

# Minutes of a meeting of the **Policy Group** of the Purbeck District Council held in the Council Chamber, Westport House, Wareham on Wednesday 17 May 2017 at 7.00pm.

Present:-

Councillor Barry Quinn (Vice-Chairman); In the Chair

Councillors Cherry Brooks, Bill Pipe, Peter Webb and Peter Wharf

Also present: Councillor Bill Trite

Officers in attendance for all or part of the meeting: Richard Conway, Environment Manager; Bridget Downton, General Manager – Planning and Community Services; Tina Dudley, Democratic Services Officer; Rebecca Kirk, General Manager – Public Health and Housing; Sue Joyce, General Manager – Resources; Anna Lee, Planning Policy Manager and Steve Mackenzie, Chief Executive

(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 Policy Group).

## 1.17/18 **Apologies**

Apologies for absence were received from Councillors Laura Miller and Gary Suttle.

## 2.17/18 **Urgent items**

The Chairman reported there were no urgent items.

## 3.17/18 **Public participation time**

Sarah Jackson addressed the Group on behalf of West Lulworth Parish Council. She stated that the Parish Council did not approve of the transfer of the public toilets at Lulworth to the Lulworth Estate and that it was in contravention of the Council's public toilet policy. The Parish Council did not have confidence that the facilities would remain on the site in perpetuity or remain open for 24 hours a day. The Group was asked to reconsider proposals put forward by the Parish Council to maintain the facilities.

Emily Blake addressed the Group on behalf of West Lulworth Parish Council. She stated that the Estate received a considerable income from the car parking on the site and did not agree with the peppercorn transfer fee. The draft terms did not provide a safeguard in perpetuity and the Parish Council should be allowed to provide the facilities on behalf of the community.

Peter Bowyer addressed the Group to ask various questions about the work being carried out in relation to the Enterprise Zone and the Purbeck Local Plan Review. The General Manager – Planning and Community Services responded to the questions raised.

Tom Worboys, the Agent for the Lulworth Estate, informed the Group that the Estate had submitted an application regarding the siting of the public toilet facilities that was expected to go to the Planning Committee meeting in June for determination. If the application were to be approved, the work on the facilities would commence immediately.

#### 4.17/18 **Minutes**

**Resolved** that the minutes of the meeting held on 1 February 2017 be taken as read, confirmed and signed by the Chairman.

#### 5.17/18 **Declarations of Interest by Members**

There were no declarations of disclosable pecuniary interests.

#### 6.17/18 **Forward Plan for Policy Group and Council Meetings**

The Policy Group considered the current Forward Plan.

Following a concern raised by the Portfolio Holder for Local Communities regarding the lack of responses received relating to the consultation on the Designated Public Places Order, the General Manager – Public Health and Housing explained that the views of Swanage Town Council would be sought and that the Anti-Social Behaviour Reduction Officer would be asked to publicise the consultation in order to engage the wider community. It was noted that if the Order was to go ahead, the Council would be responsible for enforcing the Order and not Dorset Police.

**Resolved** that the Forward Plan be received.

#### 7.17/18 **Future of the West Lulworth public toilets**

The Environment Manager presented a report for consideration of the future of the public toilets at West Lulworth. He explained that following a recommendation from a Policy Development Panel in 2011, the future of public conveniences was considered, including those at West Lulworth. At the time, West Lulworth Parish Council informed the Council that it was not able to take on the public conveniences in the parish. The Council consequently resolved to transfer the land and buildings to the Lulworth Estate, at no cost to the Estate.

Following that decision, the Estate gained permission to use the existing building to provide public conveniences and a café/bistro. However, the land was not transferred to the Estate and the toilets suffered deterioration. More recently, the Estate indicated its desire to amend its current permission to allow for the site to be developed. West Lulworth Parish Council raised concerns regarding the opening hours of the facilities, their possible relocation and the future of the facilities in perpetuity. Officers conducted detailed talks with both the Parish Council and the Estate and subsequently identified the following options:

**Option 1:** Transfer the toilets to the Estate, for a peppercorn, on the proviso that it provides and operates full public toilet facilities on or very near the site in the lower cove area in the future, and that the facilities are open to the public on the same or very similar basis as currently operated by the Council, that is open 24 hours per day and free to use;

**Option 2:** Transfer the toilets to West Lulworth Parish Council and make a capital contribution of £10,000 or £100,000 and an annual revenue contribution of half of the running costs. However, an agreement to pay a revenue contribution in perpetuity would be unlawful; and

**Option 3:** Retain the toilets and refurbish them at a capital cost of £100,000 and continue to meet the running costs.

Officers believed that the best option for the Council and users of the toilets would be Option 1.

Members noted that the facilities were in a poor state of repair and were assured that the Estate's proposals were for the facilities to be reprovided a very short distance from the existing site and for them to be open for 24 hours a day at no charge to the public. These proposals were considered to be the best solution by members of the Group, although some queried why the transfer would be for a peppercorn.

The Chief Executive explained that the land was gifted to the Council by the Estate with a covenant that stated the land could only be used for providing public conveniences. The covenant essentially meant that the value of the land was negligible.

It was considered that the proposals from the Parish Council were not viable because of its requirement for funding in perpetuity.

**Resolved** that a report be submitted to Council recommending that the land and toilets be transferred to the Lulworth Estate at a cost to the Estate of £1, subject to heads of terms being agreed by the Council's Solicitor; the legal transfer incorporating conditions that full public toilet facilities are to be provided and maintained on or very near the site in the lower cove area and that toilet facilities are open to the public on the same or a similar basis as currently operated by the Council.

8.17/18

## **Scheme of delegation in relation to planning matters**

The General Manager – Planning and Community Services presented a report seeking support to set up a Policy Development Panel (PDP) to review how the scheme of delegation worked for the referral of planning applications to the Planning Committee.

Since July 2014, District Councillors wishing to refer a planning application to the Planning Committee could request a meeting with the Chairman of the Planning Committee, the Development Manager and the case Officer, which was minuted. The issues and any concerns were discussed and a decision was made by the Chairman of the Planning Committee on whether the application should be referred to a future meeting of the Planning Committee for determination. Some Members of the Council had requested that the process be reviewed.

Members of the Group suggested that the PDP might also want to look at planning enforcement, which would be the subject of a report to next month's Policy Group meeting.

Members also asked that the PDP be provided with information about what other councils do in relation to referral of planning applications.

**Resolved** that:

- (1) a Policy Development Panel be established to review the scheme of delegation in relation to determining planning applications: and
- (2) Group Leaders nominate Members to the Panel.

## 9.17/18 **Adoption of Swanage Local Plan**

The Planning Policy Manager presented a report seeking approval to submit a report to Council recommending the adoption of the Swanage Local Plan.

The Council submitted the Swanage Local Plan to the Planning Inspector in March 2016 and had now received the final report from the Inspector. The report concluded that the Swanage Local Plan provided an appropriate basis for planning for the town until 2027, subject to a number of 'main modifications' to the plan. Those changes were reported to be very similar to the changes that were approved by Council for consultation in 2016 but now included two further factual updates to clarify that the Workspace Strategy was published in 2016, and that the Dorset Environmental Records Centre 'reports' (rather than 'records') data on protected sites. The Group was informed that the main modifications' consultation (held between October and December 2016) had resulted in 15 representations being received.

Members thanked the Planning Policy Manager for the high quality consultation and the commendable work she had achieved.

**Resolved** that a report be submitted to Council recommending approval of the Swanage Local Plan as set out.

The meeting ended at 7.55pm.

Chairman