



Dorchester Town Council

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27 January 2016

Agenda for a special meeting of the **Planning and Environment Committee** which will be held in the **Town Hall , Municipal Buildings, Dorchester** on **Wednesday 3 February 2016 at 7.00pm.**

Adrian Stuart
Town Clerk

Public Speaking at the Meeting

Members of the public who have registered to speak at least one day in advance of the meeting, will be allowed to address the Committee, with the agreement of the Chairman, for up to three minutes each. The applicant may address the Committee for up to 3 minutes. If there is more than one person objecting to the application, the applicant will have an additional 3 minutes. There will be a limit on the length of time for public participation and this, along with all other matters relating to public participation, will be at the Chairman's discretion.

If you wish to speak at the meeting, please register with the Town Council by telephoning the number above or email: admin@dorchester-tc.gov.uk identifying the issue you wish to raise.

Member Code of Conduct: Declaration of Interests

Members are reminded that it is their responsibility to disclose pecuniary or non-pecuniary interests where appropriate. A Member who declares a pecuniary interest must leave the room unless a suitable dispensation has been granted. A Member who declares a non-pecuniary interest may take part in the meeting and vote.

Membership of the Committee

Councillors B. Armstrong-Marshall, C. Biggs, R. Biggs (Vice-Chairman), A. Canning, T. Harries, S. Hosford (Chairman), S. Jones, T. Jones, F. Kent-Ledger, T. Loakes, R. Potter (the Mayor ex-officio), M. Rennie and D. Taylor

1. Apologies and Declarations of Interest

2. Planning Applications WD/D/15/002840 and WD/D/15/002841

Background report attached.

- a) Presentation by West Dorset District Council planning officer on planning applications WD/D/15/002840 and WD/D/15/002841 - HM Prison, Dorchester, DT1 1JD;
- b) Members of the public and the applicant to address the Committee, with the agreement of the Chairman. (Details above);
- c) The Committee will consider the Town Clerk's report and agree the Town Council's formal response to planning applications WD/D/15/002840 and WD/D/15/002841 - HM Prison, Dorchester, DT1 1JD.

Dorchester Town Council

Special Planning and Environment Committee meeting – 3 February 2016

Agenda Item 2. Planning Applications WD/D/15/002840 and WD/D/15/002841

Background Information

Dorchester Prison closed in December 2013 as part of a national rationalisation of the prison service by the Ministry of Justice (MoJ), Central Government department.

Dorchester Town Council and the Dorchester Civic Society produced a Position Statement in September 2014 setting out their objectives and views for the development of the site and which reflected the strategy and vision in the Town Council's Corporate Plan.

<http://www.dorchester-tc.gov.uk/docs/planning/agenda/140901-Dorchester-Prison-site-Statement.pdf>

City & Country purchased the site early in 2015 and carried out three rounds of public consultation on site in between early summer 2015 and the submission of these planning applications. Additionally, City & Country have engaged with the Town Council on several occasions, keeping them advised of their proposals for the site. They have also had pre-application discussions with West Dorset District Council.

The planning applications for the site were submitted towards the end of 2015 and the closing date for representations has now been extended until 17 February 2016.

The prison site, within the walls, consists of a main cell block dating from 1885 surrounded principally by a variety of modern buildings. Within the northern section of wall is the listed gatehouse facade, outside the main walls are a wooded bank to the north, leading down to the River Frome. The remainder of the site is occupied by a hard-paved surface car-park to North Square and Friary Hill. The site is located within the Dorchester Conservation Area, known as the Northern Heritage quarter. The prison site extends to some 1.93 Ha.

The proposals to develop the site include converting the 1885 Cell Block, the Former Registration Building and the Former Education/Library Building into 60 residential units and building 130 new residential units. The development will have 190 parking spaces and 95 cycle parking spaces:

<http://webapps.westdorset-weymouth.gov.uk/PlanningApps/Pages/Planning.aspx?App=WD%2fD%2f15%2f002840>

The Town Council has again considered the views of the Dorchester Civic Society in its response to the planning applications and it has also engaged the services of the planning consultant, who assisted with the production of the Position Statement, for advice on the Town Council's response to the planning applications.

Appendix 1 – report from the Town Clerk to inform the Planning and Environment Committee.

Dorchester Town Council

Planning & Environment Committee – 3 February 2016

Report of the Town Clerk regarding Dorchester Prison Site Planning Applications WD/D/15/2840 & WD/D15/2841

1. Introduction

- 1.1. The applicant, City and Country, has submitted two applications for the Prison site. They have undergone extensive consultation involving attendance at the prison by significant numbers of residents on three, soon to be four, occasions. The applicant has made themselves available to interested parties and the public regularly during the development process and continue to do so.
- 1.2. The Town Council, working with the Dorchester Civic Society, prepared a Position Statement in summer 2014 expressing its ambition to see the site as an integral part of the town, wishing to see both the right balance of developer reward and public benefit from the site.
- 1.3. The application has sparked significant public interest, generated opposition from local residents, some of whom will hopefully attend the Committee to explain their concerns this evening.
- 1.4. This report lays out the issues in 4 parts:
 - Affordable Housing, Community Infrastructure Levy (CIL) and Viability
 - Site Specific Issues
 - Comments by Residents and Local Groups
 - Other Observations on the applications and the process
- 1.5. It covers most of the issues that have been raised during the planning application consultation process, seeks to provide supporting information where possible, and in conclusion invites the Committee to express a view where appropriate to West Dorset District Council as the planning authority.

2. Affordable Housing, Community Infrastructure Levy (CIL) and Viability

- 2.1. The most significant concern is the complete absence of any affordable housing of any form on this site. A secondary and important issue appears to be the absence of a CIL on the site. The justification for these absences is that the scheme is not financially viable if these are provided and it is understood that the applicant has submitted a viability assessment in support of this claim.
- 2.2. West Dorset District Council has recently been through an extensive public examination with respect to its Local Plan, which was found to be 'sound'. Affordable housing policy, demonstrating the need for significant numbers of new affordable units, is a fundamental part of the Local Plan, with the Inspector's report commenting "*I consider the Councils should revert to their original policy provisions i.e. that all new market housing should make a contribution*

towards affordable housing needs.” To fail to adhere to the policy (HOUS. 1) in respect to this Prison Site would completely undermine the Local Plan and set a very dangerous precedent for other sites that will come forward in the coming years.

- 2.3. The existing and new (then draft) Local Plan, outlining expectations for Affordable Housing were available prior to the date of purchase of the site and the Town Council’s Position Statement, made available through the Ministry of Justice to all potential purchasers, emphasised adherence to the District Council’s Local Plan policies, including in respect to affordable housing, prior to the applicant’s purchase of this site.
- 2.4. Standard practice would be to discount any additional costs associated with affordable housing from any price offered to the Ministry of Justice for the purchase. This is not a site that was bought in different economic conditions, when land values were much higher. The applicant had an opportunity to submit a price that reflected their ability to develop the site in line with expectations of the Local Plan Policies.
- 2.5. Ordinarily the site should include a mix of houses for rent and shared equity, routinely delivered in partnership with a housing association, together with an element of starter homes, which are now being actively promoted by government; the definition of a starter home being a property for sale at 80% of market value.
- 2.6. A key objective in Dorchester Town Council’s draft Corporate Plan is the delivery of affordable housing for young people and this site represents a major opportunity to deliver homes for young people from Dorchester and working in Dorchester who currently are priced out of the market and find it difficult, if not impossible, to rent in the town.
- 2.7. Whilst the provision, as part of the development, of around 45 one-bed flats is noted, it is considered that a higher proportion of 1 bed, and also a proportion of studio units, would create a mix of dwellings much more in keeping with the need to provide for young workers in the Town.
- 2.8. The submitted scheme contains 130 new dwellings and 60 from conversions. While it may be accepted that the conversion costs of the retained older buildings makes it difficult to fully provide affordable housing in this part of the site, the case for arguing against providing affordable housing in the new build elements is much weaker, and relies on the argument that infrastructure, landscaping and conversion costs for the older buildings outweigh the ability to make this provision.
- 2.9. From the first informal meetings with the Town Council and before any work of significance could have been undertaken, City & Country have been absolutely clear that they had no intention of providing affordable housing on this site. From the outset, therefore, their design work ignored the Local Plan Affordable Housing Policy and it is, therefore, no surprise that the applicant is putting forward a case that the scheme is ‘not viable’ were it required to meet the policy requirement. Had the Local Plan policy to deliver 35% of the site as affordable units been properly considered at the beginning of the process, City & Country could have given more consideration to how the mix of properties, the extent to which some of the older

buildings were retained or not, landscaping and parking might be adapted to meet the planning policy.

- 2.10. The Town Council understands that, having included it as part of the Local Plan Inspection process, the District Council adopted the principle of a Community Infrastructure Levy in late 2015 and yet the planning applications as submitted contain no reference to making any CIL contributions. Indeed the very short statement on planning obligations submitted by the applicants contains no commitments to provide any contribution of any form whatsoever.
- 2.11. The applicant has indicated that a viability assessment arguing their case has been prepared and submitted to the District Council. This has not been made public despite the fact that the Prison Site was a public asset prior to disposal.
- 2.12. The applicant is relying on the viability assessment to claim an exemption from affordable housing, which is a key public policy nationally, in West Dorset and in Dorchester, where the gap between average wages and house prices is particularly acute. A fundamental principle of the planning system is that it has to be open and transparent and the approach being taken by applicant fails this fundamental principle.
- 2.13. The Town Council could take the view that the applicant should make their viability assessment public, although there is little benefit to be gained from such an approach. The document would inevitably support the view of those that commissioned it that, developed according to the planning applications, the scheme would not be viable if public benefit was to be provided.
- 2.14. More importantly it is considered essential that the District Council should appoint its own expert development viability assessor in order to assess the viability of providing affordable housing, and other community benefits through CIL, on the site. The District Council's assessment should not restrict itself to the particular applications made by this applicant, but should instead address the question of what an open-minded developer, fully cognisant of Local Plan Policy, should reasonably be expected to deliver on the Dorchester Prison site.
- 2.15. Given that the applicant has already commissioned its own study the District Council should appoint their own consultant, rather than accept the applicant's earlier offer of a jointly funded independent study. It is essential for the credibility of the District Council's planning application process that the District Council's study is placed in the public domain, especially if it accepts the view of the applicant that no public benefit should be derived from the development of this site.
- 2.16. In summary, it is argued that there is no basis for the applicant claiming that the viability of this development is such that no affordable housing or CIL can be provided. This is not a credible position to take and the District Council should be urged not to accept this contention or that a viable scheme is not capable of being developed.

3. Site Specific Issues

Access during Construction

- 3.1. With regards to traffic and access movement during construction, detailed consideration needs to be given not only to the access implications of the proposed development at the Prison Site, but also to other developments that are planned in the Colliton Street area across broadly the same time line. Most specifically the timing of the development of the Prison Site needs to be considered together with the planned development of the Dorchester Museum site.
- 3.2. Dorchester Museum has aspirations to develop a major extension to the rear of its building and so traffic movements associated with this work, together with the Prison development and indeed construction that may take place on the other sites in the area need to be considered at this stage. If necessary, an agreed phasing programme of construction needs to be developed.
- 3.3. Collectively these developments could result in a very significant number of construction traffic movements in this area, at the same time and over a protracted period, all of which will need to use The Bow which is the only route into the area.

Traffic

- 3.4. The proposed development as submitted envisages 190 dwellings, yet the traffic assessments suggest that there will only be 440 additional movements per day from the whole development. Whilst it is appreciated that some of those living on the site may well work and shop within walking distance without the need to use a car, there appears to be inadequate regard to deliveries, especially home deliveries that are an increasing trend, and general movements by the residents to and from the site. The figure appears to be unrealistically low and needs to be examined in great detail by the County Council as highway authority.

The Bow access proposal

- 3.5. The only road facilitating access to this site is The Bow, a narrow stretch of road and footpaths between the Municipal Buildings and the wall at the base of St Peter's Church. The applicant proposes to remove one footpath, using the space created to improve the other footpath and widen the road. Of a limited number of options available to manage the significant increase in traffic created by the development of the site this is possibly the least worst option.

Archaeology and Heritage

- 3.6. It is understood that some pre application archaeological investigation has been done. Given Dorchester's history, it is highly likely that significant assets will be discovered and planning conditions need to be imposed to ensure that these are properly excavated, with artefacts safeguarded and made available for display, with appropriate interpretation of the history of the site.
- 3.7. The proposal for a heritage interpretation area in what are termed the "wings" to the Gatehouse is noted and welcomed. However, there is no real detail as to the nature or scale of this area, which is required before the applications can be fully considered. Safeguarding this area as a long term asset is an essential element of any S106 agreement.

Trees

- 3.8. The applications provide mixed messages with regard to the protection/removal of trees and there are concerns as to the number of trees to be removed. There appears to be no clear vision explaining the need for the removal of trees within the site, many of which are of local significance and value.

4. Comments by Residents and Local Groups

- 4.1. The original Position Statement adopted by the Town Council envisaged mixed use within the site, generating footfall from the rest of the Town into and through the site. A number of comments have been raised by local residents and also by our partner on the creation of the Position Statement, the Dorchester Civic Society

Commercial Building

- 4.2. The Position Statement saw the provision of a commercial building within the site as an important element. Discussion since has recognised the risk that a commercial building in the heart of the site might not be a viable concern and the Committee might wish to accept this view.
- 4.3. The applicant has proposed, as part of the submitted application, a commercial building at the entrance to North Square, which goes some way to meeting the aspirations of the original Position Statement. The proposal is, however, opposed by many residents for a number of reasons which may include viability, nuisance and proximity to existing dwellings. It is understood that the applicant is reviewing this proposal and may provide an alternative for this important gateway to the site from North Square.

Glyde Path Road access

- 4.4. Prior to the site being sold, the Town Council held discussions with the Ministry of Justice and their planning advisors Jones Lang Lasalle who it is noted are now advising the applicant. At that time, there was specific discussion about the provision of access from the site through to Glyde Path Road, to enable a flow of pedestrians through the site and to create an opportunity for the wider community to access a part of the Town that has been out of bounds for nearly 700 years.
- 4.5. Subsequently, the early presentations by the applicant indicated an opportunity for access across the site with a Glyde Path Road entrance. It now appears that this element is not part of the planning applications as the building is still owned by the Ministry of Justice and was not actually sold to the applicants. Whilst there is reference to discussions taking place between the applicant and the Ministry of Justice, at present this falls short of the ambition expressed in the Position Statement. It is considered essential that this link is provided as an integral part of the development.

Access within the site

- 4.6. Whilst the submitted Planning Statement suggests that public access will be provided for and encouraged, it is essential that the detailed layout/signing etc make the site wholly accessible and welcoming to the general public.

- 4.7. In order to facilitate public access, an entrance way into the site for pedestrians is required close to the North Square site entrance. At present only a first floor 'window' opening is proposed in the wall which does nothing for pedestrian movement within the site.
- 4.8. The issue of public access needs to be addressed by good urban design and appropriate routes, signing, paving and other techniques. Information as to which pathways and paved courtyards are to be publicly accessible is needed otherwise there is potential for the Prison Site to become an isolated gated community within the centre of the Town, with limited and potentially unwelcome access by the general public.

View from across the Water Meadows

- 4.9. The character assessment referred to in the planning applications has had regard to the conservation area of Dorchester and the issues in this part of the Town and a number of viewpoints are indicated and illustrated. The character assessment and the applications, however, fail to have regard to the visual impact of the development on the wider area, notably in respect of views from the much-used public footpath/cycleway between Charminster and south of the Sun Inn. When viewed from this area, it is considered the new development will potentially obscure views of St Peter's Church and will adversely affect the skyline of Dorchester when viewed from the north. This is due to the height and scale of the proposed new build development within the Prison courtyard area. St Peter's is a landmark building at the heart of the town and there are no illustrations as to the potential impact of the development on this important building and views into the area from the north.

Impact of development of the Prison Car Park on Friary Hill and North Square residents

- 4.10. A number of concerns have been raised with regard to access to the underground car parking facilities via North Square/Friary Hill and the impact of the development of the land adjacent to North Square/Friary Hill. Having viewed the material submitted in support of the application it is difficult to ascertain the precise nature of the proposals in this area and to interpret their direct impact on local residents and on current parking arrangements.
- 4.11. The District Council as planning authority needs to be satisfied that the residential amenities of local residents of Friary Hill are fully addressed and protected in relation to overshadowing, overlooking and visual dominance, having regard to the proximity of the proposed development at upper levels, to these properties at Friary Hill.

5. Other Observations on the applications and the process

- 5.1. The extension of the consultation period to enable local residents to respond to these very comprehensive applications and the accompanying detailed documentation should be welcomed.
- 5.2. It was unrealistic to expect all potential respondents to view these complex documents online, especially as some have no access to the internet. The approach originally adopted, therefore, was not inclusive. Following requests, the applicant has now provided hard copies of all of the documents and plans so that they can be viewed at the Town Council offices.

- 5.3. The Dorchester Civic Society has written to the District Council maintaining that the planning applications fail to adhere to the District Council's requirements, in that they does not provide all plans at the correct scale.
- 5.4. Some of the plans provided appear to be indicative, notably those that illustrate sections across the site and Friary Hill, which means that distances and heights cannot be accurately measured from a scaled drawing. This matter needs to be addressed as a priority. It is also difficult to reconcile the profile of the Mill Stream with the plans as presented.
- 5.5. It would have been helpful to have had computer generated images and/or fly-through presentations in order to fully appreciate the nature and scale of the proposed development. We understand that the applicant is seeking to address this issue.
- 5.6. In the absence of the District Council preparing a planning brief for this site when it was placed on the market, the Town Council and the Dorchester Civic Society jointly prepared a Position Statement that set out their planning requirements. A schedule illustrating how the broad principles set out in the Position Statement have been addressed, or not, in the submitted planning applications was prepared by the Town Council's planning consultant and was used to identify the themes developed in this report.

6. Conclusions

- 6.1. The Committee may wish to make comments to the District Council on the following
 - the absence of affordable housing
 - the absence of CIL contributions
 - the process to be undertaken by West Dorset DC in assessing viability on the site
 - access to the site during construction
 - long term impact of traffic from the site
 - the proposal for changes to highways and footpaths at The Bow
 - archaeology and heritage interpretation
 - the removal of trees
 - whether a commercial building is required on the site, and specifically at the North Square gateway
 - access into the site from Glyde Path Road
 - access within the site
 - the impact of development of the site on views from the north
 - the impact of the development on local residents
 - the need for a robust s106 agreement detailing expectations of the developer

Adrian Stuart
Town Clerk

Report prepared with the assistance of Simon Williams of Footprint Futures