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DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 17 DECEMBER 2019

Present: Cllrs Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, David Shortell and Sarah Williams

Apologies: Cllrs Louie O'Leary and Kate Wheller

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

Ann Collins (Area Lead – Major Applications Western Team), Philip Crowther (Senior Solicitor - Planning), Colin Graham (Engineer (Development Liaison) Highways), Hamish Laird (Senior Planning Officer), Christopher Lee (Planning Officer), Rob McDonald (Planning Officer) and Denise Hunt (Senior Democratic Services Officer)

60. Apologies

Apologies for absence were received from Cllr Kate Wheller and Cllr Louie O'Leary.

61. Declarations of Interest

Councillor Sarah Williams declared a non-pecuniary interest in application WD/D/19/001887 - Harbour Masters Office, The Mound, Quayside, West Bay as she was a member of the Harbours Committee. She confirmed that this application had not been discussed by the Harbours Committee.

Cllr Nick Ireland stated that he had not pre-determined application WD/D/19/002390 - Mulberry House, Roman Road, Osmington, Weymouth, DT3 6ER, however, the applicants were his neighbours and therefore he would not take part in the debate or vote and leave the room during consideration of this application.

62. Minutes

The minutes of the meeting held on 14 November 2019 were confirmed and signed.

Members were advised of an amendment that was necessary to the minutes of the meeting held on 4 July 2020 in order to accurately reflect the decision that had been made by members. The omission in the minutes related to Application WP/16/00253/OUT and WD/D/16/000739 - Land to the North of Littlemoor, Weymouth and concerned an amendment to one of the items in the Section 106 Agreement to add the words highlighted in bold below:-

On site provision of Children's Play and Open Space Facilities and financial contribution of **up to £478,162; the sum to be off-set against the value of the on-site provision.**

Proposed by Cllr David Gray, seconded by Cllr Sarah Williams.

Decision: That the amendment to the minutes highlighted in bold be approved.

63. **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.

64. **Planning Applications**

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

65. **WD/D/19/002178 - Land West of Watton Lane, Bridport**

The Senior Planning Officer introduced the outline application for access and layout in respect of 2 dwellings.

A correction was made to the Ward Members contained in the report as being Cllr D Bolwell, Cllr S Williams and Cllr K Clayton.

Members were shown a site location plan that detailed the outline permission for one dwelling on the site that had already been agreed, a site layout plan / site section, a constraints map and site location aerial view. Although outside the Defined Development Boundary for Bridport there were other dwellings in that area. Photos were also shown of the site and its access from and onto Watton Lane from various directions.

An update sheet circulated to the Committee at the meeting provided an update following receipt of the Appeal Decision the previous week for land south of Westleaze, Charminster (Appeal Ref: APP/D1265/W/18/3206269). Members were advised that the Planning Inspector concluded that the Council was unable to demonstrate a 5 year housing land supply for the West Dorset and Weymouth & Portland Local Plan area and that the position was greater than 4.12 years but less than 4.88 years.

Rachel Gershfield, who occupied a neighbouring property, addressed the Committee in objection to the application on the basis of damage to the Area of Outstanding Natural Beauty (AONB) and the effect on her property and her life. In respect of the latter, she advised that her bungalow had been built to benefit from the setting of the field and the sea, having large picture windows. The increased use of the road would cause lack of privacy, increased pollution and disturbance from car headlamps. Providing 2 two storey homes

showed a lack of concern for existing inhabitants and their quality of life and the development would completely overshadow her bungalow.

Philip Somerton objected to the number of houses which he considered to be speculative and unjustified with the same analysis reiterated for the previous permission for the single dwelling. He drew attention to light pollution from cars, road safety, concern regarding the AONB and obstruction of views from West Bay. He stated that the habitat survey had been used in a different application and was not relevant for this site.

Richard Nicholls addressed the Committee on behalf of the Campaign to Protect Rural England (CPRE). He referred to Local Plan policies SUS2 and HOUS6 (ii) and asked whether the Dorset AONB team had been asked to comment on the proposal. He felt that this application would undermine the Local Plan and set a precedent for development across Dorset outside of the Defined Development Boundary that would have a detrimental effect on the AONB.

Simon Ludgate, the Agent, spoke in support of the application, stating that the site was surrounded on 3 sides by low density development and, whilst the outline application indicated the location of the properties, it did not contain details of their size or scale. The principle of development had been established on the adjacent site where outline approval had been granted and the impact on the AONB had been taken into account during that time. A further two dwellings outlined in this application would bring a total of 3 dwellings on this site. There would be cover that would help hide houses in the landscape setting due to the topography of the site. He confirmed that the access allowed limited movement to 3 properties similar to Broad Lane and that it would not be a major road. Watton Lane was narrow and developing this access would allow a passing bay helpful to cars using the lane.

The Highways Officer advised that he had visited the site that morning and confirmed that Watton Lane was subject to very light traffic and that the access would provide an additional passing space at the entrance to the site. Although narrow, the lane was wide enough for a car to pass a pedestrian which made it safe.

Members were particularly concerned regarding the scale and height of the development and were informed that this would be a reserved matter unless the committee was minded to specify a single storey dwelling by condition at this stage. Legal advice was given that conditions would need to be given in accordance with the National Planning Policy Framework (NPPF) 6 step test (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects).

Cllr Nick Ireland referred to the decision of the Planning Inspector for an appeal in respect of 14 Wareham Road, Owermoigne, Dorset DT2 8HN, when it was stated that future occupiers of the dwellings would be reliant upon the private car to access day to day living requirements, and as such the dwellings would not be in a suitable location for residential development. He considered that the same factors applied to this application.

The Senior Planning Officer explained that the site was 100m from the DDB for Bridport and set amongst existing residential properties and that a precedent had been set due to the approval of the outline application for a dwelling on the adjoining site under the former West Dorset District Council.

Members debated the application in the context of the climate change emergency declaration, NPPF paragraphs 149 and 172 in respect of building on greenfield sites and the AONB and also the impact of the lack of a 5 year housing supply. The map of the larger area (constraints map) identified houses in Broad Lane and other homes that had been approved that could be cited in an appeal should the application be refused. It was further noted that the site was not on a bus route or cycle route.

Cllr David Shortell proposed that the application be approved, however, after some debate regarding a condition or informative to limit building height, this proposal was not seconded.

Cllr Nick Ireland subsequently proposed that the application be refused as it would not be in accordance with the NPPF in its requirement to actively manage growth, through limiting the need to travel and offering a genuine choice of transport modes as occupiers would be reliant on their cars. In particular NPPF paragraph 172, regarding the adverse impact on the AONB arising from the development and unsustainability of the location and NPPF 149 - taking a proactive approach to mitigating climate change. The proposal was seconded by Cllr K Clayton.

Members were advised that the NPPF paragraph 172 gave weight to developers with regard to impact on the AONB and that in this case the site was well screened with downward sloping topography. Legal Advice in respect of the "tilted balance exercise" was also provided, in terms of whether the referenced NPPF policies were sufficient to tilt the balance of the lack of a 5 year housing supply back in favour of approval.

Proposed by Cllr Nick Ireland, seconded by Cllr Kelvin Clayton.

Decision: That the application be refused for the reasons outlined in the appendix to these minutes.

66. **WD/D/19/000634 - Home Farm, Wraxall Lane, Chilfrome, Dorchester, DT2 0HA**

The Planning Officer introduced the application for the conversion of part of an existing storage barn to living space and office/meeting/drawing rooms associated with the live-work use of the site; erection of a single storey glazed link structure between the dwelling and the barn conversion and external alterations to the dwelling and existing workshop.

The Committee was shown a site location plan within the AONB and aerial views of the existing dwelling, section of the barn to be demolished, barn

section to be converted and the existing workshop and outbuilding that would remain; the existing and proposed elevations of the dwelling and barns.

The key planning points were highlighted including principle of development, scale, design impact on character and appearance, impact on amenity, impact on landscape or heritage assets. The Officer's main concerns were that the site was outside the development boundary, that the proposed extension would dominate the existing dwelling and that there would be an unacceptable impact on the unlisted heritage asset.

Rosemary Hamilton addressed the Committee in support of the application and read aloud a statement on behalf of Mark Addison, the immediate neighbour to the west side of the property. He stated that the proposal would breathe life into the village as the building had languished and not been used for agricultural purposes for 17 years. It would preserve a key village site, was a practical and imaginative reuse of a building that was currently an eyesore rather than an asset. The applicant built to a high standard using materials that were sympathetic to the area and would be the best chance for the village to resolve longstanding uncertainty about the future of its central section. The bulk of the new footprint would represent a conversion rather than an extension and the look of the site from the crossroads remained unchanged. Speaking for herself she stated that she was the applicant's fiancée and that this would be their home, that she had lived in Dorset throughout her life and had no plans to live elsewhere.

Cllr Ian Mitchell, Parish Councillor for Chilfrome stated that the application had the unanimous support from the Parish Council and its neighbours. The site had been purchased in 2008 when it had been in a very poor state and subsequently renovated to a high standard and used as an upholstery building. The large footprint of the 2 barns would be halved as a result of this proposal and would result in an improved appearance that respected the dwelling's humble character. The Parish Council did not agree that the conversion was disproportionate to the main dwelling and considered this to be a subjective matter. In conclusion he considered that there had been inadequate consideration of the proposal and reliance on the interpretation of imprecise planning policy.

Cllr Tony Alford, the Dorset Council Ward Member, addressed the committee in support of the application, drawing attention to the factors involved in the declaration of heritage assets and NPPF paragraph 197 in relation to the balance of judgement required for non-designated heritage assets. There was good justification for supporting the application as it complied with the presumption in favour of sustainable development and the 3 qualifying factors; the economic development achieved by approving this type of application; the environmental benefit of replacement of the building and the social benefit of bringing vitality to the centre.

Simon Ludgate, the agent, addressed the committee and acknowledged that although the percentage increase should be no more than 40% as outlined in the relevant Local Plan policy, that this proposal related to an extension rather than a conversion. The application would reduce the footprint by half and

introduce a small glazed link. It allowed flexible accommodation to live and work and continue restoration of this site. This was an attractive scheme that would provide work locally and was strongly supported by the community.

Members asked whether there was a set of criteria and list of non-designated heritage assets and were informed that these were usually specified only within Conservation Area appraisals, which was not required for this application. They also asked whether the scale and size of the proposal was in comparison to the dwelling or the dwelling and barns. The Planning Officer clarified that it was the dwelling.

The Committee considered the proposals to be a conversion and not an extension which would not adversely affect the character of the existing dwelling. It was felt that there was insufficient evidence to support the report recommendation. Legal advice was given that if the application were to be approved then this would need to be subject to conditions that could be delegated to officers as the most expedient way of dealing with the application.

Proposed by Cllr Peter Barrow, seconded by Cllr David Shortell.

Decision: That authority be delegated to the Head of Planning to approve the application with appropriate planning conditions.

67. **WD/D/19/002390 - Mulberry House, Roman Road, Osmington, Weymouth, DT3 6ER**

Cllr Nick Ireland left the room during consideration of the application.

The Senior Planning Officer introduced the partly retrospective application to erect 1 dwelling for use as a holiday let.

Members were shown a plan that included the application building, Mulberry House, Osmington House (grade II listed) in the AONB; aerial view of site, frame plan and elevations. Photos of the site were from the Roman Road bridleway showing a substantial tree boundary and views of the proposed holiday let accommodation.

The key planning issues were outlined including the principle of the holiday let use and traffic movements which had received no objection by the Highways Authority.

A late representation received had been included in the update sheet circulated to members, raising concerns regarding the use of the bridleway which was unmade; the additional traffic that would be generated; the ability of the sewerage system to cope with the extra discharge and the disruption that a further sewerage line would cause to the trees and hedging along Roman Road. Members were advised that sewerage would be a matter for building control.

Neil Williams, the agent, stated that the application concerned the use as a holiday let and that there was no change to the external appearance of the previously approved application. The structure was connected to an underground foul system and its intended use would create no additional noise, was not detrimental to levels of enjoyment of neighbouring properties and met planning policies in full.

Proposed by Cllr Susan Cockings, seconded by Cllr Peter Barrow.

Decision: That the application be approved subject to the conditions outlined in the appendix to these minutes.

68. **WD/D/19/001887 - Harbour Masters Office, The Mound, Quayside, West Bay**

The Planning Officer presented the retrospective application for a change of use of part of the Harbour Masters Office from B1 to A1 use that had come before the Committee as the Council was the applicant.

Members were shown a location and site plan and photos of the shop frontage. The key planning matters were outlined including the principle of development and impact on the local centre and heritage assets. Officers considered that the goods sold were in keeping with the harbour and that the shop would support the vibrancy and vitality of the local centre at West Bay.

Proposed by Cllr Kelvin Clayton, seconded by Cllr Jean Dunseith.

Decision: That the application be approved subject to the conditions outlined in the appendix to these minutes.

69. **Urgent items**

There were no urgent items.

Duration of meeting: 2.00 - 3.50 pm

Chairman

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APPLICATION NUMBER: WD/D/19/002178

APPLICATION SITE: Land West of, Watton Lane, Bridport

PROPOSAL: Erect 2 dwellings (Outline Application – Access and Layout)

Decision: Refuse for the following reasons:

1. Having regard to the location of the site outside of the defined development boundary for Bridport it is considered that future occupiers of the dwellings would be reliant upon their cars to access day to day living requirements and facilities and as such the dwellings would not be in a suitable location for residential development, would not accord with the National Planning Policy Framework (2019) in its requirement to actively manage growth, through limiting the need to travel and offering a genuine choice of transport modes and would not be sustainable development. The Council has declared a climate emergency and a proactive approach to mitigating climate change should be taken in accordance with paragraph 149 of the National Planning Policy Framework (2019).
2. The site is within the Area of Outstanding Natural Beauty (AONB) and it is considered that the proposed development would adversely impact on the AONB contrary to paragraph 172 of the National Planning Policy Framework (2019) which requires that great weight should be given to conserving and enhancing landscape and scenic beauty within an Area of Outstanding Natural Beauty.

APPLICATION NUMBER WD/D/19/000634

APPLICATION SITE: Home Farm, Wraxall Lane, Chilfrome, Dorchester, DT2 0HA

PROPOSAL: Conversion of part of existing storage barn to living space & office/meeting/drawing rooms associated with the live-work use of the site; and erection of single storey glazed link structure between the dwelling and the barn conversion. External alterations to the dwelling and existing workshop (amended description).

Decision: Delegate authority to the Head of Planning to approve the application subject to appropriate planning conditions.

APPLICATION NUMBER: WD/D/19/002390

APPLICATION SITE: Mulberry House, Roman Road, Osmington, Weymouth, DT3 6ER

PROPOSAL: Erect 1 No. dwelling (part retrospective).

Decision: Grant subject to the following conditions:

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

Location Plan @ 1:2,500 scale indicating the site edged red.

Proposed Floor Plans & Section - Drawing Number OH 2019 001

Proposed Elevations and Frame Plan - Drawing Number PL001 REV B

All stamped received on 24 September, 2019.

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

2. The site shall be used for holiday-let purposes only and shall be not used as the main, or sole, residence of the occupier.

REASON: The Local Planning Authority is prepared to permit the use of the site only for holiday purposes because it is located in an area where permanent residential use is precluded.

3. A register of all persons occupying the holiday accommodation hereby approved shall be kept by, or on behalf of, the owner/ owners of the holiday accommodation. The said register shall be made available for inspection during all reasonable hours at the request of a duly authorised officer of the Local Planning Authority, for such time as the development continues to be used as holiday accommodation.

REASON: To ensure that the accommodation is used for holiday purposes only.

4. No external lighting shall be installed as part of the development hereby permitted unless and until details of the height, positioning, design, external and candela rating of that lighting shall first have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual and residential amenity, and in preserving the character of the night sky from unnecessary light pollution.

Informatives

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 applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

APPLICATION NUMBER: WD/D/19/001887

APPLICATION SITE: Harbour Masters Office, The Mound, Quayside, West Bay.

PROPOSAL: Change of use of part of the Harbour Masters Office from B1 to A1 (retrospective).

Decision: Grant subject to the following condition:

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

Site and Location Plans drawing number 107/17/03 received 23 July 2019.

REASON: For the avoidance of doubt and to clarify the permission.

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