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DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 29 MAY 2019

Present: Cllrs T Coombs (Chairman), A Brenton, C Brooks, R Cook, M Dyer, B Goringe, D Morgan, B Trite and J Worth

Apologies: Cllrs S Bartlett, B Ezzard and D Tooke

Also present: Cllr D Walsh

Officers present (for all or part of the meeting):

Lynda King (Development Management Manager), Alan Davies (Development Manager), James Brightman (Senior Planning Officer), Elizabeth Adams (Principal Planning Officer) and Elaine Tibble (Democratic Services Officer)

1. Election of Vice Chair for the meeting

Proposed by Cllr Coombs, seconded by Cllr Trite.

Decision: that Cllr Brooks be appointed Vice Chair for the duration of the meeting.

2. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

3. 3/18/0996/OUT - Land to the north of Pardy's Hill, West of Sleight Lane, Corfe Mullen, BH21 3HW

The report detailing an outline application for a development of 9 affordable dwellings and associated access onto Pardy's Hill with all matters reserved was presented by the Senior Planning Officer.

He verbally reported the contents of the Update Sheet which had been circulated prior to the committee meeting.

An application for the site had previously been submitted for 12 dwellings and subsequently refused in 2017, on appeal the Inspector dismissed the appeal and the reasons were incorporated within the report. The revised application for 9 new homes was considered acceptable as there had been a 25% reduction in the number of dwellings and the reasons for the previous refusal had been addressed, the smaller application area was considered appropriate for the Green Belt area.

Oral representation in opposition to the application was received from Mr J Goddard, Mr R Lee and Cllr D Sowry-House on behalf of Corfe Mullen Parish

Council. Their main concerns focussed on the site not being in a sustainable area which would necessitate the ownership of cars as public transport in the area was poor. They also voiced opposition to building on the Green Belt.

Mr R Henshaw the Agent and Mr K Hodder the Applicant both addressed the committee in support of the application.

In response to speaker comments the Development Management Manager addressed the committee. Although the application site was not the best location for affordable housing, the Appeal Inspector was clear that the site met the exception requirements and this had not been a reason for refusal. Recommended conditions had been included to ensure that the flood risk was suitably dealt with and she urged the committee members to approve the development.

To clarify the Parish Council's comments that they were in the process of investigating alternative sites for affordable housing, the Development Management Manager reported that there had been no affordable housing delivered in the area for c15 years, the application before committee now was policy compliant and should be determined in accordance with the Local Plan and the Inspector's decision.

Members did have some concerns about the location, access to local amenities and flooding, however they accepted that the Appeal Inspector had not specified these as reasons to refuse the application.

Proposed by Cllr Dyer, seconded by Cllr Cook

Decision: that the application be delegated to the Development Management Manager to grant subject to the successful completion of a S106 Legal Agreement to secure;

1. All the dwellings to be affordable in perpetuity and to meet the NPPF's definitions of social-rented and low-cost housing
2. Strategic Access Management and Monitoring contribution in relation to mitigation for the proposal's impact on Heathland Sites of Special Scientific Interest.

And the conditions outlined in the appendix to these minutes.

Or

If a Section 106 Legal agreement and other information set out below are not secured by 30th July 2019, Refuse planning permission as the proposal would:

- Fail to secure the appropriate affordable housing provision in accordance with Core Strategy affordable housing exceptions site Policy LN4

- Fail to provide avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2015-2020

4. **3/19/0667/FUL - Barrington Centre, Penny's Walk, Ferndown, Dorset, BH22 9TH**

The Principal Planning Officer presented the application which had been called to the Planning Committee in line with the Council's Constitution as it was an application submitted on behalf of the Council. The proposal sought approval to provide posts and sails of coloured material adjacent to the entrance and restaurant, an accessible slope and steps for access to the restaurant door together with modifications to the pavement to the east of the Barrington Centre to wrap the works around the permitted restaurant extension. Members did not raise any concerns with the proposal. It was noted that additional landscaping in the area would be welcomed but approval was proposed.

Proposed by Cllr Cook, seconded by Cllr Morgan.

Decision; that approval be granted subject to the conditions outlined in the appendix to these minutes.

5. **Appeal Decisions**

The Development Management Manager presented a summary of notified appeals and appeal decisions for members to take into account as material considerations in the Planning Committee's future decisions.

Appendix

Duration of meeting: 2.00 - 3.18 pm

Chairman

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Minute Annex

APPLICATION NUMBER: 3/18/0996/OUT

APPLICATION SITE: Land to the north of Pardy's Hill, West of Sleigh Lane, Corfe Mullen, BH21 3HW

PROPOSAL: Development of 9 affordable dwellings and associated access onto Pardys Hill. Outline application with all matters reserved.

As amended by plans received 7/11/2018

Decision:

That the application be delegated to the Development Management Manager to;

A) Grant planning permission subject to the successful completion of a S106 Legal Agreement to secure;

1. All the dwellings to be affordable in perpetuity and to meet the NPPF's definitions of social-rented and low-cost housing
2. Strategic Access Management and Monitoring contribution in relation to mitigation for the proposal's impact on Heathland Sites of Special Scientific Interest

And the following conditions:

1. (a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to Layout, Scale, Appearance, Landscaping and Means of access shall be submitted to and approved in writing by the Local Planning Authority.

(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.

(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Ellis Belk Drawing 14121-02 E: 3D View and Street scene

Ellis Belk Drawing 14121-03 B: Site & Location Plans Ellis

Belk Drawing 14121-01 G: Proposed Site Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development of the site or clearance of the site shall take place unless and until an updated Biodiversity Mitigation & Enhancement Plan (BMEP) has been submitted to and approved by the Local Planning Authority (LPA) in conjunction with Natural England (NE). Thereafter, the development shall be undertaken in accordance with the approved BMEP.

Reason: To ensure the effective protection and enhancement of the site's biodiversity during and after the development.

4. The dwellings and their curtilages; internal access roads; access onto Pardys Hill and parking and turning areas shall be located outside of the surface water flood risk areas as denoted on the GOV.UK website:- <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

Reason: To safeguard the development against surface water flooding.

5. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity.

6. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

7. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. This shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing, and the foul water drainage strategy shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

8. Before planning permission is implemented, other than in respect of demolition works, a scheme shall be submitted to the Local Planning Authority to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must be carried out by appropriately qualified consultant(s):

(a) A Site History Report, which shall, by reference to site layout drawings of an appropriate scale, include a history of the site, past land uses, current and historical maps, site plans, locations of any known spillages or pollution incidents and the location and condition of old tanks, pits, fuel or chemical storage areas. (Please note it is the responsibility of the landowner, developer or consultant to provide and disclose all relevant information).

(b) Before any works commence on site, should (in the opinion of the Local Planning Authority) remedial works be required, consultants appointed to carry out intrusive site investigation work must submit their sampling strategy to the Local Planning Authority for approval.

(c) A Site Investigation Report (based on the information contained in the site history report), will be required where the appointed consultant and/or the Local Planning Authority anticipate that contamination may be present in, on or near the proposed development area. The site investigation report must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment.

(d) Where contamination is found which (in the opinion of the Local Planning Authority) requires remediation, a detailed Remediation Statement, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to the Local Planning Authority. Any remediation scheme(s) or part(s) thereof recommended in the remediation statement, shall require approval to be obtained in writing from the Local Planning Authority.

(e) Development shall only take place in accordance with the approved Remediation Statement.

(f) If, during works on site, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority.

(g) On completion of all the works detailed in the agreed Remediation Statement, a Remediation Completion Report must then be completed by the environmental consultant(s) who carried out the remediation work confirming that they have supervised all the agreed remediation actions. This report is to be submitted to the planning authority confirming that all works as specified and agreed have been carried out to the point of completion. Until the Planning Authority is in receipt of said Remediation Completion Report and is

satisfied with the contents of the statement and the standard of work completed, it will be viewed that the remediation of the site is incomplete.

Reason: To ensure that any contamination of the site is properly dealt with during development.

9. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This information is required prior to commencement to safeguard the amenity of the locality and in the interests of road safety.

10. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

11. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no extensions, fences/walls/means of enclosure exceeding 1 metre in height, dormer windows, or outbuildings (excluding glasshouses/greenhouses) shall be constructed without express planning permission first being obtained.

Reason: To control the visual impact of the development on the Green Belt

and countryside.

13. The installation of protection measures for trees to be retained shall be undertaken in accordance with the approved plan 3670 TPP Rev A dated 04/03/19 and arboricultural method statement reference KB/SleightLaneCorfeMullen/Impact-Rev-A/3670dated 4th March 2019 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

14. Notwithstanding details already submitted within the Arboricultural Impact Appraisal and Method Statement, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works on site. These shall show no drainage, soakaways or other structures (except a fence) in the root protection areas as shown on the approved Tree Protection plan KB/SleightLaneCorfeMullen/Impact-Rev-A/3670dated 4th March 2019.

Reason: To demonstrate that the proposed development can be implemented without detriment to the existing trees that are to be retained on the site.

15. Plans and particulars showing the finished floor levels, related to ordnance datum or fixed point within the site, of the ground floor of the proposed building(s), (and as appropriate the closest adjacent building beyond the site) shall be submitted to, and approved in writing by the Local Planning Authority and development shall not be commenced until these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required prior to occupation of the development hereby approved in order that the Council may be satisfied with the details of the proposal having regard to the existing site levels and those adjacent hereto.

Informatives:

1. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ

2. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.gov.uk, or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. This grant of permission is to be read in conjunction with the S106 Legal Agreement dated INSERT REQUIRED entered into between East Dorset District Council and INSERT REQUIRED to provide affordable housing and pay the appropriate contribution in relation to Heathland mitigation as required by the Dorset Heathlands Planning Framework 2015-2020 - Supplementary Planning Document (SPD)
4. Wessex Water advise the developer that;

Wessex Water will need to agree new connections to the public foul sewer and public water mains.

Wessex Water will not permit the build over of public shared sewers by new properties

A private survey of the site is required to determine the precise location of the existing rising main sewer which crosses the site. Easements are usually 6 metres either side of public sewer.

One of Wessex Water's main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. Wessex Water advise that a further detailed plan is submitted to the planning authority to show the surface water strategy for the proposed site following the SuDS hierarchy, which is subject to building regulations.

There is a surface water sewer connection from site to the existing surface water sewer in Broadmoor Lane. There must be no land drainage connections from site to the surface water network. Points of connection and attenuation rates for surface water connections to be agreed with Wessex Water.

5. Given the proximity of the site to an Ordinary Watercourse, any works, whether temporary or permanent, offering an obstruction to flow within this channel i.e. diversion, realignment, culverting or connection, will require prior Land Drainage Consent from DCC's FRM function, in accordance with s23 of the Land Drainage Act 1991.
6. In respect of Condition 5, detailed proposals and further supporting calculations are required, and any detailed designs supplied must demonstrate that the recommendations of the National Planning Policy Framework and best practice are fully complied with, and that no off site

worsening in surface water runoff will result.

B) If a Section 106 Legal agreement and other information set out below are not secured by 30th July 2019, Refuse planning permission as the proposal would:

- Fail to secure the appropriate affordable housing provision in accordance with Core Strategy affordable housing exceptions site Policy LN4
- Fail to provide avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2015-2020

APPLICATION NUMBER: 3/19/0667/FUL

APPLICATION SITE: Barrington Centre, Penny's Walk, Ferndown, Dorset, BH22 9TH

PROPOSAL External works to the community centre:

A. Sails

B. Accessible slope & steps to restaurant

C. Pavement modification at restaurant extension (All related to Application No. 3/18/3538)

Decision; that approval be granted subject to the conditions outlined below:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

2116.1-04A

2116.1-05A

2116.01A

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Samples and/or a colour schedule of all materials and finishes to be employed in the provision of the sails and external landscaping, hereby permitted, shall be submitted to and approved by the Local Planning Authority before any on-site work is commenced. All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required prior to commencement of development to ensure that the Council is satisfied about the details of the external appearance of the building

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in

writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This information is required prior to commencement to safeguard the amenity of the locality.

Informatives: N/A

Background Documents: N/A

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

