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Date: 3 September 2021
Ref: Charmouth
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Dear Mr Mead

CHARMOUTH NEIGHBOURHOOD PLAN – RESPONSE TO EXAMINERS QUESTIONS

Further to your letter dated 18 August 2021 in which you have identified some matters on which clarification from Charmouth Parish Council and Dorset Council would assist you in your examination, please find enclosed the Dorset Council response to questions 1, 2, 5-8 & 11. Charmouth Parish Council have responded separately to questions 1- 4 & 8-11.

Policy HH1

- 1. Question to CPC and DC.** Policy HH1 includes two bullet points. The second bullet point indicates that development which would directly or indirectly detract from the significance of locally important heritage assets, whether designated or non-designated, will be resisted. NPPF (paragraph 203) states that for *“applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*. Does Policy HH1 reflect the balanced judgment which is advised in the NPPF regarding non-designated heritage assets? Would the following rephrased second bullet point of the policy fulfil that advice?

“Any development proposal which would directly or indirectly detract from the significance of locally important designated heritage assets, including any contribution made by their setting will be resisted. In considering applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.”

[Dorset Council](#)

We are content with the rephrased second bullet point and that it would fulfil the advice of NPPF, paragraph 203.

Policy HRA1

- 2. Question to CPC and DC.** In noting that there has been no response from Natural England (NE) to the Regulation 16 consultation, I would be grateful if both Councils consider whether Policy HRA1 reflects the need to consider possible adverse effects, either alone or in-combination, directly or indirectly, on the Sidmouth to West Bay Special Area of Conservation? Would the following rephrased policy fulfil that aim?

“Proposals for development which would adversely affect, either alone or in-combination, directly or indirectly, the Sidmouth to West Bay Special Area of Conservation will not be supported. In particular, etc...”.

[Dorset Council](#)

We are content with the rephrased policy.

Policy NE4

3. **Question to CPC.** Table 6.5 Proposed Local Green Spaces (LGS) indicates that LGS1 is to be removed. However, LGS1 is still shown on Map 6.5. Should LGS1 be deleted both from Table 6.5 and Map 6.5?
4. **Question to CPC.** Should LGS2 be amended to include the National Trust owned land as shown on the Map accompanying the representation from the Charmouth NP Steering Group? This would appear to exclude the land marked as Cliff Top Caravans and is included within LGS2 on Map 6.5.
5. **Questions to DC.** Are the LGS shown in sufficient detail in the Plan to be used effectively in development management? Each LGS is delineated on a larger scale map in the Local Green Spaces Report referred to in Appendix E. Would a link to the document be sufficient if it was inserted in the LGS section of the Plan, or should the individual plans be included? Alternatively, is the Council content with the presentation as it exists?

[Dorset Council](#)

Although Map 6.5 depicts the broad locations of the proposed Local Green Spaces it may not be sufficiently detailed for effective development management.

More detailed maps for each Local Green Space can currently be viewed within both the ‘Local Green Space Report’ and separately within the ‘Additional Maps’ in Appendix E and referenced at the end of paragraph 6.66.

On balance however we would prefer these additional large-scale maps to be presented within the Neighbourhood Plan as an additional Appendix. This approach would help to minimise any potential future dispute regarding their status.

Policy BET1

6. **Question to DC.** Policy BET1 aims to safeguard housing within Charmouth’s retail hub and proposals which would cause the loss of an existing commercial use (Use Classes E, F2, hot food takeaways and public houses) will not be supported unless the existing use is shown not to be viable. Given the General Permitted Development Order (as amended) (Schedule 2, Part 3) now enables Class E (commercial, business and service) to change to Class C3 (dwelling houses) up to 1500 m² without the need for planning permission, how should Policy BET1 be rephrased?

[Dorset Council](#)

Policy BET1 seeks to control the loss of commercial premises within the Charmouth retail hub. As such Class MA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2021 would normally be relevant. This use class relates to the change of use of any use which falls within Class E (e.g. Shops, Financial and professional services, restaurants and cafes, offices, light industrial, medical or health services, creches, day nursery, indoor sports etc.) to residential. There is a maximum floor space of 1,500 square metres and this took effect from 1st August 2021. This is also subject to a prior approval procedure where conditions apply.

Notwithstanding the above, there are certain circumstances where Class MA permitted development rights do not apply.

- Article 2(3) Land – AONB, SPA, the Broads, National Park, World Heritage Site
- Site of Special Scientific Interest (SSSI)
- Safety Hazard Zone
- Military Explosives Area
- Listed Building
- Scheduled Monument

Charmouth, including the designated retail hub, is wholly within the Dorset Area of Outstanding Natural Beauty (AONB) and therefore Class MA permitted development rights do not apply.

As such we would consider that the original policy is still relevant and would request that the policy, as written, is retained.

Policy BET2

7. **Question to DC.** The third bullet point of Policy BET2 supports the development of new buildings proposed for Class E subject to a size limit of 100m² gross floor area. Dorset Council has commented in the Regulation 16 consultation response that the definition of small scale should be increased to 500m² to align better with permitted development rights (for example Class I). Please could this be explained, and especially with reference to the current Use Classes Order?

Dorset Council

We apologise if there has been some confusion. In the Council's comments we used 500m squared purely as an example of a recent threshold that had been applied as it was felt that 100 square metres was quite restrictive. However, we are aware that 100 square metres has been applied as a threshold for new commercial buildings in designated areas and also in Part 7 of the GPDO for extensions to existing buildings in designated areas. As such, we are content with the original policy wording.

Policy H2

8. **Questions to CPC and DC.** Policy H2 Bullet point 4 states that intermediate affordable housing should be capped at 30% about which Dorset Council has commented that some flexibility is required.

Dorset Council

The Adopted Local Plan Policy HOUS1. Criterion v) states *"Within any affordable housing provision, the councils will seek the inclusion of a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing, unless identified local needs indicate that alternative provision would be appropriate."*

Our original representation was concerned that local needs may indicate an alternative provision maybe appropriate and that some flexibility should be built into the policy.

However, we now note that the Charmouth Housing Needs Assessment recommends *"the increased provision of affordable/ social rent across the Parish, with an additional focus on Shared Ownership/ Starter Homes to reduce entry requirements to the local housing market. The recommended distribution of affordable housing (outlined in detail under Research Question 2) is therefore 70% social/affordable rent and a maximum of 30% intermediate affordable housing."*

On this basis we accept that local needs have been explored and that the policy cap at 30% is appropriate. We however prefer the phrase 'maximum' rather than 'cap'.

Question to CPC. What is the justification for a cap and why 30%?

Question to DC. How should this part of the policy to be rephrased?

[Dorset Council](#)

See response to the first part of the question.

Policy H3

9. **Question to CPC.** Dorset Council has commented that a principal residence occupancy condition on new homes could put pressure on existing dwellings to be bought to be used as second homes. In my opinion, this additional demand for second homes on a fixed supply of existing houses would result in upward pressure on house prices which, as explained in the first sentence of paragraph 8.22 of the justification, is what the policy is designed to avoid. Has the CPC borne this in mind when considering the principal residence policy and does the Parish Council have any further comment to make?

Policy CC2

10. **Question to CPC.** The first bullet point of Policy CC2 offers support to any engineering works which would maintain or enhance coastal or upstream defences. Dorset Council objects to this part of the policy and recommends that it should be deleted. Please could CPC comment on the recommendation and the reasoning behind it which is contained in the representation from Dorset Council?

National Planning Policy Framework July 2021

11. **Question for CPC and DC.** A revised version of the National Planning Policy Framework was published by the government on 20 July 2021, alongside a final version of the National Model Design Code. I would be grateful if you could please advise me whether you consider any modifications in relation to the non-strategic matters covered by the draft CNP are necessary as a result of the publications and, if so, what these are?

[Dorset Council](#)

The revised version of the National Planning Policy Framework (NPPF) places greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes. The changes make beauty and place-making a strategic theme in the NPPF, set out the expectation that Local Authorities produce their own design codes and guides, ask for new streets to be tree-lined, improve biodiversity and access to nature through design and put an emphasis on approving good design as well as refusing poor quality schemes. There are additional changes to flood Risk Vulnerability Classification in a new Annex 3. Larger scale developments set within a vision beyond 30 years are encouraged through a change to the Plan making section and the use of article 4 directions should be limited.

Most of the changes are directed towards Local Planning Authorities and not Neighbourhood Plan policies however the Neighbourhood Plan group may wish to make reference to some of the design revisions such as the emphasis on beautiful places and tree lined avenues, for example.

The National Model Design Code published at the same time as the revised NPPF provides detailed guidance on the production of design codes, guides and policies to promote successful design.

Complementary revisions to the NPPF helpfully explain that:

- *Para 127. . Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*

- *Para 128. . all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. ...*
- *Para 129. . Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.*

Neighbourhood Planning groups therefore have an important role to play in identifying the special qualities of their area and the preparation of design guidance or codes on a neighbourhood or site-specific scale. For practical reasons associated with the stage in the plan's preparation and the scale of work involved, this exercise would be best undertaken though any future review of the Neighbourhood Plan.

Yours sincerely,

Nick Cardnell
Senior Planning Officer
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CC
Mrs Lisa Tuck Clerk to Charmouth Parish Council
Andy Bateman, Charmouth Neighbourhood Plan Steering Group