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## DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY 5 NOVEMBER 2020

**Present:** Cllrs Mike Barron, Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Bill Pipe (Vice-Chairman), David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth.

**Also present:** Cllr David Walsh (Portfolio Holder - Planning), Cllr Shane Bartlett and Cllr Toni Coombs

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

Lara Atree (Senior Lawyer - Regulatory), Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Colin Graham (Engineer (Development Liaison) Highways), Paul Hopkins (Director of Countryside Access Management Ltd), Carol McKay (Senior Definitive Map Technical Officer), Vanessa Penny (Definitive Map Team Manager), Jo Riley (Senior Planning Officer), Allison Sharpe (Business Support Officer) and Denise Hunt (Democratic Services Officer).

**29. Apologies**

An apology for absence was received from Cllr Louie O'Leary.

**30. Declarations of Interest**

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

**31. Minutes**

The minutes of the meeting held on 8 October 2020 were confirmed.

**32. 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.

**33. Application to divert footpaths 24, 160, 161 and 162 and bridleway 21, Weymouth**

The Committee considered a report by the Corporate Director for Economic Growth and Infrastructure that considered whether or not to submit a Public Path Diversion Order to the Secretary of State for confirmation further to representations received and also the stance that Dorset Council should take if this were to be submitted.

The application was presented by Mr Paul Hopkins of Countryside Access Management Ltd.

Members were shown a location plan and photographs of the footpaths and bridleway to be diverted, three of which had been dedicated as public rights of way by the developer on the advice of Dorset Council. These paths were the subject of a separate application to add them to the definitive map of public rights of way by means of a modification order under section 53 of the Wildlife and Countryside Act 1981.

The Diversion Order had been made on 26 June 2020 and a notice of the Order advertised in the local press and posted on the site of the footpaths. Six objections had been received, one of which had subsequently been withdrawn. The main issues raised by the outstanding 5 objectors and associated officer comments were outlined below.

- The proposed paths would run on footways within the estate rather than on grass.

Response: the development was taking place on a greenfield site allocated for development in the local plan and therefore this was inevitable, however, the diverted routes of footpaths 160 and 161 would still run through open space.

- Incidences of dog fouling on the proposed footpaths.

Response: The developer had agreed to provide dog bins and associated signage. A management committee set up once the development was completed would maintain and empty dog fouling bins.

- High fences next to paths

Response: It was confirmed that there would be low fences adjacent to the proposed footpath routes with higher fences around the gardens of dwellings that would be set back from the routes.

- The development should have provided for the retention of existing footpaths therefore avoiding need for diversion.

Response: The impact was considered and approved by Dorset Council in the granting of planning permission.

- Detrimental effect on wildlife habitats.

Response: this had been fully addressed in granting of the planning permission.

- Detrimental effect on homes and privacy of occupants of homes adjacent to the footpaths

Response: the impact was mainly to the front of properties where some public activity would be expected.

- Increase in distance of the footpaths

Response: The footpaths were created as alternatives in order to retain the network of paths within the constraints of the development site.

- Work is being carried out to construct the development.

Response: The construction programme takes account of existing rights of way and the developer had sought legal advice that confirmed that the development had not been substantially completed.

Public written submissions received were read out at the meeting and are attached to these minutes.

Members asked questions in relation to the materials to be used and shared use signage in respect of the bridleway, having regard to the safety of users and were advised that these elements could be discussed further with the developer.

It was highlighted that the application related to bridleway 21 as it was referred to as bridleway 24 on the agenda in error.

The Vice-Chairman stated that the issue concerned whether it was necessary to divert the footpaths to enable the development to take place.

Proposed by Councillor Bill Pipe, seconded by Councillor Jean Dunseith.

**Decision:** That

- (a) the Order be submitted to the Secretary of State for determination; and
- (b) the Council takes a supporting stance in the proceedings.

Reason for Decisions:

(a) As there have been objections to the Order, Dorset Council cannot confirm it itself, but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation; and

(b) The representations received to the Order oppose the diversion of the paths. The Council has accepted the application and agrees with the proposed effect of the Diversion Order.

#### 34. **Planning Applications**

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

**35. WP/20/00136/FUL - 375 Dorchester Road, Weymouth**

The Committee considered a report to demolish an existing dwelling and erect 6 dwellings with associated landscaping and parking.

Members were given a presentation including an aerial plan of the site showing the pattern of housing along that part of Dorchester Road, photos, a site plan, elevations, floor plans and street scene. The proposal included widening of the existing access and 15 parking spaces, some of which were allocated.

The Senior Planning Officer advised that trees on the site had been removed, but as the site was not in a Conservation Area and in the absence of any Tree Preservation Orders, consent for the removal of trees had not been required.

An Historic Plan dated 1937-1961 was also shown further to an objection by the Civic Society who considered the building to be of historic merit known as North Lodge previously serving Corfe Hill Farm. However, members were advised that as the property was not a Listed Building or situated in a Conservation Area it could not be protected in planning terms.

It was confirmed that the public footpath that ran alongside the site would not be affected by the development.

The key issues were outlined including:-

- Within the Defined Development Boundary
- Not in the Conservation Area
- Not a Listed Building
- acceptable design
- no significant harm to neighbours
- added to the housing land supply

A plans list was provided that had not been included in the officer's report.

Public written submissions received in respect of this application were read out at the meeting and are attached to these minutes.

Members were shown a "Swept Path Analysis" diagram in response to concern expressed by members on the acceptability of the road layout for vehicles turning right from or into the development and for vehicles turning right into the petrol station opposite the site.

The Highways Officer explained that any conflict would be minimal due to the number of vehicle movements arising from the development, good visibility, the wide road and presence of a pedestrian refuge. He confirmed that there was adequate parking and vehicle turning within the site.

Members requested additional conditions relating to a construction environmental management plan to protect neighbour amenity during the

construction phase of the development and the provision of electric car charging points.

The Area Manager - Western and Southern advised that in light of the two suggested conditions, the recommendation should be amended to delegate approval of the application to the Head of Planning so that the additional conditions could be drafted in conjunction with the Chairman.

In response to a further question it was confirmed that the existing stone boundary wall would be retained as a result of widening the access.

Proposed by Councillor Kate Wheller, seconded by Councillor Bill Pipe.

**Decision:** That authority be delegated to the Head of Planning to grant subject to planning conditions outlined in the appendix to these minutes, including a construction environment management plan condition and a condition requiring a scheme for car charging points and implementation of it, with these conditions to be drafted in conjunction with the Chairman of the Area Planning Committee.

*NB: Councillor Susan Cocking joined the meeting part-way through consideration of this application and therefore she did not take part in the debate or vote on this application.*

36. **WD/D/20/001700/OBL - Land to North and West of Cockroad Lane, Beaminster to the south**

The Committee considered a report concerning the discharge of planning obligations on a Section 52 Agreement dated 10 March 1989 in relation to original planning approval 1/W/88/458.

The Senior Planning Officer showed some location plans and advised that the matter related to a Section 52 Agreement that had accompanied a planning permission granted for industrial development in 1989. This permission had lapsed as no details were submitted within 3 years of approval of the application. The Section 52 Legal Agreement was therefore obsolete and formed an unnecessary legal barrier that could not be applied to future development of the site. The issue of employment use had been explored as part of planning permission granted earlier in 2020 for residential development on this site.

Public written submissions received were read out at the meeting and are attached to these minutes.

*Councillor Kate Wheller left the meeting at 11.30am.*

In response to public participation, the Senior Planning Officer advised that comments made by Beaminster Town Council could be used to inform the Local Plan review process rather than explored in this application, given that permission for housing on this site had been approved and Clipper Teas had also released an adjacent site for residential use which further weakened the case for the retention of employment land in that area.

Proposed by Councillor Nick Ireland, seconded by Councillor Bill Pipe.

**Decision:** That subject to the Applicant paying the Council's proper legal costs and indemnifying the Council generally in respect of such action, the Section 52 Agreement be revoked by deed of revocation.

37. **Appeal Decisions**

The report was noted.

38. **Urgent items**

There were no urgent items.

**Appendix - Decision List**

**Duration of meeting:** 10.00 - 11.38 am

**Chairman**

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## Western & Southern Area Planning Committee

5 November 2020

### Written Submissions

#### **Application to divert footpaths 24, 160, 161 and 162 and bridleway 24, Weymouth**

#### **Ian Beech**

I would like to express the feelings and thoughts of myself and others,

Footpath 162 is nearly the same, no objection

Footpath 160 - I think the footpaths either side are adequate and not too different from the original footpath, no objection

Footpath 161 is the major concern, being moved and using the estates roadway footpaths, running alongside the highest point of the water holding area at less than a metre distance.

One apparent reason the original had to be moved was it would be too close if left in place and possibly dangerous.

It would be at least the same distance away and at a much lower level and thereby safer if left alone, it would only mean affecting 2 houses which are on the original route of the footpath and no impact on the local wildlife and also leaving a safe undisturbed corridor for movement of them and the existing reptiles and a safe not crossing roads or using pavements for the public and dogs. Otherwise they would be using the estates roadways and pavement as this is the so called relocation of footpath 161.

Why do the developers not use the existing route G,H,I,J leading to K.

They can't surely say it's too late. This could have been thought of by them rather than people like me looking at it. Or blame the council they made us have it in the corner!!

It would be a safe route to the countryside and only affect two properties or even at worst as it's now built use the pavement from U , P to Q and onto existing 161 joining at Q1. It worries us that they have already built some of the new footpaths and put tarmac on them before any consultation or

decision is made and seems like we will do what we want as it's going to happen!!

This would leave residents happier from disturbance and confrontation over dogs and mess on frontage, reduce accident risk and reduce the intrusion on the wildlife. There have been sightings of reptiles back in this area and reported to the council, now in the hands of Enforcement Officer Mr Neil Dackham!

It seems there is no respect for residents, Dorset Council planning or the locals.

Some work has already gone ahead on footpaths with no regard to planning, more like we are doing what we want not Dorset planning

## **Gregg Allison, Persimmon Homes**

Please accept this email as a deputation, submitted on behalf of Persimmon Homes, in respect of the above item.

Firstly, I would like to extend my gratitude to the Council's Democratic Services Team, and Members, for putting in the arrangements for this meeting to take place. I would also like to take this opportunity to commend the Public Rights of Way Consultant, and your Officers, for the positive and proactive way in which they have dealt with this sensitive application.

It is, of course, regrettable that we find ourselves in this position. Throughout the planning process Persimmon Homes has taken all steps to deal with Rights of Way crossing this site in accordance with the proper procedures and legislation. The Rights of Way were fully taken into account in the layout of the site and due regard has been had for the relevant legislation in the process of diverting them through the site.

It is acknowledged however, that the Council has no other option but to submit the application to the Secretary of State given the extant objections.

With regard to the merits of the application, the assessment of the Officers in the committee report is accurate and robust in light of the material considerations. The recommendation to support the diversion is, therefore, welcomed and I trust you will share this view.

By way of clarification, I would like to confirm that a QC Opinion has been sought as to the question whether the diversion can be made under the TCPA. The conclusion is that "*...it is plain beyond doubt that the development is not substantially complete.*" This, I hope deals with this query and gives confidence that the current approach is correct.

Turning now to the completion of the scheme which, I suspect, will be of interest to Members. Please be assured that allowances have been made in the build program to deal with this eventuality and the 26 dwellings that are affected by the diversion are not to be constructed until such time as the diversion has obtained the necessary approvals. As a result of the uncertain timescales involved, however, I am not in a position to confirm when or how the site will be completed, but all evidence suggests there likely will now be a delay between the construction periods.

In conclusion, I hope that these brief comments are helpful in determining the application. I look forward to receiving confirmation of the submission to the Secretary of State and, thereafter, being in a position to be able to complete the development and provide the much needed housing in the District

**WP/20/00136/FUL - 375 Dorchester Road, Weymouth**

**Tim Sutton**

This application would involve the demolition of a former lodge to Corfe Hill House. The lodge is the smaller section of the current building fronting on to the former drive to Corfe Hill House.

Each time I pass the lodge I feel saddened by the proposed loss of this important asset to the local street scene.

It provides an important historical timeline from these rather different times.

The former lodge is an elegant building that with the attendant gate piers and walling provide variety and visual interest to the local area.

The loss of the trees surrounding the building prior to this application I find regrettable.

The density of any proposed development to this site should be in accordance with neighbouring Dorchester Road properties.

Serious consideration should be given concerning this application and the long term detrimental effect it would have on the local area.

## **Laura Ashworth (Agent)**

The original application was submitted in February 2020 and we have worked since this time closely with the various case officers and Dorset County Highways to assure them our proposals are sustainable, enhance the current site, provide much needed low cost dwellings for local people and mitigate for any perceived harm on the landscape and biodiversity.

We note the following to help with your decision:

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The development will assist in the lack of five year housing supply and accords with Policy SUS2 as the site is within the Weymouth DDB. The density is similar to adjacent developments and is in keeping with character of the area.
- As this site falls below the NPPF thresholds, an affordable housing contribution is not required. The dwellings will however be low cost.
- Following the submission of a BMEP and its subsequent approval by NET it is considered that the proposed development would have an acceptable impact on biodiversity. No protected species were found on site and mitigation/improvement measures are proposed. A landscape condition is included to ensure some soft planting and 5 fruit trees as mitigation for trees lost prior to the submission of the application.
- The development would have no undue impact on the wider landscape being in an urban area and would not impact on the LLLI or green infrastructure network.
- There would not be any significant harm to neighbouring residential amenity.
- The development would not harmfully impact upon local highway safety. A detailed specific highways pre application was held prior to this application which helped inform the design for the scheme and site layout. All concerns were addressed through the supporting information prepared by iTransport. There is no objection from Highways Officers.
- The proposal would not affect any conservation area or designated heritage assets.
- We note the Weymouth Civic Society believe the existing building to be heritage asset, and should be retained. We would reiterate that it is not

listed, locally listed, a designated asset, nor in a conservation area. On balance we consider that the harm of its demolition is outweighed by the benefits. We note recent case law where the Inspector confirmed that there was no protection for informal heritage assets. It has no features of merit and has modern interventions which do not warrant its retention. The building suffers subsidence and two thirds of the building is of c.1970 in construction. As a fallback the building could be demolished without formal planning permission.

- In conclusion there are no material considerations which would warrant refusal of this application and has officer support.

## **WD/D/20/001700/OBL - Land to North and West of Cockroad Lane, Beaminster**

### **Beaminster Town Council**

Beaminster Town Council (BTC) is very disappointed that the long held classification of this parcel of land, initially recorded as WA1 and now incorporated into the new identity of BEAM 1, as a site for advancing employment growth in the town, is being ignored.

The S52 agreement of 10 March 1989 recognised the need for employment land and the extant

WDDC Local Plan acknowledged this need by including 'live-work' business accommodation in its policies. Beaminster has since grown significantly. The continuing influx of the newly retired has done nothing to redress the demographic balance that is necessary to maintain a thriving, living, working town.

BTC believes that it has allowed a fair proportion of new homes that is acceptable for a small town but accommodating 300 houses without improved infrastructure or employment opportunities is unsustainable. While we accept the demand for housing is real and growing, it would be irresponsible to ignore the need for an holistic assessment that encompasses Beaminster as a whole.

The Planning Officer claims that the circumstances around BEAM 1 have changed. However, the requirement for employment land, alongside existing businesses, still exists and the investment by Clipper Teas to consolidate its activities to the south of Broadwindsor Road released a hectare of business land that should be translated into BEAM1.

We strongly object to new proposals from the 'emerging local plan strategy' being a reason to remove the employment requirement explicitly referred to for the BEAM1 site. The policies in the existing Local Plan, adopted 2015, still apply. The Town Council has already objected to the creation BEAM4, south of Broadwindsor Road, for employment.

References to screening the site from the Wessex Ridgeway footpath are a spurious distraction since the town is criss-crossed with footpaths. The Senior Economic Regeneration Officer referred to "exceptional" costs for "drainage and utility connections". BTC would reasonably argue that they would be no different from the same utilities required for any residential development.

BTC accepts that there is an appetite for new ways of working, such as 'business hubs' would benefit the aspirations of young working families. 'Working-from-home' may become the 'new normal' and creative youngsters require space for start-ups which could be accommodated in smaller workshop or studio units (*cf. Poundbury*), which would blend with domestic dwellings if given an imaginative setting and built to low carbon standards.

Sustainability would be enhanced by reducing car use and energising the local economy within a desirable work environment. BTC does not wish to see its long-held aspiration for advancing employment opportunities set back again by empty promises.

# Appendix

**APPLICATION NUMBER:** WP/20/00136/FUL

**APPLICATION SITE:** 375 Dorchester Road, Weymouth

**PROPOSAL:** Demolition of existing dwelling & erection of 6 dwellings with associated landscaping & parking.

**DECISION:** Delegate authority to the Head of Planning to grant subject to planning conditions including a construction environment management plan condition and a condition requiring a scheme for car charging points and implementation of it, with these conditions to be drafted in conjunction with the Chairman of the Area Planning Committee.

- 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:

Location plan S-1348-01 (received on 18th February 2020)

Site Plan PL-1348-200A (received on 11th March 2020)

Floor Plans and Elevations Plot 1&2 PL-1348-201- REV A (received on 20<sup>th</sup> October 2020)

Floor Plans and Elevations Plot 2&3 PL-1348-201 – REV A (received on 20<sup>th</sup> October 2020)

Floor Plans and Elevations Plot 3&4 PL-1348-202 REV A (received on 20<sup>th</sup> October 2020)

Street Scene PL-1348-204 (received on 4<sup>th</sup> November 2020)

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

- 3) Before the commencement of development, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details to be submitted shall include planting plans, protection measures for existing features, planting maintenance schedules. All hard landscaping works shall be carried out prior to first occupation of the dwellings hereby approved. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority.

In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of continued visual public amenity.

- 4) Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plan must have been constructed. Thereafter these areas must be permanently maintained, kept free from obstruction and made available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

- 5) Before the development is occupied or utilised the first 10m of the vehicle access measured from the rear edge of the highway excluding the vehicle crossing 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.

- 6) Before the development is occupied or utilised the existing access point must be permanently closed by extending the adjoining highway boundary and removing any gates. The existing highway vehicular crossing must be expunged and reinstated to a specification which must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

- 7) Before the commencement of development, details and/or samples of all facing and roofing materials shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be completed in accordance with these details.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality. The development shall not be occupied until the mitigation measures detailed in the approved mitigation plan dated 11.3.20 have been completed in full, unless any modifications to the agreed mitigation plans as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys, have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: In the interests of a protected species.

- 8) Before the commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details and shall be completed before the dwellings are occupied.

Reason: To safeguard the amenities of the locality and the privacy of the occupiers of adjoining premises.

- 9) Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification) no enlargements, alterations or modifications in the form of insertion of first floor windows on any elevation shall be carried out to the dwelling without a further application for planning permission being approved by the Local Planning Authority.

Reason: Enlargements and/or windows could potentially be detrimental to the amenity of the locality and neighbouring properties.

- 10) All windows on the proposed development shall be constructed in timber with the windows painted white, unless otherwise agreed and shall be retained in that condition unless a further application for planning permission is received.

Reason: To ensure that this aspect of the design is in keeping with the character and appearance of the building.

Informatives: NPPF, CIL, Section 184 Highways Act.

**APPLICATION NUMBER:** WD/D/20/001700/OBL

**APPLICATION SITE:** Land to North and West of Cockroad Lane, Beaminster.

**PROPOSAL:** Discharge of planning obligations on Section 52 Agreement dated 10 March 1989 (original planning approval 1/W/88/458).

**DECISION:** That subject to the Applicant paying the Council's proper legal costs, and indemnifying the Council generally in respect of such action, the Section 52 Agreement be revoked by deed of revocation.