

**Matter 11.7**  
**Proposed Changes to Policies Brid 3 & Brid 5**  
**Hayward & Co. ID: 3808**  
**Written Representations**

**WEST DORSET, WEYMOUTH & PORTLAND LOCAL PLAN  
EXAMINATION IN PUBLIC**

**MATTER 11.7**

**POLICIES BRID 3 & BRID 5**

**OCTOBER 2014**

## 1.0 INTRODUCTION

1.1 This statement comprises a response to the issues identified by the Inspector for the Examination in Public (EIP) into the soundness of the Weymouth, West Dorset & Portland Local Plan, with particular regard to Matter 11.7:

*“Changes proposed to policies Brid 3 and Brid 5 would require maintenance of a wildlife corridor. Would this adequately address wildlife concerns?”*

1.2 Hayward & Co. are the owners of the St. Michael’s Trading Estate, Bridport; the extent of which is identified on the Pre-Submission Local Plan - Bridport Maps (CD/SP1). The estate is the subject of Policy Brid 5, which allocates the site for mixed use development (CD/SP2). The company has not objected to Policy Brid 5, but has objected to the Further Proposed Changes (FPC’s) that seek to reduce the potential number of dwellings to be built on the site from 105 to 93; see our letter of representation dated 14<sup>th</sup> August 2014 (Representation References 4005 & 4006). This issue is not germane to the policy, but instead relates to the Table following Paragraph 3.3.2; summary Table 3.1; consequential changes to Table 3.2; and Figure 1. The Inspector is requested to consider these matters, taking into account the facts and submissions set out in our letter of the 14<sup>th</sup> August.

1.3 Here, we now address the issue of the wildlife corridor.

## 2.0 BACKGROUND

2.1 On the 21<sup>st</sup> June 2012, the Development Control Committee of West Dorset District Council (WDDC) resolved to grant planning permission for the development of the St. Michael’s Trading Estate by the erection of 105 dwellings, new commercial floor space, provision for the “Trick Factory” (a community facility for children), associated car parking, vehicular and pedestrian access; following the demolition of some commercial units. The resolution was subject to delegation to the Development Services Manager to approve the application, subject to conditions of planning permission and an agreement under Section 106 of the Town & Country Planning Act 1990.

2.2 The Heads of Terms (HoT) of the S.106 Agreement and the draft planning conditions were set out in the appendix to the minutes of the committee meeting. The HoT are reproduced as **Appendix 1** to these representations. In respect of nature conservation, there are three key features:

- The provision and future maintenance of an island wildlife area.
- The provision and future maintenance of a riverside walk.
- The submission and agreement of a Biodiversity Mitigation Plan.

2.3 The first two items are dealt with through the S.106 Agreement. The latter is a planning condition. The implementation of all three components will satisfy the policy requirement of Brid 5 to provide a wildlife corridor. The S.106 Agreement has been successfully concluded on these matters. It is only the recent listing of a building within the application site that has deferred the final issue of the notice of consent. Subject to resolving this matter - through a building re-design that is currently under discussion with the Council and English Heritage - the application can progress to a successful conclusion.

2.4 In terms of detail, the S.106 Agreement requires a wildlife area management scheme to be prepared for both the island (which is situated to the west of the River Brit) and the riverside walk. This is a corridor that will be situated between the east bank of the River Brit and the area to be developed. The future ownership and management of the island area will be determined when the management scheme is approved. The riverside walk will be publicly adopted.

2.5 The island site and the riverside walk can be identified on the application plan, as reproduced in **Appendix 2** to these representations.

### **3.0 WILDLIFE**

3.1 The proposals for the development of the St. Michael's Estate, including the island site and the riverside walk, were the subject of substantial consultation whilst the application was under consideration. The key

consultation response, from Natural England, was summarised in the Case Officer's Committee Report:

*“No objection subject to conditions to: (a) ensure that St. Michael's Island is designated as a Local Nature Reserve (LNR), or equivalent, along with the preparation and implementation of a LNR management plan; and (b) secure a Biodiversity Mitigation Plan.”*

3.2 The advice of Natural England, as now incorporated into the S.106 Agreement, provides suitable evidence to demonstrate that wildlife concerns are adequately addressed; and that Policy Brid 5 - and its FPC - are sound.

#### **4.0 BRIDPORT TOWN COUNCIL**

4.1 Hayward & Co. are aware of the representations of Bridport Town Council (BTC), and in particular their assertion that the amount of housing within the mixed use allocation should be reduced, or even deleted entirely (**FPC 5-7, ID:641**). Through our own representations, Hayward & Co. wish to respond as follows:

4.1.1 The Inspector has not identified any adverse issues associated with the mixed use development of the St. Michael's Estate, with the exception of the wildlife concerns - as already dealt with in these representations. The principle for developing the St. Michael's Estate for residential and commercial development does not form an EIP agenda item. It would be an inappropriate use of valuable examination time for BTC to pursue their representations on this point.

4.1.2 In respect of Matter 3 (Spatial Strategy), the EIP is to consider the robustness and deliverability of housing, including the first five year target. The contribution of open market and affordable housing from the St. Michael's Estate is an important component of supply and deliverability.

4.1.3 Matter 4 deals with housing policy, with 4.1 questioning the affordable housing targets, particularly in the light of viability. At St. Michael's, the

S.106 Agreement includes provision for 26 of the 105 dwellings to be affordable; a quota of nearly 25%. This has been negotiated with WDDC in acknowledgement of the viability issues at the site. Although it is below the policy requirement, this still represents a valuable contribution to the future stock of affordable housing in Bridport; which would otherwise be lost under the BTC representations.

4.1.4 For Matter 5, the EIP Agenda deals with the Spatial Strategy in the context of the economy - and whether other options would provide better outcomes. However, the soundness of individual allocations, including St. Michael's, is not questioned. Again, BTC's representations regarding the removal of the reference in Brid 5 to mixed use does not merit the use of examination time.

4.1.5 BTC also allege that there will be conflict between the residential and commercial uses. However, it may be helpful for the Inspector to be aware that when the planning application for the development of the St. Michael's Estate was determined, the Case Officer's Report dealt with the matter of amenity, and concluded that:

*"... the living condition of these units will not be unacceptable; in many ways they will be no different to the situation where residential units front on to busy streets, which is commonplace. The standard of amenity might be lower in these circumstances, but it is still within the spectrum that one might reasonably expect to find in any town of Bridport's size and character."*

4.1.6 This is again entirely supportive of the proposed mixed use development at St. Michael's.

## **5.0 CONCLUSION**

5.1 The proposed development at the St. Michael's Estate is considered to be entirely appropriate. Policy Brid 5 represents a sound approach to deliver the required mix of uses. This is consistent with the National Planning Policy

Framework, in particular the seventh and eighth core planning principles set out following Paragraph 17:

- *encourage the effective use of land by reusing land that has previously been developed (brownfield land), provided that it is not of high environmental value;*
- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*

5.2 Policy Brid 5, including the FPC to it, is therefore considered to be sound.

## APPENDIX 1

### Extract from WDDC Development Control Committee Minutes, 21<sup>st</sup> June 2012: Section 106 Agreement Heads of Terms

#### Decision

#### Planning application 1/D/11/002012 (Outline)

Authority be delegated to the Development Services Manager to approve the application subject to:

1. Submission by the applicant of an acoustic report that demonstrates to the Development Services Manager's satisfaction that the Trick Factory can operate in the proposed location without detriment to the residential amenity of existing or proposed properties, subject to the imposition of reasonable planning conditions;
2. A Section 106 agreement to secure:
  - a. Affordable housing – to comprise a range of units sizes to match the identified housing need in Bridport, and to include houses as well as flats;
  - b. A plan for the provision, and future management of, the proposed "island wildlife area", including an agreed timetable for implementation (Recommended by Natural England);
  - c. A plan for the provision, and future management of, the proposed "riverside walk", including an agreed timetable for implementation;
  - d. A specification for the construction of the new "Trick Factory", and an agreed timetable for its completion;
  - e. A contribution of £8,000 towards improvements to the strategic highway network (Fulfil a direction imposed by the Highways Agency);
  - f. A schedule of maintenance and improvement works to the retained commercial buildings, to a value of not less than £384,000, and an agreed timetable for their completion.

# APPENDIX 2

## Proposed Mixed Use Development St. Michael's Estate Masterplan, Including Wildlife Corridor

East River Bank and Walk



Wildlife Island