

# INDEPENDENT EXAMINATION OF THE CHARMOUTH NEIGHBOURHOOD PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Mrs Lisa Tuck  
Clerk to Charmouth Parish Council

Mr Nick Cardnell  
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Dorset Council

Examination Ref: 02/AM/CNP

Via email

18 August 2021

Dear Mrs Tuck and Mr Cardnell

## CHARMOUTH NEIGHBOURHOOD PLAN EXAMINATION

Having carried out my visit to the Charmouth Neighbourhood Plan (CNP) Area, I have identified some matters on which clarification from Charmouth Parish Council (CPC) and Dorset Council (DC) would assist me in my examination of the CNP. May I request the submission of responses to my questions within **2 weeks** from the date of this letter, although an earlier response would be most welcome.

### 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.”*

### 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...”.*

#### **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?

#### **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 m<sup>2</sup> without the need for planning permission, how should Policy BET1 be rephrased?

#### **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 100m<sup>2</sup> gross floor area. Dorset Council has commented in the Regulation 16 consultation response that the definition of small scale should be increased to 500m<sup>2</sup> 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?

#### **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.

**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?

#### **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?

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any subsequent responses are placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

*Andy Mead*

Examiner