



Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,
Dorchester, DT1 1XJ on Thursday, 28 April 2016

Present:

David Jones (Chairman)
Daryl Turner (Vice-Chairman - for the meeting)
Barrie Cooper, Beryl Ezzard, Mervyn Jeffery, Mike Lovell, David Mannings, Daryl Turner,
Barrie Cooper, Peter Richardson and Paul Kimber

Officers Attending:

Maxine Bodell (Economy, Planning and Transport Service Manager), Phil Crowther (Solicitor), Mike Garrity (Team Leader – County Planning Minerals and Waste), Simon Gledhill (Network Management Service Manager), Phil Hobson (Senior Definitive Map Officer), Sarah Meggs (Senior Solicitor), Vanessa Penny (Team Manager – Definitive Map), Mike Potter (Project Engineer), Denise Thorner (Traffic Engineering Technical Officer), Huw Williams (Principal Planning Officer) and David Northover (Senior Democratic Services Officer).

(Notes: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Thursday, 9 June 2016.**)

Public Speakers

Ken Barton, Petitioner – minute 30
Margaret Lawrence, district Council ward member for Yetminster and Cam Vale – minute 30
Nick Cunningham, local resident, minute 32
Steve Dunford, local resident, minute 32

Appointment of Vice Chairman and Announcements by the Chairman

25 **Appointment of Vice-Chairman and Announcements by the Chairman**

Resolved

1. That in the absence of Councillor Pauline Batstone, Councillor Daryl Turner be appointed as Vice-Chairman for the meeting.
2. The Chairman welcomed Paul Kimber to the Committee and thanked Kate Wheller for her valued contribution to the work of the Committee since its inception. The Senior Democratic Services Officer would write to Councillor Wheller on the Committee's behalf.

Apologies for Absence

26 Apologies for absence were received from Councillors Pauline Batstone, Steve Butler, Ian Gardner, Margaret Phipps and Mark Tewkesbury and David Walsh.

Code of Conduct

27 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

With reference to minute 30, Daryl Turner confirmed that he had no disclosable pecuniary interest to declare but that he had attended Thorncombe Parish Council meetings at which this matter had been discussed but had not formed a view on this so would take part in the discussion and vote.

Minutes

28 The minutes of the meeting held on 18 February 2016 were confirmed and signed.

Public Participation29 Public Speaking

30 There were no public questions received at the meeting in accordance with Standing Order 21(1).

Public Statements

There were no public statements received at the meeting in accordance with Standing Order 21(2).

Petitions

31 There was one petition received in accordance with the County Council's Petition Scheme at this meeting.

Traffic Matters**Procedure for Petitions – Petition requesting a reduction in the speed limit on the A352 between Longburton and Middlemarsh to 40 mph**

The Committee considered a report by the Head of Highways on the receipt of a petition containing 145 signatures requesting the imposition of a 40 mph speed limit on the A352 between Longburton and Middlemarsh to address the speed of vehicles passing along the road at Holnest on road safety grounds and in light of the accident record experienced and to improve the quality of life for those in that area.

Ken Barton addressed the Committee on behalf of the petitioners, expressing concern that as that length of the A352 had a number of well used junctions - particularly with the B3146 - and was of an undulating configuration which limited visibility and distorted the perception of traffic speeds, the request to reduce the speed limit would go a considerable way to addressing the poor accident record along that length of road. Inappropriate overtaking manoeuvres were of particular concern. The heavily canopied roadside compounded the road safety issue causing a dappled effect on the highway in certain light which could well distract drivers. It was felt that the road markings were inadequate too. The needs of a number of vulnerable road users, particularly cyclists, walkers and horse riders should also be taken into account when considering what limit was appropriate for the road. The petitioner also felt that the officer's report had not adequately covered all the points raised in the petition.

District Councillor Margaret Lawrence supported the petition given the increased volume of traffic along the road and the speeds being attained. Her concerns were compounded by slow moving agricultural vehicles regularly using the road given that the area was principally a farming community. Moreover, the case was being made for the speed on this length of road to be reduced as a similar length at nearby Thornford had previously met the criteria for being addressed.

The Leader of the Council was familiar with the road and, whilst accepting that the speed and volume of traffic had increased in recent years, considered that from what the officers' report showed, imposing a 40 mph limit would not necessarily be able to be progressed and was hard to justify in the circumstances. Nevertheless he felt that there was scope for some low level alternative options to be considered, such as signage and road markings, which might well go a long way to addressing the concerns of local residents. He considered that a meeting between officers, the petitioner and the appropriate local member would be useful in progressing this. Officers explained the basis of the petitioner's request. Plans and photographs were shown to the Committee which provided an understanding of the context of the road, its characteristics and its setting. It also showed its relationship with development and junctions along the road and its configuration. The report provided the Committee with

a series of options on how they might consider responding to the petition. On this occasion however, having taken the opportunity to make an assessment of the request based on traffic speed measurements undertaken, officers considered that, in the circumstances, they could not recommend a reduction of the limit to 40 mph as it was not seen to be justified from those results.

The officer took the opportunity to clarify how the report was designed to address the salient points raised in the petition and summarise these. He also clarified what had been taken into account in the assessment and why this was the case. Whilst acknowledging the concerns being raised, he considered that a 40 mph speed limit could not be justified for the reasons set out in the report, particularly taking account of the results of the speed survey. He was disappointed that more meaningful and relevant information was not forthcoming from Dorset Police in explaining accident statistics so as to better inform the Committee. How any traffic regulation order would be enforced was also a notable consideration.

He was confident that the way in which the assessment of the suitability of the speed limit on this road had been made was consistent with the criteria for assessing limits and had been correctly applied. Accordingly it was deemed that 60 mph was an appropriate assessment for this 'A' class road, which was a primary route designed to carry all categories of traffic. Given the speeds recorded, experience had shown that if a limit was not considered by motorists to be reasonable, proportionate or realistic, there was scope for it to be disregarded and how it was observed could lead to even more inappropriate overtaking manoeuvres being undertaken.

The Committee considered that there was a need for this issue to be given more detailed consideration to determine what measures might be appropriate to address the road safety issues raised. They asked that appropriate improvements should be made to linage and signage to ensure that it was clear where potential hazards lay. Thought provoking signage as used elsewhere might be considered too. Members recognised too that enforcement of the limit was essential in it being successfully applied. They also were disappointed that access to relevant accident data lay with Dorset Police and the availability to their ICT.

Resolved

That in understanding the difficulty to justify acceding to the request to reduce the speed limit on the A352 at Holnest from 60 mph to 40mph based on the evidence and information contained in the officer's report, arrangements be made to hold a meeting between the petitioner, officers and the appropriate local member to determine how the situation might be best addressed, taking into account improved signage and linage.

Reason for Decision

In order to comply with the County Council's published scheme for responding to petitions and so as to enable local people to connect with local elected decision makers.

In complying with the Dorset County Council speed limit policy and the Department for Transport speed limit management guidance.

Proposed Waiting Restrictions - Sandbourne Avenue and Shottesford Avenue, Blandford

30 The Committee considered a report by the Head of Highways explaining that following the advertisement of proposed changes to parking restrictions on various roads in Blandford, objections had been received to the proposals for Sandbourne Avenue and Shottesford Avenue, Blandford, which was part of the Persimmons Estate. On 11 June and 8 July 2015 respectively the Regulatory Committee recommended, and Cabinet approved, the proposed waiting restrictions as advertised.

Subsequently it had come to light that further investigation into the bus route through the Persimmons Estate was required before any waiting restrictions could be implemented and the Committee were now being asked to consider whether the Traffic Regulation Order should be made as advertised, modified or abandoned in part. This further consideration also gave the original objectors an opportunity to make their contribution to the debate.

With the aid of a visual presentation, officers explained what had been the reasoning behind the need to originally impose the waiting restrictions and the basis on which the objections had been received. Photographs and plans were shown to the Committee by way of illustration. This showed where the proposals would be situated, the character of the roads and their setting within the townscape. The need for the proposals had arisen from the experience of service buses using the route having their passage impeded by vehicles parking around the tight bends in that area of the estate. Of particular concern was that not only were buses being affected but emergency, refuse and delivery vehicles were on occasion unable to pass. As the bus route was well used and well established there was reluctance for it to be altered so as to avoid that particular point. Accordingly, the proposed restrictions were designed to alleviate the situation.

Given the issues which had come to light over how the bus route was managed, officers now considered it necessary to review how the entire bus route provision through the estate could be sustained and managed effectively. For this reason it was now being proposed that the existing Blandford parking review should be implemented as advertised, save for - Sandbourne Avenue/Shottesford Avenue - to provide the opportunity for the entire bus route through the Persimmons Estate to be fully assessed and evaluated so that an acceptable solution might be achieved for both the bus company and residents.

The County Councillor for Blandford, who supported this course of action for the reasons given, considering that it was necessary for the bus route to be preserved and that the safe passage of large vehicles around that point should be assured. Blandford Forum Town Council supported this too. On a wider issue, he considered that more consideration should have been given to the configuration of the road network in the development of the estate. The Committee considered that this was a practical solution and

Recommended

That Cabinet be asked to:-

- revoke its previous decision to implement the proposals for Sandbourne Avenue and Shottesford Avenue, Blandford
- approve the making of the Traffic Regulation Order to implement the parking restrictions in Blandford as advertised, excluding the proposals for Sandbourne Avenue and Shottesford Avenue
- agree that parking matters along the whole bus route through the Persimmons Estate be considered separately and in their own right.

Reason for Recommendation

- New information has come to light that indicated the advertised proposals for Sandbourne Avenue and Shottesford Avenue were not the most appropriate as they stood;
- The remaining proposals for parking restrictions in Blandford remained suitable restrictions and no objections were received to the advertised proposals. The Town Council was supportive of the proposals being implemented as soon as possible.
- Further investigation into the bus route through the Persimmons Estate was required to determine whether further parking restrictions were required.

Dorset County Council (Footpaths 37 (Part), 38 and 103 (Part), Thorncombe) Public Path Diversion Order 2015

31 The Committee considered a report by the Head of Environment which considered objections to the Dorset County Council (Footpaths 37 (part), 38 and 103 (part), Thorncombe) Public Path Diversion Order 2015, the grounds on which these were based and what options were available to the Committee in their consideration of the matter.

With the aid of a visual presentation, officers explained the background to the Order and how the recommendation now being made had arisen. Photographs and plans were shown to the Committee by way of illustration showing the proposed diversion, the characteristics of the routes and how they were designed to address issues of improved land management, security and privacy for the benefit of the applicant.

Objections to the Order meant that the County Council was unable to confirm the Order itself so consequently, if supported, there would be a need for it to be sent to the Secretary of State (SoS) for Environment, Food and Rural Affairs for confirmation.

Details of the objections received and the grounds on which they were made were drawn to the attention of the Committee and summarised in the report, together with the options the Committee had available to them to deal with the matter. Costs associated with the various options were also explained.

Officers explained that as the Committee had previously supported the application and it was considered that the outstanding objections did not outweigh the tests for continuing the Order, it was now being recommended that the County Council should take a supporting stance in any further proceedings.

The Committee heard from Nick Cunningham who emphasised that as there had been no substantive change to the situation since the Committee last considered and, subsequently, supported the application, there was no reason for that view to change. The reasons for seeking to divert the path, on grounds of privacy and security, remained relevant and he asked the Committee to endorse its previous decision.

Steve Dunford expressed his objection to the application on the grounds that this would be detrimental to amenity and the pastoral views which were currently enjoyed when using Footpaths 37 and 38 and that the convenience of this route would be considerably compromised.

Before consideration was given to this matter, the Committee were advised that they were not being asked to consider the merits of the application but to give consideration to what stance should be taken in proceedings.

On that basis, the Committee considered that the proposed diversions satisfied the requirements for confirmation but understood that as the objections remained outstanding, the County Council was unable to determine the matter itself and it must be sent to the SoS for determination if support was maintained. As the County Council had previously supported the application, the Committee considered that this should be endorsed and that a supporting stance should be taken in any further proceedings. The County Councillor for Marshwood Vale endorsed how this was to be progressed.

Resolved

- That the Order be submitted to the Secretary of State for determination;
- That the County Council takes a supporting stance in the proceedings.

Reasons for Decisions

- The diversions, which were the subject of the Order, satisfied the requirements for confirmation. As there had been objections to the Order, the County Council could not itself confirm the Order but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation;
- The County Council had accepted the application and previously supported the proposed diversion. It was not considered that the objections demonstrated that the Order should not be confirmed.
- Enabling Economic Growth
 - Work in partnership to ensure the good management of our natural and historic environment
 - Work with partners and communities to maintain cycle paths, rights of way and disabled access
 - Encourage tourism to our unique county
 - Support community transport schemes
 - Ensure good management of our environmental and historic assets and heritage
- Promoting Health, Wellbeing and Safeguarding
 - Actively promote physical activity and sport
 - Develop and maintain safe, convenient, efficient and attractive transport and green infrastructure that is conducive to cycling and walking
 - Improve the provision of, and access to, green open spaces close to where people live

2/2015/1562/DCC - Retain and extend existing modular classroom at The Forum Centre, Park Road, Blandford Forum

32 The Committee considered a report by the Head of Economy on planning application 2/2015/1562/DCC for the retention and extension of an existing modular classroom at a pupil referral unit at the Forum Centre, Park Road, Blandford Forum, this being sited within a designated conservation area. The proposed development was considered to be in general accordance with the Development Plan and officers considered that the retention and extension of the existing building would not adversely affect either local amenity or the character and appearance of the conservation area; having paid special attention to the desirability of preserving or enhancing the conservation area. Moreover, the public benefits of the development and the purpose it served weighed heavily in favour of granting planning permission.

With the aid of a visual presentation officers described the proposal, what it was designed to achieve and set out the planning issues in detail. Photographs and plans illustrated the dimensions of the development and its characteristics; its setting within the character of the townscape and its relationship with other development in the conservation area. Parking and access arrangements associated with the site were also described in detail and the purpose of the proposal explained: the extension being to provide additional accommodation for children to be taught on a one-to-one basis and ease pressure on existing school capacity, enabling pupils to attend for longer periods in the day.

Officers explained that there had been a succession of temporary permissions granted but, given the ongoing need for the provision of the unit, there was now a desire to make this permanent. The terms of previous permissions were explained, these conditions being designed to enable the impact of the building and its use to be monitored and reassessed.

Blandford Forum Town Council had objected on the grounds that the existing building

was temporary and should be permanently replaced by an appropriate design in a conservation area in keeping with the site surroundings.

However officers explained that the proposed development was considered to be in general accordance with the Development Plan for the reasons outlined in the report and presentation.

Officers answered a series of questions on the detail of the application particularly from the County Councillor for Blandford relating to the number of car parking spaces available, which required some clarification as there was some discrepancy between the number of marked spaces and the number of vehicles actually parked on site. Whilst recognising the need for the unit, the local member also expressed concern that as its design was not in keeping with the character of the area, making the permission permanent at this time would not allow scope for its appearance to ever be improved. He also was concerned about the benefits of the extension and that this was being proposed to be built adjacent an electricity transformer. On this basis, he felt he could not support the proposal as it stood but could only agree to another temporary permission being granted at best. He proposed an amendment to the application be made on that basis.

Officers explained that in accordance with current Government policy, temporary planning permissions should not be used indefinitely and should either be made permanent or refused. In following that guidance, it was proposed that permission should be made permanent for the reasons given. Officers reminded members that a condition was proposed that the building would be removed when its educational purpose had been served. Recommended condition 3 of any grant of permission covered this point.

On being put to the vote, the proposed amendment was lost. The Committee then agreed that planning permission should be granted on the basis of the officer's report so as to ensure that need continued to be met, improvements made to the facility and that it fulfilled all that it was designed to do.

Resolved

That planning permission be granted subject to the conditions set out in paragraph 8 of the report.

Reason for Decision

The reasons for granting planning permission were summarised in paragraphs 6.34 and 6.35 of the report.

Arrangements for Wytch Farm application

- 33 The Committee took the opportunity to discuss the arrangements in respect of the need to hold a site visit in connection with consideration of the upcoming Wytch Farm planning applications.

Resolved

That a site visit to Wytch Farm Oilfield be held on a date to be determined.

Reason for Decision

To enable the Committee to see at first hand and gain a better understanding of operations at the Oilfield so that they might bear this in mind in their consideration of the applications.

Questions from County Councillors

- 34 No questions were asked by members under Standing Order 20(2).

Meeting duration: 10:00am – 11.40 am