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WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 23 MARCH 2023

Present: Cllrs Dave Bolwell, Kelvin Clayton, Susan Cocking, Nick Ireland, Louie O'Leary, Paul Kimber, Bill Pipe (Vice-Chairman), David Shortell (Chairman), Sarah Williams and John Worth

Apologies: Cllrs Kate Wheller

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

Ann Collins (Area Manager – Western and Southern Team), Robert Parr (Planning Officer), Joshua Kennedy (Apprentice Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), George Dare (Senior Democratic Services Officer), Charlotte Loveridge (Planning Officer), Matthew Pochin-Hawkes (Lead Project Officer) and Joanne Langrish-Merritt (Planning Officer)

73. **Declarations of Interest**

Cllr Shortell declared an interest in application no P/HOU/2022/071110 due to having made a written statement regarding the item, he withdrew from the meeting during the consideration of this item.

Cllr Bolwell and Cllr Clayton noted that they sat on the Bridport Town Council planning committee, however, did not take part in the debate or vote when application no P/FUL/2023/00134 was determined by the Town Planning Committee, as such they were not predetermined on this item and were able to take part in the debate and vote.

75. **Minutes**

The minutes of the meeting held on 23 February 2023 were confirmed and signed.

76. **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.

77. **Planning Applications**

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

Application No - P/ HOU/2022/07110 - 55 Church Street, Lyme Regis, DT7 3DA

- a) Cllr Shortell left the Council Chamber during the consideration of this item and Cllr Pipe chaired the meeting.

Proposed by Cllr Pipe and seconded by Cllr Worth.

Decision: That Cllr O’Leary be elected as Vice-Chair for the duration of this item.

The Lead Project Officer introduced the application to retain raised decking at the rear of a residential garden, he explained that this was a retrospective application as the structure had been built in September 2022 and required planning permission due to the height of the structure.

Members were shown an ariel view of the site showing the location in relation to the surrounding area, the Lead Project Officer drew attention to the significant number of listed buildings that are located within the vicinity of the site, including many of the neighbouring properties, which are grade II listed and a grade I listed church. The Planning Officer noted the location of Mary Anning’s grave (a non-designated heritage asset).

A detailed site plan was displayed, which showed the height and scale of the structure in relation to the neighbouring wall of the churchyard. Photographs were also provided, showing the use of the structure and the views from the top of the decking over the surrounding area, as well as the visibility of the decking from neighbour’s gardens and the adjacent churchyard.

The Lead Project Officer outlined the key issues of the application, noting the objection from the Conservation Officer, the impact on residential amenity from loss of privacy of the neighbouring properties and the scale and design of the structure. As a result, the application was recommended for refusal.

In response to a member question, the Lead Project Officer explained to the committee that decking under the height of 30cm falls under permitted development and did not need planning permission, this information was available on the Dorset Council website. He also clarified that the total height of the structure to balustrade level was 2.8m, while the height of the decking was approximately 2m.

Members felt that the structure had an adverse impact on the character of the area and that there was a loss of privacy from the overlooking of the decking into neighbouring properties.

Proposed by Cllr Ireland and seconded by Cllr Cocking.

Decision: That the application be refused for the reason(s) outlined in the appendix to these minutes.

Application No P/FUL/2022/05777 - 7 Custom House Quay, Weymouth, Dorset, DT4 8BE

- b) Cllr Shortell returned to the Council Chamber at 10:33 as Chairman.

The Planning Officer presented the application for the installation of large doors to the ground floor and replacement windows of a property in Weymouth harbour, it was explained that this application had been significantly amended and reduced since the initial application.

Members were shown the proposed elevations of the property and the Planning Officer explained that the only changes to the listed building would be to the style and colour of the windows to a more modern design.

The modern style of windows was not considered to cause harm to the conservation area and the Planning Inspector considered the windows to be in keeping with the conservation area.

In response to questions from members the Planning Officer explained that, as a result of the application being reduced significantly from the initial proposal, the large bi-fold doors were now no longer under consideration and the applicant had included a less imposing single width door for the ground floor instead.

Members were considerate of protecting the character of the area and were reassured by the Planning Officer that the new windows would reflect the industrial character of Weymouth harbour and would not negatively impact the area.

Proposed by Cllr Ireland and seconded by Cllr Kimber.

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

Application No P/FUL/2023/00134 - 13 Clarence House, West Bay Road, West Bay, DT6 4EN

- c) The Planning Officer introduced the application for the change of use to outdoor seating and dining and the construction of a low retaining wall.

Members were shown the site location in relation to the surrounding area and the Planning Officer explained that this application had come to the committee for determination due to the site being located on Dorset Council owned land.

The Planning Officer displayed the site plan of the existing usage of the site, showing the picnic benches currently in place and the mound that

was being used by pedestrians as a footpath to access the beach. The current usage of the site had been agreed with Bridport Town Council under a Sitting Out licence, which permitted the installation of temporary picnic benches for outdoor seating.

Under the application the area would be formalised, with an enclosing wall built to cordon off the seating area and paving installed to place the picnic benches on.

The Planning Officer outlined the main issues of the development, including the impact on the character of the area and the impact on residential amenity and public access for wheelchair users and pushchairs.

A comment was provided by Historic England regarding the application, which stated that care would need to be taken to ensure that there would be no negative impacts on the designated heritage assets in the area.

The Planning Officer noted that the mound showed signs of erosion and the work included as part of this application could stabilise the ground, however this did not outweigh the negative impacts on public access and the character of the area.

There was public representation from Mr James Tigg, who spoke in opposition to the application, citing the negative impact this application would have on the local area.

There was also public representation from Mr Simon Ludgate the agent to the applicant. He highlighted the benefits that this application would have in formalising the public footpath making the area safer for public use.

In response to questions from members the Planning Officer informed the committee that the area had been used as a public footpath for the past 100 years as shown from historic photos and this application would formalise the area as outdoor seating and dining. The Planning Officer also explained that the height of the proposed public footpath would be approximately 0.5m and would have a steep edge on one side.

Several members supported the officers' recommendations, due to the loss of access to the pathway, particularly for wheelchair users and pushchairs. However, some members felt that formalising the site would improve the look of the area and make it more attractive to users of the site.

Proposed by Cllr O'Leary and seconded by Cllr Worth.

Decision: That the application be refused for the reason(s) outlined in the appendix to these minutes.

Application No P/FUL/2022/07724 - 16A Albany Road, Granby Industrial Estate, Chickerell, DT4 9TH

- d) The application for the erection of no 2 commercial units on the Granby Industrial Estate in Chickerell was presented by the Planning Officer, who explained that this application had come to the committee for determination because part of the application site was on land owned by Dorset Council.

Members were shown the location of the site in relation to the surrounding area and the Planning Officer explained that the part of the application on Dorset Council land was the pavement at the front of the site.

The Planning Officer showed the proposed site layout plan, with two industrial units in one building and explained that the curb at the front of the site would be lowered to allow access for vehicles. Fencing would be erected to the side and rear of the site to separate it from the existing industrial units.

Members were shown the proposed elevations of the front, rear and sides of the proposed building and were also informed that solar panels would be installed on the roof of the building.

The Planning Officer summarised the key issues of the application, noting there were no highway concerns and no impact on residential amenity.

The Planning Officer clarified that the fencing would only be installed to the side and rear of the units to separate the new units from the existing ones and the front of the site would be open.

Proposed by Cllr O'Leary and seconded by Cllr Worth.

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

78. Urgent items

There were no urgent items.

79. Exempt Business

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 - 11.36 am

Chairman

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Western & Southern Area Planning Committee 23 March 2023 Decision List

Application Reference: P/HOU/2022/07110

Application Site: 55 Church Street Lyme Regis DT7 3DA

Proposal: To retain raised decking at rear of garden.

Recommendation: REFUSE for the following reason(s).

Decision: **REFUSED for the reason(s) outlined below.**

1. It is considered that the structure is not in harmony with the historical setting of 55 Church Street which consists of multiple heritage assets, where the platform with balustrading is considered overly large, high and of a utilitarian finish, issues which are exacerbated by the elevated position in which it is sited and by its intended use. In this regard it is considered to cause less than substantial harm without public benefit to outweigh the harm to the Church of St Michael (Grade I) and its associated churchyard, walls and railings (Grade II), the grave of Mary Anning (Non-Designated Heritage Asset), and to Lyme Regis Conservation Area. Given the churchyard is identified as an area of importance in the Conservation Area Appraisal, it is also not considered to preserve or enhance the character of Lyme Regis Conservation Area. It therefore fails to comply with Local Plan Policies ENV4, ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and is not in accordance with paragraphs 199-200 and 202-203 of Section 16 of the NPPF.
2. Having regard to the location and elevation of the platform at 55 Church Street and the extent of views provided by the platform into properties to the north and south, the retention of the raised decking and platform would enable an unacceptable degree of noise, activity and overlooking and be overbearing to properties immediately neighbouring it (54 and 55a Church Street) to the significant detriment of the residential amenity of those properties and would therefore not be in accordance with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Informative Notes:

1. National Planning Policy Framework
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 did not take the opportunity to enter into pre-application discussions.

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

2. The plans that were considered by the Council in making this decision are:
Location Plan DWG 27-01
Elevations DWG 27-03
Site/Garden Plan DWG 27-04

Application Reference: P/FUL/2022/05777

Application Site: 7 Custom House Quay Weymouth Dorset DT4 8BE

Proposal: Install large doors to ground floor and replacement windows.

Recommendation: GRANT subject to conditions.

Decision: GRANTED subject to the following 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:

Location Plan and Block Plan 2904:352/001
Proposed floor plans and elevations 2904:352/002C

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

3. All windows and doors hereby approved shall be constructed of aluminium and shall be grey in colour and shall thereafter be retained as such.

Reason: To ensure a satisfactory visual appearance of the development.

Application Reference: P/FUL/2023/00134

Application Site: 13 Clarence House, West Bay Road, West Bay, DT6 4EN

Proposal: Change of use of land to outdoor dining/seating area, construction of low retaining wall.

Recommendation: REFUSE

Decision: REFUSED for the following reason(s).

1. Although the incorporation of further benches for visitors to sit and eat will provide convenience and overall bring benefit to the local economy, overall it is considered that this scheme results in less than substantial harm to the designated heritage assets of the Grade II listed Clarence House, Methodist Church, Bridport Arms Hotel and The Bay House, that is not outweighed by those public benefits and the scheme also fails to preserve or enhance the character and appearance of the West Bay Conservation Area. This concern is further supported by the pre-text to policy ENV11 (The Pattern of Streets & Spaces) of the adopted West Dorset, Weymouth & Portland Local Plan (2015) which states 'Works to the public realm within the historic environment should positively contribute to local character and identity' The lack of greenery is stated as a weakness of the area in the Supplementary Planning Document 'A Vision for West Bay – Regeneration Framework (2003)' so any reduction in the existing green areas should not be encouraged and this scheme would result in a reduction. As such, the scheme is contrary to policies ENV4, ENV10 and ENV11 of the West Dorset, Weymouth & Portland Local Plan (2015); policies D1, D8, HT2 of the Bridport Area Neighbourhood Plan (2020) and paragraphs 200 and 202 of Section 16 of the NPPF (2021).

2. The scheme seeks to replace a clearly visual public access with an access that is restrictive, not suitable for all users, less legible for the public and likely to introduce a conflict between pedestrians and vehicular traffic to the detriment of highway safety as it will encourage pedestrians, wheelchair & buggy users to go through the carpark to be able to get to the Discovery Centre and east beach and as such it is considered that it would have a negative impact on the qualities of the public realm. Therefore, it fails to comply with policy ENV11 of the West Dorset, Weymouth & Portland Local Plan (2015), Policies AM1 & AM3 of the Bridport Area Neighbourhood Plan (2020) and Section 9 para 112 of the NPPF (2021) that says development proposals should "create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards."

Application Reference: P/FUL/2022/07724

Application Site: 16A Albany Road Granby Industrial Estate Chickerell DT4 9TH

Proposal: Erect No. 2 Commercial Units to the front of site.

Recommendation: GRANT subject to conditions.

Decision: GRANTED subject to the following 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:

Site Plan, Floor Plans, Location Plan, Elevations – Dwg No. 16 Albany Road/01A (submitted on 10 January 2023)

Manouverability of HGV – Dwg No. 16 Albany Road Highway (submitted on 11 January 2023)

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

3. The external facing materials for the wall(s) shall be Marley Eternit Cladding colour grey and roof(s) shall be Solar Panels surrounded by Dark Grey Slate.

Reason: To ensure a satisfactory visual appearance of the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for uses falling into Use Class B2.

Reason: In the interests of amenity and to ensure that the use remains compatible with surrounding land uses in the area.

5. Before the development is first occupied or utilised the first 5 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 which shall have first been submitted to and approved in writing by the 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 hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

7. Prior to first use or occupation of the development hereby approved, the cycle parking facilities shown on drawing number: 16 Albany Road/01A shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

8. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informative: 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.

Informative: Highways

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 Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

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