

DORSET COUNCIL - NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 23 JULY 2019

Present: Cllrs S Jespersen (Chairman), J Andrews, T Cook, L Fry, M Hall, C Jones, R Legg, M Penfold (Vice-chairman), V Potheary, B Ridout.

Apologies: Cllrs N Lacey-Clarke and D Taylor

Also present: Cllr D Walsh and Cllr J Somper

Officers present (for all or part of the meeting): R Lennis (Planning), R Firth (Legal), S Savage (Highways), S Dallison (Clerk), C Worman (Planning)

17. Declarations of Interest

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

18. Minutes

The minutes of the meeting held on 18 June 2019 were confirmed and signed.

19. Public Participation

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

20. Planning Applications

Members considered written reports submitted on planning applications as set out below.

21. 2/2018/1240/FUL - HUNTLEY DOWN, MILBORNE ST ANDREW

The Planning Officer presented the report showing members all of the relevant plans and drawings. Members of the committee were advised that as the Milborne St Andrew Neighbourhood Plan has passed through the examination stage and that a referendum on the Neighbourhood Plan would take place on 8 August 2019, it was now considered that moderate weight should be given to the Neighbourhood Plan, which was a material change to when the application has been considered the by North Dorset District Council Planning Committee in January 2019. Changes to the National Planning Policy Framework as set out in the officer's report also marked a material change to be considered. The Head of Legal Services advised the committee of the legal position relating to revisiting the application in the context of the Neighbourhood Plan; members noted that the committee would need to have good planning reasons to reverse the view of the North Dorset Planning Committee which had delegated authority to grant the application in January. The Planning Officer also advised the committee of minor typographical errors relating to the conditions set out in the report, which would be corrected in the appendix to minutes of the meeting.

The Planning officer highlighted that a previous proposal for the site had been for 30 dwellings and the current application for 25 dwellings was considered to be acceptable in terms of design and general visual impact with no significant harm to neighbouring residential amenity. In addition the committee was advised that the Council could only demonstrate 3.3 years of housing

land supply and that the impact on ecology had been addressed through a Healthland Infrastructure Project. In view of the sustainability merits of the proposal and the shortfall in the Council's housing land supply the development was recommended for approval subject to conditions and a legal agreement to secure the necessary off-site financial contributions.

Public Participation

Oral representations objecting to the planning application were received from, Elizabeth Humphrey, Phillip Bowell, Steve Bulley and Brian Keene. Those objecting to the development stated that the site was surplus to requirement given that the shortage of homes was within the towns and not in the villages, the land could still be used as arable land and the site was outside of the settlement boundary. It was also considered that in view of national planning guidance weight should be given to the Neighbourhood Plan and to approve the application would therefore go against national guidance and local democracy. Concerns were also raised regarding the height of the dwellings in view of the site levels which would impinge on the skyline and the risk around the trees touching the nearby electric cables. Objections were also raised in respect of those with mobility needs due to the slope of the site and the fact that the affordable homes had been located to the least attractive part of the site rather than being pepper potted throughout the development which was inconsistent with national policy. Objectors also highlighted that the site was not the only site available and that there were other planning applications being considered for some 200 new homes. It was felt that the applicant was seeking a decision on the application prior to the referendum to avoid being bound by the Neighbourhood Plan.

Oral representations were received from Richard Macnair (Milborne St Andrew Parish Council). The Parish Council representative highlighted that the planning application was in contradiction to the Neighbourhood Plan and should be rejected as the referendum was to be held in two weeks' time. In addition in a similar situation in Hazelbury Bryan, the Planning Manager had given a significant weight to the emerging Neighbourhood Plan. It was also felt that the proposal did not meet the community benefit test.

Oral representations were received from Robert Loffthouse (Agent for the applicant). The committee was advised that the Planning Committee of North Dorset District Council has agreed to delegate approval of the application in January 2019 and the applicant had been working on the project for many years and the development would deliver 10 affordable homes. The councils did not have a current 5 year land supply which meant that housing opportunities such as the development under consideration should be supported. Sites that were deliverable should be embraced and supported, and approval of the application would mean that the homes would be ready for occupation early in 2020 together with public open space provided adjacent to the site.

The application would make an important contribution to meeting local housing needs in the area through the incorporation of affordable homes.

In response to some of the issues raised the Planning Officer reported that the referendum for the Neighbourhood Plan had not been held which was why the weight given to it was only moderate. In terms of the affordable homes it was considered that the layout was acceptable.

In respect of the condition 12 the Head of Legal Services advised the committee of an amendment to the condition which was amended to read:

"The applicants Biodiversity Mitigation & Enhancement Plan dated 31/08/2018 (from Clare Bird and Adrien Meurer of Hankinson Duckett Associates) shall be implemented in full prior to occupation of the 25th dwelling hereby approved or within timescales agreed in writing with the Local Planning Authority prior to that date".

Debate

In response to a question the Planning Officer confirmed to the committee that if the referendum result was for approval the weight given to the Neighbourhood Plan would change. Members

also sought clarification on the interpretation of policies being out of date or no longer valid, it was confirmed that the policies were still relevant but the amount of weight given to them was less given that the Councils housing land supply was less than 5 years.

Members expressed their concerns about taking a decision a few days before the Neighbourhood Plan referendum. Members also raised concerns regarding the layout of the site in respect of the location of the affordable homes, the impact of the sloping site on neighbouring properties and mobility issues. It was felt that 25 dwellings was still too dense for the site and not sympathetic to the area.

The Head of Legal Services reminded members that if the committee was minded to refuse the application reasons for why the application was now unacceptable would have to be provided. Members felt that the previous decision had been taken by the North Dorset District Council, a separate legal body, the committee was therefore entitled to take a different view and look at the application afresh.

Decision

It was proposed by Cllr V Potheary, seconded by Cllr B Ridout that the application be:-

REFUSED as set out in the appendix to these minutes.

At that point (15.10pm) the Chairman announced that there would be a short adjournment in order to enable the officers to confirm the wording for the refusal.

The committee reconvened at 15.48pm and the Planning Officer read out the grounds for refusal:-

1.The proposed development by reason of its layout and relationship to neighbouring properties would have an unacceptable impact on adjacent residential properties contrary to Policy 25 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).

2.The proposed development by reason of its design and layout would result in an unacceptable enclave of affordable housing contrary to Policies 8 and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).

3.The proposal which is outside the development boundary and on the slope of a hill would have an unacceptable impact on the local landscape character and countryside contrary to Policies 4 and 20 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 9 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).

Decision

It was proposed by Cllr J Andrews, seconded by Cllr V Potheary:-

That the grounds for refusal be agreed.

22. WD/D/19/001377 - THE ROMAN TOWN HOUSE, COUNTY HALL, COLLITON PARK, DORCHESTER (Planning Permission)

The Planning Officer presented the report showing members all of the relevant plans and drawings. The Planning Officer reported to the committee a minor error on pages 49 and 63 of the report and amended the text as follows:-

P49: The Dorchester Town Walks are a Grade II Registered Park & Garden (~~statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990~~)

P63: The Dorchester Town Walks are a Grade II Registered Park & Garden (~~statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990~~)

The committee was advised that the Council's application was to carry out improvement works to the site following a consultation exercise, which had included Historic England. The site was located within the town's historic Roman walls and was a hidden gem in Dorchester. The majority of works were to enhance the entrance to the site and the interpretation boards.

Debate

Concern was raised by a member about access to the 7 new parking bays for anyone with a disability. The Highways Officer confirmed that the barrier to the car parking was controlled by a barrier system during the week but was accessible over the weekend. It was also noted that there was suitable car parking available in close proximity to the site at the front of County Hall.

Concern was also raised in respect of the timing of the tree planted and a request was made that the trees should be planted between October and February. The Planning Officer confirmed that this request would be taken into account and details of planting would be agreed and addressed under Condition 5.

In respect of car parking for disabled visitors the committee requested that the following points be noted in the minutes:-

P52 Disabled car parking spaces and drop off points will be available immediately adjacent to the site in new and remarked spaces *when the car park is open to the public at weekends*

P65 Disabled car parking spaces and drop off points will be available immediately adjacent to the site in new and remarked spaces *when the car park is open to the public at weekends*.

Decision

It was proposed by Cllr C Jones seconded by Cllr L Fry and agreed that the application be

GRANTED as set out in the appendix to these minutes.

23. **WD/D/19/001378 - THE ROMAN TOWN HOUSE, COUNTY HALL, COLLITON PARK, DORCHESTER (Listed Building Consent)**

The Planning Officer presented the report showing the members all of the relevant plans and drawings.

It was proposed by Cllr C Jones seconded by Cllr L Fry that the application be:-

GRANTED as set out in the appendix to these minutes.

24. **WD/D/19/001187 - PIDDLEHINTON CAMP, CHURCH HILL, PIDDLEHINTON**

The Planning Officer presented the report showing members all of the relevant plans and drawings. It was considered that the scheme would have considerable social benefits through the provision of an additional 6 pitches towards the Council's available supply. Members noted that no objections had been received from consultees.

Amended wording was suggested for proposed conditions 3 & 4 as set out in the appendix these minutes.

The Chairman reported that the local member Cllr Gill Haynes was in support of the application.

Decision

It was proposed by Cllr L Fry seconded by Cllr C Jones and agreed that the application be:-

GRANTED as set out in the appendix to these minutes.

Duration of meeting: 2.00 - 4.22 pm

Chairman

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Application No. 2/2018/1240/FULL – Huntley Down, Milborne St Andrew

REFUSED

Reasons for Refusal:

1. The proposed development by reason of its layout and relationship to neighbouring properties would have an unacceptable impact on adjacent residential properties contrary to Policy 25 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).
2. The proposed development by reason of its design and layout would result in an unacceptable enclave of affordable housing contrary to Policies 8 and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).
3. The proposal which is outside the development boundary and on the slope of a hill would have an unacceptable impact on the local landscape character and countryside contrary to Policies 4 and 20 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 9 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).

WD/D/19/001377 FULL– The Roman Town House, County Hall, Colliton Park, Dorchester (Planning Permission)

GRANT

Subject to conditions:

- 1 PLAN The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing Number L107 Rev P1 received on 23/05/2019
Site Plan - Existing Arrangement - Drawing Number L100 P1 received on 06/05/2019
Site Plan - Proposed Arrangement - Drawing Number L101 P2 received on 14/06/2019
Section - Drawing Number L106 Rev P1 received on 23/05/2019
Steps Section and Plan View - Drawing Number L104 P1 received on 14/06/2019
Tree Survey Plan - Drawing Number L103 P1 received on 14/06/2019

REASON: For the avoidance of doubt and in the interests of proper planning.
- 2 K10A 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 (as amended).
- 3 C030 No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved by, the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. The works shall thereafter accord with the agreed scheme.

REASON: to ensure the development makes provision for the investigation and recording of any archaeological heritage assets lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible.
- 4 NS The protected species mitigation proposals set out in the approved Biodiversity Mitigation and Enhancement Plan (BMEP) dated 21st May 2019; shall be undertaken in full as per the timetable

described in the BMEP, and shall be maintained in the approved condition permanently thereafter.

REASON: To ensure adequate habitat is provided and protected to accommodate protected species

- 5 NS No works shall commence on site until full details of both hard and soft landscape proposals shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority. The details shall include, as appropriate, the following information:

- (a) Car parking layouts & means of enclosure/pedestrian protection
- (b) Path & hard surfacing materials, construction & methodology
- (c) Design and construction of the proposed seating (supported by annotated scale drawings & method statement)
- (d) Details & location of proposed interpretation (supported by annotated scale drawings & method statement)
- (e) Planting plans, to include: Schedule of plants, species, size, proposed numbers and densities
- (f) Landscape and Ecological Management Plan to include: details of implementation timetables and schedule of maintenance

The development shall thereafter accord with the approved details.

REASON: To ensure the provision of amenity afforded by appropriate landscape design, and in the interests of the designated heritage assets

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.

**WD/D/19/001378 – The Roman Town House, County Hall, Colliton Park,
Dorchester (Listed Building Consent)**

GRANT

Subject to conditions:

- 1 PLAN The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing Number L107 Rev P1 received on 23/05/2019
Site Plan - Existing Arrangement - Drawing Number L100 P1 received on 06/05/2019
Site Plan - Proposed Arrangement - Drawing Number L101 P2 received on 14/06/2019
S & L Kelland 2018 report : "Input to Roman Town House Lottery Bid" received on 14/06/2019

REASON: For the avoidance of doubt and in the interests of proper planning.
- 2 K40A The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.

REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 3 NS The repairs and maintenance to the Roman Town House, and the moving of the Roman Coffin, shall accord with the methodology described in the S&L Kelland report "Input to Roman Town House Lottery Bid".

REASON: To protect and safeguard the fabric and features of the heritage asset
- 4 NS Prior to the opening up of the new access in the West Walks hereby approved, a detailed method statement shall be submitted to, and approved by, the Local Planning Authority. The works shall thereafter accord with the agreed details.

REASON: In the interest of the architectural and historic interest of the listed wall

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing

sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.

WD/D/19/001187 – PIDDLHINTON CAMP, CHURCH HILL, PIDDLHINTON

GRANT

Subject to conditions:

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 (as amended).

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

Block Plan received on 01/05/2019

Elevations-Double Unit - Drawing Number 1 421 P2 received on 01/05/2019

Elevations-Single Unit - Drawing Number 1 420 P3 received on 01/05/2019

Location Plan - Drawing Number L100 P1 received on 01/05/2019

Proposed Upper Site Location Plan - Drawing Number L101 P3 received on 01/05/2019

Proposed Lower Site Location Plan - Drawing Number L102 P5 received on 01/05/2019

Topographical Survey Drawing received on 01/05/2019

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

3. The site shall not be used other than as a caravan site for the occupation by gypsies and Travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (August 2015).

REASON: In accordance with Policy SUS2 of the Local Plan.

4. In the event that previously unidentified contamination is found at any time when carrying out the approved development, this must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, conducted in accordance with recognised good practice, shall be submitted to the Local Planning Authority for consideration and approval. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to the local planning authority for approval prior to any use or first occupation.

REASON: To ensure that risks from soil contamination to the future

occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework

5. The development shall be carried out in full accordance with the agreed biodiversity mitigation plan dated 03/11/2016.

REASON: To ensure that the ecology impact of the proposal is acceptable

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