2.7 and 5.2.8 together with Hous1 and Hous2.

The BANP considerations are H1, H2, H4, H6 and D11.

**Conclusion**: It was felt that at this early stage of the development the Parish Council could not support the application.

**Decision: Object**

**5.2** **Agenda Item 4.2** ref: P/FUL/2024/03372 Proposal: Proposed Agricultural Barn and 2x Polytunnels. Location: Land off Higher Eype Road.

**5.2.1:** Introduction: The site for this application was visited by Committee members Cllrs Ralph, Hartmann and Elwes prior to the planning submission being made. The whole site was walked and viewed with a full explanation from the applicants of how they intended to operate on the landholding. The site had already been planted with some areas of wild flower plants and specific areas of various fruit trees. A temporary small lockable shed was sited to the northern boundary of the site for secure equipment storage.

The Committee were advised of the following: In terms of buildings, the applicants commented that they needed a small barn for machinery and crop storage and seed separation. In addition, they required 2 No. polytunnels for propagation etc one in each field area.

No residential property could be seen directly from the proposed site of the barn as it was screened by the existing boundary and field hedgerows.

The applicants were advised that the land area was subject to an Article 4 direction and that a planning application should be made for their requirements of the site, which should include an agricultural report.

**5.1.2 Consideration:**

In terms of the application, the committee acknowledged that the applicants had sought pre submission consultation with the Planning Authority, which is well documented on the planning portal.

The Committee confirmed that the application information was quite detailed in consideration of a barn and two polytunnels but with a rather unique usage of the land in propagation and food supply including sustainability. The Committee noted that the land was located in a visible area within the AONB (National Landscape) and Heritage Coast Area. In addition, although not a planning matter, there is a public footpath that crosses part of the site.

There is a concern that as the consent lies with the land there should be protection against the structure being converted to a dwelling in the future.

Normally the requirement for a barn of this type for agricultural use does not require consent. However, it noted there was an issue with the “teaching element” mentioned during the site visit and within the application. It suggested this required more information with regards to the use of the site. The Committee suggested it would be beneficial to have an agricultural report on the viability in relation to the barn. In consideration of the location of the barn there does not appear to be any loss of amenity issues affecting the small number of local dwellings.

The Committee noted the buildings were sited close to the boundary hedge and tree planting which helped with the screening especially if, as described, the hedgerow and trees will have supplementary planting. However, it suggested that a landscape appraisal would be beneficial with reference to the sensitivity of these field areas. The access from the highway is existing and the route to the Barn is designed to be simply a track.

The Committee felt the materials for the barn, were acceptable. The sides were of timber on a steel frame and the roof was anthracite grey cement based corrugated sheets with rooflights, typical of agricultural barns. The use of solar panels on the roof was considered to assist in the sustainability of the project.

The polytunnels were considered as temporary structures positioned to best optimise the propagation of the land. These have no services and are there to assist in the propagation and growing of plants and crops.

The local plan considerations are:

NT1 - Presumption in favour of Sustainable Development · ENV1 - Landscape, seascape & sites of other geological interest · ENV2 - Wildlife and habitats · ENV10 - The landscape and townscape setting · ENV12 - The design and positioning of buildings · ENV16 - Amenity · SUS2 - Distribution of development · ECON1 - Provision of employment · ECON9 - New agricultural buildings.

The emerging local plan has limited weight at present.

The Bridport Neighbourhood Plan has the following considerations:

Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020) Policy L1 – Green corridors, footpaths, surrounding hills and skylines · Policy L2 – Biodiversity · Policy HT2 – Public realm · Policy EE2 – Provision for new & small businesses.

AONB Landscape Character Assessment Dorset AONB Management Plan 2019-2024 WDDC Design & Sustainable Development Planning Guidelines (2009) Landscape Character Assessment February 2009 (West Dorset).

**Conclusion:** On balance and subject to the suggestion of a restriction on future conversion of the barn to a residential dwelling, the restriction of the barn for teaching and the suggestion of an agricultural report, the Committee confirmed the project should be supported.

**Decision:** **Support.**

**6.** Items for inclusion at next meeting.

**6.1** None.

**7.** AOB

**7.1** None

**8.** To confirm date and time of next meeting.

**8.1** The next planning meeting will be Thursday 12 September 2024, Symondsbury School, Symondsbury.