



## Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,  
Dorchester, DT1 1XJ on Thursday, 9 June 2016

**Present:**

David Jones (Chairman)

Pauline Batstone (Vice-Chairman)

Steve Butler, Barrie Cooper, Beryl Ezzard, Ian Gardner, Paul Kimber, David Mannings, Margaret Phipps, Peter Richardson, Daryl Turner and David Walsh

Andy Canning, County Councillor for Linden Lea, attended for minute 43 in his capacity as the West Dorset District Councillor for Dorchester North ward and as a member of the Dorchester Transport and Environment Plan (DTEP) Project Working Group.

Officer Attending:

Emma Baker (Project Engineer), Maxine Bodell (Economy, Planning and Transport Services Manager), Mike Garrity (County Planning, Minerals and Waste Team Leader), David Northover (Senior Democratic Services Officer), Chris Stokes (Principal Planning Officer (Development Manager)) and Huw Williams (Principal Planning Officer).

Public Speakers

Steve Poultney, Mayor of Swanage – minute 39

Jason Haiselden, local resident – minute 39

David Sharman, local resident – minute 43.

(Note: 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 Committee to be held on **Thursday 28 June 2016.**)

**Apologies for Absence**

35

Apologies for absence were received from Mike Lovell, Mervyn Jeffery and Mark Tewkesbury.

**Code of Conduct**

36

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

With reference to minute 39, Beryl Ezzard confirmed that she had no disclosable pecuniary interest to declare but she had previously worked in the Purbeck stone quarrying industry and knew the issues at hand but had not formed a view on this so would take part in the discussion and vote.

With reference to minutes 40 and 42, David Jones confirmed that he had no disclosable pecuniary interest to declare but was a member of Christchurch Borough Council and had been Chairman of their Planning Control Committee at which this matter had been discussed but had not formed a view on this so would take part in the discussion and vote.

With reference to minute 42, Margaret Phipps confirmed that she had no disclosable pecuniary interest to declare but had attended Hurn 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.

With reference to minute 42, Peter Richardson confirmed that he had no disclosable pecuniary interest to declare but frequently used this junction and understood the issues but had not formed a view on this so would take part in the discussion and vote.

### **Minutes**

37 The minutes of the meeting held on 28 April 2016 were confirmed and signed.

### **Public Participation**

#### **38 Public Speaking**

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

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

#### **Petitions**

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

### **Planning application 6/2015/0198 - For the modification of Conditions 1 and 5 of Planning Permission 6/1999/0804 to allow for continued winning and working of mineral and removal of the previously imposed limitation on winter HGV movements at Southard Quarry, Swanage**

39 The Committee considered a report by the Head of Economy relating to planning application 6/2015/0198 for the modification of Conditions 1 and 5 of Planning Permission 6/1999/0804 to allow for continued winning and working of mineral, together with the removal of the previously imposed limitation on winter HGV movements, at Southard Quarry, Swanage.

With the aid of a visual presentation, and taking into account the provisions of the Update Sheet, officers described the proposals and planning issues in detail, the grounds on which the planning application was being made and what it was designed to achieve. The primary purpose of the application was to seek permission for an extension to the life of the site to provide for the continued winning and working of Purbeck Stone. This would allow the continued extraction of stone within the original permission area, with an end date for the extraction of stone of 31 December 2024 now being proposed.

The application also sought an alteration to previously imposed limits on HGV traffic leaving the site, which had previously been limited to a maximum for five vehicles per full working day during May to September (inclusive) and one per full working day during October and April (inclusive). The proposed removal of their winter limitation would allow a maximum of five HGVs to leave the site on any working day.

How the extraction and restoration had been phased and progressed to date, and the relationship between each, was described in the report. Photographs and plans were shown to the Committee by way of illustration showing the characteristics of the quarry site, its land form and its context within the surrounding landscape. Views from within and around the site, what activities were being undertaken and how these were being managed were shown to the Committee and described in detail by officers. The

site's relationship with other local development, including residential properties and caravan holiday parks; and its setting within the landscape – being within the Dorset AONB and adjacent to the Durlston SSSI and near the Jurassic Coast World Heritage Site -; the local rights of way network; and the topography of the area were all drawn to the Committee's attention.

Officers explained the importance of Purbeck stone, in ensuring that supply was available to maintain the character of local settlements and for use in building and restoration projects of national and historic merit. There were economic, social and environmental benefits to be gained from the continued operation of the site.

Officers explained that the extraction would be undertaken in short campaigns, generally at times of dry weather during the summer period. Officers reported that the applicant was in the process of making improvements to the way in which the site was managed, particularly in relation to the stockpiling of stone.

How lorry movements to and from the quarry were to be managed was explained. Officers explained how an apparent anomaly had arisen which meant that the applicant was limited to a single HGV movement leaving the quarry per day during the winter months, whilst other quarry operators - who used the same haul road - were not subject to such a restriction. In investigating the reason for this condition, officers could see no justification for why it should remain. Therefore officers considered that there was a need for this condition to be amended to bring it into line with what the other operators were able to do, so that a similar number of movements could be made during winter as in summer. This would allow flexibility for the operator if required. However, in practice, it was very unlikely that this number of vehicular movements would occur frequently. Officers considered this to be important in the context of the application. Discussions with the applicant had established that such a modification, whilst allowing them greater flexibility in the management of their operations, was not critical to the continued operation of the quarry.

Officers explained that from consultation undertaken, particular concern had been raised about access arrangements to the site, with Panorama Road sharing access with operations at California Quarry. Photographs of Panorama Road showed its configuration and length, its incline and the area through which it passed. Given that the road was a private road owned by Swanage Town Council, its designation and status was outlined and how it was managed and maintained being the Town Council's responsibility. It was noted that California Quarry was larger than Southard Quarry and also incorporated a service area, whereas only very limited processing took place at Southard. It was also noted that the road had once served Swanage Household Recycling Centre so had experienced significantly greater traffic movements, including HGV traffic, than it currently did. Traffic movements along the road were now significantly reduced from historic levels.

Officers explained that neither Purbeck District Council, nor Swanage Town Council, had raised any objection to the quarrying operations and both supported the industry in recognising its importance in providing significant employment in the local area and its value to the local economy.

Officers advised that Panorama Road was the only practicable access to Southard

Quarry and that access through a residential area of Swanage to the main A351 was the only applicable means of transporting stone away from the area. Alternative use of farm tracks and bridleways was not considered practical or desirable. Accordingly, the level of HGV movements proposed to arise from the site and the arrangements for accommodating those movements were considered by officers to be acceptable.

The Mayor of Swanage, Steve Poultney, reinforced the importance of the quarrying operation to the Isle of Purbeck and explained that a Road Safety Risk Assessment had been prepared for the Town Council and that the Town Council had held discussions with the quarry operators on how risk management measures might be applied. There was an acknowledgement that the operators were responsible for how their vehicles were managed and driven but, for their part, the Town Council was committed to improving the signage and maintenance of hedgerows on Panorama Road and acknowledged that the road played a critical part in how the quarry was able to manage its operations. Accordingly, agreement was being sought with the operators on how the road could be best used. However, in support of these efforts, the Town Council requested that a condition be imposed on any grant of planning permission to further enhance the safety of road users and local residents.

The Committee heard from Jason Haiselden who, whilst not objecting to the quarrying operations, raised concerns on safety grounds about how the road was to be used, as he considered that the incline of the road was steeper than the national guidance for HGV's. Given this, the proposed greater use of the road by HGVs of considerable size during the winter months could lead to HGVs slipping, with no run offs and an inferior safety barrier. He asked that considerable weight be given to a restriction on movements in the Committee's assessment of the application.

The Committee were given the opportunity to ask questions of the officers and this opportunity was taken. Clarification was sought, and given, about access arrangements; what speed limits applied; how reducing the tonnage of vehicles would increase the number of journeys required to be made over a longer period of time; how the quarrying operations were managed; how lorries weight limits could be managed; the relationship, and difference, between the two quarrying operations and how each were managed; what evidence there was of any traffic incidents on road safety grounds, the effect of the gradient of Panorama Road and what monitoring there was of how haulage was being undertaken. Officers confirmed that the condition of Panorama Road was the responsibility of the Town Council and that the quarry operators were responsible for how their vehicles were managed and driven.

Whilst some members expressed their concern about the road safety implications and asked what options there might be to impose weight limitations on the size and tonnage of those vehicles to be used, officers reminded them that any such condition could only apply to this application and could not be imposed on the operator of California Quarry, so would have little effect. Furthermore to impose such a condition selectively would be to expose the Planning Authority to a possible appeal by the applicant on grounds of being unreasonable. The Solicitor confirmed that road safety was a material consideration which could be taken into account in consideration of an application. He explained that whilst members had seen the extract from the Road Safety Risk Assessment commissioned by the Town Council, they also had the benefit of advice from their own Highways Advisor. They were entitled to weigh these in balance and reach a view. Any condition would have to meet the relevant tests and, in these circumstances, it was possible that a condition would not have the desired effect, bearing in mind the position of California Quarry.

Similarly, the Committee considered whether the Town Council could be asked to make further improvements to the condition of the road and/or its signage and markings and if such a request was appropriate. However officers explained that as Panorama Road was outside the parameters of the planning application, whilst the Town Council could seek to address such issues in their own right, for any such measure to be imposed, a Grampian style condition would need to be imposed, meaning that all quarrying operations at Southard would be prohibited until such time as those works had been completed. Imposition of such a condition was not considered to be appropriate in the circumstances.

Some members remained concerned at the issue of how HGV traffic would be managed and asked if an Informative Note to the conditions of any permission would be an appropriate means of drawing the Town Council's attention to the issues raised by the Committee so that they might give consideration to the way in which the road was managed. However, the Solicitor advised that an Informative Note was not designed for this purpose, but provided an assurance that the views of the Committee on this matter would be satisfactorily reflected in the record of the proceedings. Other members considered that as the Highways Liaison Engineer had raised no objection, this would indicate that there was satisfaction with this aspect of the application.

The Committee were advised that both the applicant and the Town Council understood the importance of Panorama Road in accessing the quarry and that negotiations between the two would give consideration to how the situation might be improved and the means by which this might be achieved.

Having had the opportunity to discuss the application in detail and having had their questions answered satisfactorily, the Committee in recognising that this mineral could only be worked where it was found; could only be transported practicably by way of Panorama Road; was important in helping to maintain the local character of buildings in Purbeck; met the need for building projects of national and historic merit; and provided a means of benefitting the economy and employment of the county, agreed planning permission should be granted subject to the conditions set out in the Head of Economy's report and taking into account the provisions of the Update Sheet.

#### **Resolved**

That planning permission be granted, subject to the conditions set out in paragraph 8.2 of the Head of Economy's report and taking into account the provisions of the Update Sheet.

#### **Reason for Decision**

The reasons for granting planning permission were summarised in paragraphs 6.27 and 6.28 of the report.

### **Planning application 8/16/0138 - For the retention of a modular building for use as a pre-school (previous ref 8/2013/0081) at Highcliffe St Mark Primary School, Greenways, Highcliffe, Christchurch**

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The Committee considered a report by the Head of Economy relating to planning application 8/16/0138, proposing the retention of a modular building for use as a pre-school at Highcliffe St Mark Primary School, Greenways, Highcliffe, Christchurch. In providing this building, the capacity in the main school buildings was able to increase for school use, and this need remained applicable.

The Committee was informed that temporary planning permission had been granted in April 2013 so that the impact of the use could be monitored and reassessed. Objections had been received from the occupiers of neighbouring residential properties, whilst Christchurch Borough Council had requested imposition of a further temporary period restriction so that any impact might continue to be monitored. However, officers considered that the pre-school did not unduly detract from residential amenity and that retention of the building for continued use as a pre-school was in accordance with the Development Plan and was considered to be acceptable. Accordingly a permanent grant of planning permission was now being recommended.

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 area and the highway network.

Officers described the basis on which temporary planning permission should be used and why a permanent permission was now being proposed. 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.

The Committee were informed that Lesley Dedman, County Councillor for Mudeford and Highcliffe, fully supported the application.

On the basis of the presentation received, what the report contained and the local member's views, the Committee agreed that planning permission should be granted.

#### **Resolved**

That planning permission be granted subject to the conditions set out in paragraph 8.2 of the Head of Economy's report.

#### **Reason for Decision**

The reasons for granting planning permission were summarised in paragraph 6.19 of the report.

#### **Planning application 2/2016/0260/DCC - To create a temporary Gypsy Caravan Site to cater solely for a period of 3 weeks around the dates of the Great Dorset Steam Fair; at Field at Tarrant Hinton, on south - eastern side of A354, South- west of Turnpike Cottage, Tarrant Hinton, Dorset.**

41 The Committee considered a report by the Head of Economy on planning application 2/2016/0260/DCC proposing a temporary gypsy caravan site to coincide with the dates of the Great Dorset Steam Fair (GDSF) being held in a field at Tarrant Hinton, on the south - eastern side of the A354, south-west of Turnpike Cottage, Tarrant Hinton.

With the aid of a visual presentation, officers described the proposals and planning issues in detail, the grounds on which the planning application was being made and what it was designed to achieve: in providing a facility to accommodate those gypsies and travellers visiting the Great Dorset Steam Fair. Photographs and plans were shown to the Committee by way of illustration showing the characteristics of the site; its location and relationship with views from the surrounding Cranborne Chase and West Wiltshire Area of Outstanding Natural Beauty (AONB); its land form and its context within the surrounding landscape and against the GDSF site itself. Access arrangements and how the site would be managed were outlined.

Whilst the development was seen to have a negative impact on the AONB, it was for a temporary period of 3 weeks only. Officers explained that by means of this permission, the site would be controlled and managed, and would enable the Police to use their powers to direct travellers to the designated site rather than there being the potential for indiscriminate unauthorised encampments at other vulnerable, unmanaged sites within the AONB or, indeed, across the county. The proposed development was in general accordance with the Development Plan, with the public benefits of a well-managed site weighing heavily in favour of granting planning permission.

The report set out responses to consultations in respect of this application, with neither North Dorset District Council nor Tarrant Hinton Parish Council raising any objections, subject to appropriate conditions, and Deborah Croney, County Councillor for Hambledon, supporting the application.

The Committee recognised the need for a managed site to which travellers and gypsies could be directed throughout the event period and that, on the basis that arrangements had worked well over preceding years, planning permission should be granted.

### **Resolved**

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

### **Reason for Decision**

The reasons for granting planning permission were summarised in paragraph 6.20 of the report.

## **Planning application 8/16/0126 - To provide an Improved roundabout east of the existing roundabout at the junction of Christchurch Road, Parley Lane and Avon Causeway, located on the B3073, Hurn Roundabout, Christchurch**

42

The Committee considered a report by the Head of Economy on planning application 8/16/0126 proposing the relocation of Hurn Roundabout, siting it to the east of its current position, together with a realignment of Parley Lane and Avon Causeway, Christchurch. As part of this proposal, a new signal controlled Toucan crossing would be provided on Avon Causeway, east of the roundabout. Officers reported that part of the site fell within the Hurn Conservation Area and the construction works would require the loss of a significant number of trees. However, the proposed development was considered to be in general accordance with the Development Plan.

With the aid of a visual presentation, and taking into account the provisions of the Update Sheet, officers described the proposals and planning issues in detail, the grounds on which the planning application was being made and what it was designed to achieve. The purpose of the application was to contribute towards the reduction of congestion on the strategic road network through the northern part of Christchurch as a consequence of the volume of traffic using the A338. It included improvements to Blackwater Junction, Hurn Bridge and Chapel Gate roundabouts. Photographs and plans were shown to the Committee by way of illustration showing the characteristics of scheme; its design; and its context within the surrounding area. The scheme's relationship with Blackwater Junction, Bournemouth International Airport and the Business Park, the local road network, local amenities and neighbouring development in Hurn village, including Riverside Cottages (Grade 2 Listed Buildings), the Post Office and with other properties in the area, were described in detail by officers.

Officers drew to the Committee's attention the fact that the improvements to the route network were set out in the Local Transport Plan and the Christchurch and East Dorset Local Plan, with these improvements playing a key role in the expansion of

Bournemouth International Airport and the Aviation Business Park. The scheme was part of a package of measures designed to improve overall the strategic road network and was considered to be beneficial in its own right, in enabling economic growth for the south eastern conurbation.

The Committee were informed that the roundabout construction works would have an adverse impact on the character and appearance of the Hurn Village Conservation Area in the short term, with the loss of some woodland and scrub, the value of which was described by the Senior Arboricultural Officer as being of poor quality. However substantial woodland remained along the roundabouts eastern edge and would serve to fringe the new roundabout and maintain its visual appearance, with extensive landscaping and tree planting mitigating against this impact and enhancing the Conservation Area as it matured.

Benefits of the scheme were that the new roundabout would be sited further from the village centre and the listed Riverside Cottages and would reduce the congestion which was currently being experienced at that point in the village. The installation of a Toucan crossing was considered to be beneficial on road safety and accessibility grounds.

Officers reported on the concerns of Hurn Parish Council. Responding to suggestions that this particular scheme should be held in abeyance pending the improvements to Blackwater Junction, officers explained that funding was available for Blackwater Junction improvements, but its design and implementation was complex and would take time to implement. In the meantime, other improvements to the strategic road network could take place in their own right. Accordingly, the Committee were required to consider this application on its merits.

Officers considered that the impact on the character and amenities of the area should be weighed against the need for improvements to be made to the strategic road network and the economic benefits this brought to the area. This, officers felt, weighed heavily in favour of granting planning permission.

Whilst no response had been received from either East Dorset District or Christchurch Borough Councils, Hurn Parish Council expressed concern at how the scheme was to now prevent left hand turns from the Post Office onto Avon Causeway and considered that the provision for exiting the road to the Post Office was unsatisfactory. They were also dissatisfied over proposals for street furniture and their siting. The Parish Council considered that the scheme itself would have little impact on the congestion being experienced, which they considered was generated by the issues at Blackwater Junction and would not improve until that was remedied.

Furthermore they asked for consideration to be given in any scheme for a crossing to be sited on Parley Lane, in the vicinity of Mill Lane, to meet the needs of local residents accessing that area. Officers reported that the applicant was taking this request into consideration and reviewing the situation and would respond direct to the local County Council member and the Parish Council on this.

The Committee asked a series of questions about the scheme and officers duly responded. Whilst the design of the roundabout itself was seen to be generally acceptable, the access arrangements proposed for the Post Office, Riverside Cottages and the stub of the old road was of concern to the majority of the Committee, including Councillor Margaret Phipps, County Councillor for Commons. The relationship of this scheme with other neighbouring roads in the network was also of concern. They considered that the proposed two right hand turns across two lanes of traffic in close proximity to a Toucan crossing and the roundabout could compromise road safety. In response, officers explained that to allow a left hand turn would compromise the safety of those using the crossing.

Nevertheless, the Committee expressed concern at the way in which the scheme was designed and, as it stood, and without a better understanding of the reasoning for the scheme being designed as it had been, felt unable to approve permission at this time. This was a view that the Chairman felt should be made known the Economic Growth Overview and Scrutiny Committee for its consideration. Although it was understood this scheme was being promoted as being beneficial in its own right, some members maintained that congestion here would not be alleviated until the Blackwater Junction issue was remedied. Accordingly it was agreed that further consideration of this application should be deferred and that the Committee would benefit from a site visit being held to see at first hand what the issues currently were, where measures were proposed to be implemented on the ground and provide the opportunity for them to be able to assess the situation and understand the reasoning for the changes being proposed. On that basis it was

### **Resolved**

That consideration of the application be deferred pending the holding of a site visit to Hurn Village, Christchurch.

### **Reason for Decision**

To provide the opportunity for the Committee to see at first hand what was being proposed and how this would impact on the area.

## **Traffic matter**

### **Dorchester Transport and Environment Plan (DTEP) - Proposed Turning Movement Bans at Great Western Cross, Dorchester**

43 The Committee considered a report by the Head of Highways which explained the proposals to prohibit certain turning movements at Great Western Cross, Dorchester in contributing towards traffic management improvements as part of the Dorchester Transport and Environment Plan (DTEP). Following Cabinet's decision to pare back the original DTEP scheme, certain key elements of DTEP, such as these improvement works, continued to be progressed. In order to improve the accessibility of the junction for vulnerable road users, enhancements were proposed to be made to pedestrian crossing provision on all major arms of the junction. However, in order that this could be achieved without adversely affecting the traffic capacity of the junction, it was necessary to prohibit certain traffic movements.

With the aid of a visual presentation, officers described the proposal, what it was designed to achieve and set out the practicalities of delivering this, including providing an understanding of those traffic flows and manoeuvres undertaken. From this it could be determined which manoeuvres were undertaken most frequently, and those which were less well used. Photographs and plans illustrated the scheme's setting within the character of the townscape and the local road network, the junction's and the road's configuration and the junction's relationship with the amenities in the area. Officers were satisfied that acceptable alternative diversionary routes were available to motorists wishing to gain access.

Advertisement of the proposed prohibition of turns had resulted in objections and representations being received and the Committee was now being asked to give these due consideration and whether the proposed prohibition of turns should be recommended for implementation as advertised.

In response to the representations received, a separate traffic regulation order (TRO) to restrict all motor vehicles from Victoria Road, Westover Road, Albert Road (west of Cornwall Road) and St Helen's Road, except for access, was being progressed which would mitigate the main concerns raised to the proposed order at Great Western Cross, in that the turning bans might well cause inappropriate journeys to be made along those roads.

Officers confirmed that the proposed measures were necessary in order to realise the scheme's objective of improving access for pedestrians, cyclists, the elderly and the disabled. The scheme would achieve this by providing controlled pedestrian crossing facilities on all arms of Great Western Cross and, as such, the recommendation was that the Cabinet be asked to approve implementation of the Order as advertised.

The Committee heard from Andy Canning, County Councillor for Linden Lea, in his capacity as the local District Council ward member and as a member of the DTEP Project Working Group, who wholly supported the proposals being made to improve accessibility around the junction.

David Sharman, local resident, appreciated the response made by officers to the concerns of local residents about the inappropriate journeys likely to be caused as a result of these bans being implemented in providing for the "access only" TRO. However he felt that this in itself was not enough and would need physical measures, like traffic calming, to be installed.

The Committee understood the need for, and the reasoning behind, the proposals and what benefits they would bring to vulnerable road users at the junction. They acknowledged that as part of this scheme being successful, there would need to be effective enforcement of the turning and access prohibitions. Additionally, there was a need for these measures to be adequately publicised so that there was sufficient opportunity for awareness to be raised, given how busy this junction was. On that basis it was

#### **Recommended**

That having considered the objections received, Cabinet be asked to approve the proposed prohibition of turning movements as advertised.

#### **Reason for Recommendation**

The proposals should allow the provision of controlled pedestrian crossing facilities on all arms of Great Western Cross without adversely affecting the traffic capacity of the junction.

#### **Questions from County Councillors**

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

Meeting Duration: 10.00 am - 1.00 pm