

**DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING
COMMITTEE**

MINUTES OF MEETING HELD ON WEDNESDAY 12 AUGUST 2020

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

Apologies: Cllrs David Gray, Pete Barrow and Louie O'Leary

Also present: Cllr David Walsh, Cllr Dave Bolwell and Cllr Rebecca Knox

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

Penny Canning (Lead Project Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Jo Riley (Senior Planning Officer), Darren Rogers (Enforcement Manager), Allison Sharpe (Business Support Officer), Guy Tetley (Engineer (Development Liaison)) and Denise Hunt (Democratic Services Officer)

139. Election of Vice-Chairman for the meeting

Proposed by Cllr Susan Cocking, seconded by Cllr Nick Ireland

Decision: That Cllr David Shortell be elected as Vice-Chairman for the meetings on 12 and 13 August 2020.

140. Apologies

Apologies for absence were received from Cllrs Peter Barrow, David Gray and Louie O'Leary.

141. Declarations of Interest

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

142. Minutes

The minutes of the meeting held on 9 July 2020 were confirmed and signed.

143. 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.

144. **Planning Applications**

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

145. **WP/20/00150/OBL - Field South of Nottingham Lane, Nottingham Lane, Weymouth**

The Committee considered an application for the modification of planning obligations on a Section 106 Agreement dated 26th June 2017 of planning application WP/17/00271/OUT which granted permission for 340 dwellings.

The Lead Project Officer presented the application, informing members that the modification related to a reduction in the area of public open space from 4.75 to 4.7 hectares. Given that a development of this site would ordinarily require 1.53 hectares of open space, 4.7 hectares remained a significant over provision of open space.

The modification also sought a change in how the open spaces were to be provided from 4 large play spaces to 12 smaller play areas of 250 square metres.

The key issue was highlighted as being the reduction in public open space by 0.05 hectares.

Members sought clarification on the nature of the smaller play areas and impact on future maintenance schedules given that larger play areas were easier to maintain.

It was confirmed that not all of the 12 play areas would comprise fully equipped play equipment in the traditional sense and that some of the areas would involve natural play.

Proposed by Cllr Nick Ireland, seconded by Cllr Susan Cocking.

Decision

That authority be delegated to the Head of Planning to modify the S106 agreement dated 26th June 2017 of planning application WP/17/00271/OUT to:

- Modify the public open space provision to a total of 4.70ha

146. **WD/D/20/000228 - Land at Jesmond Farm, Monmouth Gardens, Beaminster**

The Committee considered an application to erect a dwelling on land at Jesmond Farm.

The Lead Project Officer presented the application and an aerial photo of the site showed a paddocked area within a wider agricultural field accessed by an existing access along Monmouth Gardens.

The location was just outside the Defined Development Boundary (DDB) and the high risk flood area although the access was just within the flood area.

The key planning issues were highlighted, including:-

- Principle of development
- Visual impact and the AONB
- Flood risk

The applicant had submitted an evacuation plan to deal with a flood event. The property was easily accessed from the town and added to the housing supply.

A written representation by the Agent in support of the application was read out by the Administration Assistant and is attached to these minutes.

Members highlighted that there was no mention in the report of possible contamination and were informed that a condition could be added to require the applicants to notify the Planning Authority if contamination was found. The addition of such a condition was supported by the Committee.

The Chairman highlighted that the proposal was not in the Local or Neighbourhood Plans nor was this an affordable dwelling.

Proposed by Cllr Nick Ireland, seconded by Cllr Kate Wheller.

Decision: That the application be approved subject to the conditions, including an additional condition in relation to contamination, as outlined in the appendix to these minutes.

147. WD/D/20/000583 - 82 East Street, Beaminster, DT8 3DT

The Committee considered an application for the demolition of an existing bungalow and erection of 5 dwellings that had been deferred for a site visit at the meeting on 9 July 2020.

The Enforcement Manager updated the committee that a further representation had been received from Mr Dixon objecting on grounds of highways and access, details of which he had e-mailed to all members of the Area Planning Committee.

An additional plan submitted showed the proposed pedestrian and vehicular access proposals 'as existing' and 'as proposed' for clarification purposes as requested by the Chairman at the previous meeting.

A short video of the site had been circulated to members in lieu of a physical site visit due to the restrictions imposed by the COVID 19 Pandemic in relation to group gatherings.

Members were given a similar presentation that was received at the meeting on 9 July 2020. Extra slides had been added at the request of the Chairman showing the existing and proposed wider site access with the footpath running

alongside and bollards along the gable wall at No 80 East Street; and similarly for the existing and proposed pedestrian access with a kissing gate onto East Street.

The key planning points were highlighted, including :-

- Principle of development
- Design
- Conservation Area and AONB
- Neighbouring amenity
- Highways
- Biodiversity/nature conservation
- Community Infrastructure Levy (CIL)

The Chairman reminded members that they would have needed to have seen the video, attended the site, or have good knowledge of East Street in order to participate in the debate on this application.

The Vice-Chairman stated that he was concerned with the narrowness of East Street and referred to the NPPF which stated that development should only be refused on highway grounds if there was an unacceptable impact on highway safety which he felt to be the case in this instance. Even with the increased width of the vehicular access, he considered that vehicles would need to pull out across the road in order to see and there was no pavement along East Street to offer protection to pedestrians. He referred to a previous objection to an application at Hollymoor Gardens due to the highways impact on East Street and that this, and the narrowness of the street should be taken into consideration in this proposal.

Other members expressed similar serious concerns in relation to highway safety. They considered that the single vehicular access from this development onto East Street was potentially hazardous, given the nature of East Street and lack of visibility splay due to the buildings either side of this access. It was noted that there was some inconsistency with the advice given by the highways authority in relation to viewing mirrors.

Referring to comments made about a previous application at Hollymoor Gardens for a single dwelling and vehicular access, the Enforcement Manager advised that this application had initially been refused, but then allowed on appeal. At that time, the Planning Inspector addressed the main issue of impact on the highway network in that area and explained why the proposal would not result in an unacceptable impact on the highway and complied with Local Plan policy as not being so severe as to warrant refusal.

The Highways Officer stated that taking into account the outcome of the appeal decision in the vicinity, the low speed environment, the presence of multiple accesses onto East Street without onsite turning and the likely amount of vehicular trips generated as a result of this scheme, he did not consider that this formed a reason for refusal that would be sustainable on highway grounds on appeal.

The Chairman stated that the majority of houses in East Street were built in stone and, whilst the new dwellings would not be totally stone faced, they would be outside the DDB, at odds with the majority of houses in this street and were not affordable housing. Recent homes built in East Street had a much wider access and were entirely stone faced. He therefore also had severe concerns in relation to materials as well as access that had been described by officers as "sandwiched".

The Enforcement Manager explained that the term "sandwiched" had been used to describe the position of the access between 2 gable walls that provided no visibility splay whatsoever. This would mean that vehicles would need to come out of the access at very low speeds as indicated by the Planning Inspector for a development on Portland, also referred to in the report. In terms of the materials, a condition could be included that the properties shall all be stone in accordance with details to be submitted and approved.

The Vice-Chairman remained concerned about the narrowness of the street and lack of pavements, despite comments made by the Highways Officer and that this development could add to the problem.

Cllr Susan Cocking raised further concern with the comparison made with the application on Portland as parking implications were a significant issue on Portland and that the access for this proposal was onto a narrow street with parked cars which was dangerous.

The Chairman highlighted that the proposal was outside the DDB and the Local Plan and Neighbourhood Plan and would affect residential amenity, and that the Committee could refuse the application on highways grounds.

The Solicitor advised that the Committee should have regard to previous appeal decisions if minded to refuse this application. However, if members considered that there were differences in circumstances that meant that members could differentiate on highways grounds from previous appeal decisions then this would be appropriate, provided that the reasons were drafted comprehensively and reasonably. However, there remained a possibility that the Council could face costs on appeal.

Cllr Sarah Williams agreed that the access was dangerous, onto a narrow street with no pavements, parked cars and an access point opposite leading to more homes. She did not view this access as being suitable for this number of houses and potential number of cars given that the road was heavily used by pedestrians walking into the centre of Beaminster.

Cllr Susan Cocking proposed that the application be refused under paragraph 109 of the NPPF due to the unacceptable impact on highway safety. This was seconded by Cllr Sarah Williams.

The meeting adjourned from 11:18 -11:33am in order that officers could draft the reasons for refusal based on the highways concerns raised by members.

The meeting reconvened and the Chairman wished to consider some further reasons for refusal. The Solicitor advised that any additional reasons for refusal should be agreed by the proposer and seconder of the motion to refuse the application.

Some additional reasons for refusal were debated, including materials, the lack of affordable housing and that the site was outside the DDB and not in the Local Plan.

The Area Manager - Western and Southern read out the reasons for refusal on highways grounds.

The meeting was adjourned for a further period from 11.42am to 11.50am in order that officers could draft the further reasons for refusal.

The following reasons for refusal were shared by way of a presentation slide for the benefit of members of the Committee and the public.

1. The application site is outside of the defined development boundary for Beaminster and the proposal is not for affordable housing and as such it does not form an exception site. As such the proposed development is contrary to Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) which seeks to strictly control development outside defined development boundaries. The benefits of the proposal (the addition of a net increase in 4 dwellings to the housing supply) would not outweigh the harm in permitting a development outside the defined development boundary in the planning balance.

2. The proposed development will generate further traffic and pedestrian movements along East Street, a County highway with variable and limited carriageway and footway widths. Furthermore the vehicular access to the site is narrow and lacking any visibility splays. In the absence of the construction of, or programme for, a detailed improvement scheme designed to provide suitable and appropriate traffic management and safety enhancements for this street or to improve the width and visibility splays of the access, this development would be likely to cause danger and inconvenience to all highway users resulting in a severe impact on highway safety. Hence the scheme would be contrary to policy COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and Para 109 of the National Planning Policy Framework (2019).

3. In the absence of a S106 agreement to secure a financial contribution to off-site ecological mitigation it is considered that the proposed development would result in the unacceptable loss of semi-improved grassland in which are present Dorset Notable species and as such the development would adversely impact on biodiversity contrary to Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan (2015), Dorset Biodiversity Compensation Framework and paragraph 170 of the National Planning Policy Framework (2019) (NPPF) and as such the refusal of the planning application accords with paragraph 175 of the NPPF.

The proposer and seconder of the motion to refuse the application confirmed that they were content with the reasons as set out.

Proposed by Cllr Susan Cocking, seconded by Cllr Sarah Williams.

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

148. **WD/D/19/000797 - St Andrews House, St Andrews Trading Estate, Shoe Lane, Bridport, DT6 3EX**

The Committee considered an application for the formation of a first floor walkway and seating area which users of the facility could use as outdoor amenity space.

Members received a presentation on the proposal that was within the DDB and ancillary to leisure facilities, cafe and day nursery. The site was on an industrial estate with no nearby residential houses.

An objection had been received from the Parish Council on the grounds that the walkway overlooked the Area of Outstanding Natural Beauty (AONB) of the river and Asker Valley.

The main planning issues were outlined including:-

- a small scale development within the DDB
- no nearby residential use
- use as an outside seating space for staff
- no change of use
- noise impact minimal within the trading estate
- no impact on parking or trees
- hours of use controlled 0800 to 2000 (*a typographical error that stated 2200 in the presentation was corrected*)

In response to questions, the Senior Planning Officer advised that the existing uses of the building was covered in condition 5 of the proposal.

Members highlighted that a licence to sell alcohol had recently been granted for the building, however, given the hours of operation of the building some members did not consider this to be unduly concerning. An alternative view was expressed that the impact of the licensing on the overall use of the building was not favourable.

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

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

149. **WD/D/19/003186 - Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ**

The Committee considered an application for the demolition of an original farmhouse in the Conservation Area and the erection of a new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans).

The Enforcement Manager presented the Section 73a application that sought to vary the plans list condition for the previously approved planning permission for the site. A number of Non-Material Amendment applications (NMAs) had subsequently been approved, but the latest received in 2019 was refused. This was due to the cumulative changes sought not being accepted as an NMA which left the only option to regularise the building as now built and to be completed in the form of a Section 73a application.

Members were shown a site location plan, showing a red line dividing the built form and garden/ allotment areas and terraced properties on the north side accessed by a higher footpath level to the road; the site location in relation to the village centre and nearby listed buildings, Conservation Area (CA) and DDB; an aerial photo of the land before development and former farmhouse buildings along Main Street sloping downwards and Village Hall; google views before redevelopment of the farmhouse at right angles to other buildings down the slope of the land and access footway to the properties along Main Street.

Members were also shown various plans of the "Y" shape development and lower level garage accessed via Main Street and the garden area / private allotment with an access off Duck Street.

A number of photos were shown of the development including the structure as built, the garage set at a lower level off Main Street; the Main Street and Duck Street accesses and the general vicinity of the development.

He confirmed that no Highways objection had been made in relation to the slope of the driveway leading to the garage.

Slides were shown of the as built and as approved floor plans which showed a similar building in terms of its footprint and accommodation, however, the building had been "tweaked" on the various levels and was now further towards Main Street showing how it had not been built in accordance with the approved plans. Comparisons were also shown of the as approved and as built elevations showing the differences in height of various elements of the building.

The key planning points were highlighted including:-

- Principle of development
- Design
- CA / AONB
- Neighbouring amenity

- Highways
- Community Infrastructure Levy (CIL)

A number of written representations objecting to the application and one in support by the Agent were received and are attached to these minutes. Some of these were read out at the meeting by the Administration Assistant in accordance with the revised Public Speaking Protocol for Area Planning Committee meetings.

Cllr David Bolwell - Dorset Council - Bridport, addressed the Committee stating that many changes had been made to the original plans approved by West Dorset District Council, which had already been reduced in size further to comments by the Conservation Officer. A survey paid for by residents revealed that the positioning and heights of the development were wrong and the heights contained in paragraph 6.17 of the report were different to those submitted in the NMAs. Approximately 10 metres of hedgerow along Duck Street had also been removed. The fallback position was that this development was not built to the original specification and both residents and the Parish Council had lost faith in the planning system. The development had been littered with non-compliance issues and he asked the Committee to refuse the application based on mass, height, ENV16 and Bridport Neighbourhood Plan D1 and D8.

Cllr Nick Ireland stated that he had visited the site the previous evening and was mostly concerned with the huge discrepancy in the heights and that moving the wings further up the slope had served to increase the impact in terms of height.

The Enforcement Manager advised that the height discrepancy in the report relied on hand drawn plans provided by applicant and the reasons for the discrepancy in heights was set out in paragraph 6.19 of the report.

The Solicitor advised that members should consider the building "as built" and whether its height had a planning impact which was unacceptable, and provide reasons.

Cllr Kelvin Clayton read an extract from the original design and impact statement and queried the absence of green roofing in the development. He said that the plans for the original wings were downslope and barely visible and that he had stood in the same spot where the wings now obliterated the views. He therefore considered that the application went against a number of material considerations. He asked whether there was any independent verification between surveys provided by the applicant and residents and referred to the lack of comment by the Conservation Officer and Historic England in the report.

The Enforcement Manager stated that he could not confirm whether the Conservation Officer had visited the site, however, he had done so as the case officer and it was his responsibility to balance the concerns of all representatives with the planning considerations. He confirmed that there

was no independent survey and that he had relied on the applicants to provide details in relation to heights.

He emphasised that members needed to look at the building "as built" and assess the resultant planning harm if members felt that the building was too dominating and overbearing.

Cllr Kate Wheller stated that she was incensed by this application and that it was not appropriate for in the centre of a Conservation Area. She drew attention to comments made by the agent and that there were appreciable differences in height and the development was much nearer to Main Street than what was approved. She questioned the lack of accurate plans and how the building was almost completed when it was known that there were significant differences from the approved plans. She considered that this showed a lack of respect and total disregard for the planning process that had not happened accidentally in her view.

Cllr Jean Dunseith agreed with this view and expressed her concern in relation to roof heights on both wings due to the need to accommodate services, that the wings were closer to Main Street and higher when viewed from the road. She felt that the technical considerations in relation to the roof heights should have been resolved before the original permission had been granted and viewed the way in which this development had taken place as being very sloppy.

The Solicitor stated that he understood why members should feel that the development proceeding in this way showed disrespect to the planning system, however, the legislation allowed retrospective permission in respect of such scenarios which legislators envisaged might happen. Any decision to refuse the application on the basis of roof heights would require valid planning reasons.

Other members agreed with the views already expressed and that the height of the building affected the Conservation Area and neighbour amenity, the repositioning of the wing causing a considerable difference to the closeness to homes on Main Street. The Chairman further commented that the building contrasted with the great character and charm of the village and the street scene in the Conservation Area and village hall.

Cllr Kelvin Clayton referred to the 2 main planning issues highlighted in paragraph 16.1 of the report and proposed refusal of the application on the basis of the Neighbourhood Plan HT2; Local Plan ENV10.1 and NPPF 127c. This was seconded by Cllr Kate Wheller.

The meeting was adjourned from 15.42am to 15.45am in order that officers could draft the wording of the reasons for refusal based on the concerns of the Committee.

The following reasons for refusal were shared by way of a presentation slide for the benefit of members of the Committee and the public.

1 The proposal is a visually dominating and prominent built form of development, out of character to the area. The site is located within the Conservation Area and where the wider setting of that area is affected such that the proposal does not 'preserve' or 'enhance' that area as is required and set out given the statutory Section 72 test of the Planning (Listed Buildings and Conservation Areas) Act 1990. On that basis it has an adverse impact on the existing Conservation Area character and harms the Conservation Area character and appearance. That harm would be less than substantial but there are no wider public benefits arising from the proposal that would outweigh that harm in the planning balance. As such the proposal would not be in accordance with Policies ENV4, ENV10 or ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) ; Policies HT2, D1 & D8 of the Bridport Neighbourhood Plan; nor paragraph 127 and section 16 of the National Planning Policy Framework (2019) and in particular para 192 which states:

In determining applications, local planning authorities should take account of:
c) the desirability of new development making a positive contribution to local character and distinctiveness.

2 The proposed development by reason of its mass, scale and bulk has an unduly dominating and overbearing impact when viewed from existing neighbouring properties in Main Street and Duck Street. As a result it sits uncomfortably in relation to those neighbouring occupiers and is detrimental to their amenity (outlook). Its mass, scale and bulk is also detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10; ENV12 & ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015); Policies D1 & D8 of the Bridport Neighbourhood Plan; and Section 12 of the National Planning Policy Framework (2019) and in particular paragraph 127 which states amongst other things that decisions should ensure that developments provide a high standard of amenity for existing and future users.

The proposer and seconder of the motion to refuse the application confirmed that they were content with the wording of the reasons.

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

150. **WD/D/20/000253 - Beach Chalet adjacent car park, Charmouth Beach, Lower Sea Lane, Charmouth**

The Committee considered an application to vary Condition 1 of Planning Permission 1/D/13/000282 amending the occupancy condition in relation to a Beach Chalet that had been converted from former toilets to a chalet in 2002.

The Senior Planning Officer outlined the planning history with regard to conditions. This application represented a further relaxation to allow use as holiday accommodation between 1 March and 31st October each year but not for ancillary sales or serving of food and/or drink.

An additional representation had been received in objection of the scheme following publication of the agenda wishing the chalet to be returned to its former use as a toilet block and raising issues of ownership. This was included in the update sheet circulated to members prior to the meeting.

The Senior Planning Officer advised that the change of use had happened in 2013 and was not relevant to this application. She had also checked ownership and the applicant had signed the relevant certificate which was satisfactory to validate this application.

A written objection by Charmouth Parish Council was read out by the Administration Assistant and is attached to these minutes.

In response to questions it was confirmed that the new condition would allow the chalet to be let out to people outside of friends and family within the timeframe of 1 March to 31 October.

Some members agreed with the view expressed by Charmouth Town Council that the current conditions were adequate.

The Area Manager - Western & Southern explained that if minded to refuse, members should consider the harm caused by the variation in the condition, particularly given recent ministerial advice on a more flexible and relaxed approach to extending the season to help the UK economy.

The Solicitor explained that the test for imposing conditions must be for a planning purpose and be reasonable, proportionate and enforceable. Members should therefore consider the planning harm in letting the chalet on a commercial basis as opposed to friends and family.

Concerns were also raised in relation to increased lighting, however, members were informed that the proposal did not include any physical changes and that lighting would comprise development.

Proposed by Cllr Susan Cocking, seconded by Cllr David Shortell.

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

151. **Urgent items**

There were no urgent items.

152. **Update Sheet**

Application Ref.	Address	Agenda ref.	Page no.
WD/D/20/000583	82 EAST STREET, BEAMINSTER, DT8 3DT	Item 6a	43-74
<p>Update(s): 1 further representation from occupiers Mr Dixon objecting on grounds of highways and access, details of which he has emailed to all Planning Cttee Members.</p> <p>1 additional plan submitted (Site Access Plan - Drawing Number 11352 - 10 Rev A) showing the proposed pedestrian and vehicular access proposals 'as existing' and 'as proposed' for clarification purposes</p>			
Application Ref.	Address	Agenda ref.	Page no.
WD/D/20/00253	Beach Chalet, Charmouth	Item 6f	115 - 121
<p>Update(s): 1 representation received 11.8.20 from Dr Anthony Farmer, objection. Due to shortage of toilets at the beach. Raised issue about land ownership when the toilet block was built that is not on Evans land.</p>			

Appendix - Decision List

Duration of meeting: 10.00 am - 4.10 pm

Chairman

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