

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

MINUTES OF MEETING HELD ON THURSDAY 13 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

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

Lara Atree (Senior Lawyer - Regulatory), Anne Brown (Definitive Map Technical Officer), Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Chelsey Golledge (Technical Support Officer), Carol McKay (Senior Definitive Map Technical Officer), Vanessa Penny (Definitive Map Team Manager), Lachlan Robertson (Planning Officer), Guy Tetley (Engineer (Development Liaison)) and Denise Hunt (Democratic Services Officer)

151. Election of Vice-chairman for the meeting

Cllr David Shortell was confirmed as the Vice-Chairman for this meeting at the meeting held on 12 August 2020.

152. Apologies

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

153. Declarations of Interest

Cllr Simon Christopher declared an interest in application WD/D/19/001343 - Land north of 6 Netherhay Lane, Drimpton and stated that he would speak as the Ward Member during public participation and not take part in the debate or vote on this application.

154. 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.

155. **Planning Applications**

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

156. **WD/D/19/001343 - Land North of 6 Netherhay Lane, Drimpton**

The Committee considered an application to erect 15 affordable dwellings and formation of new vehicular access.

The Chairman, Cllr Simon Christopher addressed the Committee as the Dorset Council - Marshwood Vale Ward Member during public participation and did not take part in the debate of vote on this application.

The Vice-Chairman was in the Chair during consideration of this application.

Further representations that had been received following publication of the agenda that were included in an update sheet circulated to members prior to the meeting.

The Senior Planning Officer presented the application that included an aerial view of Drimpton showing the "gap" between Netherhay and Drimpton prescribed in the Neighbourhood Plan had been respected in this scheme.

The site had only one immediate boundary with a property at 6 Netherhay Lane that was slightly lower than the application site and the proposal was considered to be acceptable in residential amenity terms.

A detailed layout plan showed the central vehicular access with a traditional form of development in front of Netherhay Lane that was set back to accommodate mature trees within the frontage bank area that were subject to Tree Preservation Orders. The development was orientated to take advantage of views towards Seaborough Hill.

Various photographs were shown of the site including the public footpaths and road junctions with Netherhay Lane and Chard Road that gave an idea of visibility and in particular the need to go over the stop line to make a safe turn right towards Chard.

The private sewage treatment works required an environment agency permit to discharge into the water course.

The main planning issues were highlighted including:-

- Principle established by the Neighbourhood Plan allocation
- An all affordable housing scheme
- Visual impact on the Area of Outstanding Natural Beauty (AONB)
- Residential amenity
- Drainage considerations
- Contribution towards 5-year housing land supply
- Highways issues

The Senior Planning Officer informed the Committee that delegated authority was also sought to make minor amendments to Conditions 10 and 13 to ensure compatibility with the Highways adoption process.

A number of written representations were received which are attached to these minutes. Some of these were read out by the Technical Officer at the meeting in accordance with the revised Public Speaking Protocol attached to the agenda.

Cllr Simon Christopher, Dorset Council - Marshwood Vale, addressed the Committee in support of the application which was consistent with the Local and Neighbourhood Plans and on an exception site that contributed to the housing land supply. He considered this to be an innovative scheme incorporating flats and bungalows in a sustainable location not far from the Somerset border where residents could access services and employment. Drimpton itself was served by facilities including a pub, village hall, football pitch, church and employment sites to the west and north of the village. Affordable homes built in Powerstock and Marshwood in recent years were more remote from the nearest town than this development was from Drimpton and the lack of pavements and junctions considered as part of this application were common in West Dorset. Efforts had also been made to provide an alternative pedestrian access to the village.

Cllr Nick Ireland commended the application that had the support of the Local and Neighbourhood Plans, residents and the Parish Council. The scheme also met the housing need for one and two bedroom properties, all of which were 100% affordable housing in perpetuity. He considered that the junction was typical of the area and the road was 30mph.

The Highways officer confirmed that although there had been some reservations about the junction onto the B3162, this was not the case with the other junction with Netherhay Lane and that the pedestrian linkage was welcomed. He confirmed that the pathway ran over private land but was a public right of way that joined a public footpath.

Members were supportive of the scheme and agreed that narrow lanes were a feature in West Dorset. They concluded that this was a good scheme that had been designed sensitively and would help keep the village alive.

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

Decision:

A) That authority be delegated to the Head of Planning to grant permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in a form to be agreed by the Legal Services Manager to secure the following:

- To ensure the development remains as affordable housing in perpetuity,
- And to ensure the provision/maintenance of the footpath link to the public right of way

- And subject to receipt of an acceptable adjusted highways layout plan (resulting in amended plans list (condition 1) and amended layout plan reference on condition 10 (levels)

and subject to the conditions outlined in the appendix to these minutes.

B) Refuse permission for the reasons set out below if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 6 months from the date of the committee resolution of such extended time as agreed by the Head of Planning:

1. In the absence of a completed s106 legal agreement the development would not ensure the dwellings are provided as affordable housing. Hence the development would be contrary to policy HOUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019). Furthermore, this would not ensure the new pedestrian link to the right of way is provided and maintained. Hence this would be contrary to policy COM7 of the adopted Local Plan (2015) and the National Planning Policy Framework (2019).

157. **WP/19/00273/RES - Curtis Fields (Phase 2b) Land South of Chickerell Road, Weymouth**

The Committee considered an application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT.

The Committee received a presentation by the Planning Officer for the reserve matters application for 99 dwellings that included an extract from the masterplan showing the general location of phase 2b, a plan showing areas where there were substantial changes in level, generally rising north to south; some of the many elevational drawings and plans for the houses, full lists of which had been included in the report and update sheet; a landscape plan showing a retained and enhanced Cockles Lane and photos of phase one homes to indicate the general style that would be continued throughout the development; and views across the site from different perspectives.

The appropriate assessment had been attached as an appendix to the report and was the result of an objection by Natural England in relation to the recreational impact on the special area of conservation zone of Chesil beach and the Fleet area who confirmed that there could be significant impacts if no mitigation measures were employed. These measures had recently been approved by the Dorset Council Cabinet and Natural England had no further objection.

The main planning issues were highlighted including:-

- Relationship with approved master plan
- Design and layout
- Appropriate assessment

- Drainage and flood risk mitigation - significant mitigation works had been incorporated in phase 1 of the development
- Roads and access
- Landscaping and Cockles Lane
- Neighbouring amenity
- Biodiversity
- 30% Affordable housing - 27 out of 99 homes in phase 2b was slightly below this requirement with the shortfall being accommodated within later phases of the development.

An update sheet circulated to members prior to the meeting included the replacement of Condition 1 and an additional condition to ensure that a safety audit was undertaken to ensure boundary treatments were suitable and a safe area for use.

Representations from Cllr Lucy Hamilton, Weymouth Town Council Chairman of Planning and the Agent were read out by the Technical Officer at the meeting and are attached to these minutes.

In response to the comments made in the written representations, the Planning Officer explained that there was an expectation that the full 30% affordable housing allocation would be fully met in the two later phases of the development that were still under consideration.

The Biodiversity Mitigation Plan remained to be discharged as indicated in the update sheet. This was currently central to discussions and no development could take place until that condition was discharged.

Members asked about the ways in which this development could affect Chesil beach and the Fleet and were informed that this related to increased recreational pressure on interests on Chesil Beach due to residents from the development being in close proximity to the area. This included breeding birds that were affected by visitor numbers and a potential impact on air quality due to the new traffic generated by the development. These were matters that had been dealt with in the appropriate assessment.

Members were concerned about the phasing in terms of meeting the affordable housing requirement. They were advised that the remaining Curtis Fields development was comprised of 3 reserved matters applications, one of which was this application. The Planning Officer assured the Committee that although phase 2b was short by 2.7 affordable dwellings, that this shortfall would be added to another phase and that officers would continue to check compliance with the 30% affordable housing provision.

Cllr Wheller expressed concerns in relation to biodiversity and the protection of animals and plant species in the area including deer, badgers, bats, crab apples and elderberries, noting that very old trees had already been lost as a result of development on the site; the safety measures with regard to the balancing ponds and the creation of cycle paths in order to provide an alternative safe cycling route to Lanehouse Rocks Road from the Westham area through the estate.

The Planning Officer advised that the major part of the pond and flood risk areas had already been built within phase 1, notwithstanding this, the update sheet contained an additional condition concerned with the safety issue. Although there would always be a degree of risk there was a need to ensure the applicant knew of the risks and mitigation. He assured members that officers were in discussion with the applicant and their specialists with regard to biodiversity and that officers would keep an eye on this. The development was being constructed using normal quality of residential estate roads that should be suitable for cyclists despite the changes in level not being conducive to cycling.

Cllr Jean Dunseith stated that she was pleased that Cockles Lane would be enhanced but she remained concerned with flooding in the sloping site. She was aware of flooding in Ludlow Road which was adjacent to phase 1 and that building on this slope could make matters worse due to the amount of water, despite the mitigating factors. She further commented that a junction with Lanehouse Rocks Road meant that the estate could be used as a rat run to Chickerell Road, however, she recognised that this phase did not include that junction but this was a consideration.

The Highways Officer confirmed that there was a shared cycle and pedestrian linkage of 3 metres width that ran through the site following Cockles Lane and that the roads in the development were sufficient for all highways users.

A further question was asked about the diversion of footpath 130 that was directly affected by the development.

The Committee was informed that a separate legal process was necessary for the diversion of a public rights of way affected by the development and that the legal diversion process needed to be completed before development was substantially completed. It was confirmed that an application to divert the footpath had not yet been received.

The Committee highlighted that this needed to be progressed in order to avoid future delays as the path was used by children walking between Wyke Regis and St Augustine's school which would become busier as the school was enlarged.

Proposed by Cllr Nick Ireland, seconded by Cllr David Shortell.

Decision: That the application be approved subject to the conditions outlined in the appendix to these minutes. including the additional conditions and informatives contained in the update sheet.

158. **Application to extinguish part of Bridleway 43, Marshwood at Prime Coppice**

The application made under Section 118 of the Highways Act was presented by the Senior Definitive Map Technical Officer who presented a plan showing the location of the bridleway, a drawing and photographs of the current route

and alternative route along Bridleway 76 and photos of the Bridleway 43 and 76 along Glebeland Lane.

An objection had been received that was included in full in the report, however, none of the points were relevant to the legal test for an extinguishment order. A further objection had been included in the update sheet circulated to members prior to the meeting.

It was confirmed that the application met the legal test under the Highways Order and that any further objections should be referred to the Secretary of State.

The Chairman added that he had received an e-mail from the landowner who confirmed that he was content with the extinguishment.

Proposed by Cllr Sarah Williams, seconded by Cllr Nick Ireland.

Decision:-

- a) The proposal to extinguish part of Bridleway 43, Marshwood be accepted and an order made;
- b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the extinguishment; and
- c) If the Order is unopposed, it be confirmed by the Council without further reference to the Committee.
- d) If any objections to the Order are of a similar nature to those already considered by the Committee, the matter be referred to the Secretary of State for confirmation with the Council's support without further reference to the Committee.

Reason for Decisions

- a) The proposed extinguishment meets the legal criteria set out in the Highways Act 1980.
- b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the extinguishment.
- c) Accordingly, the absence of objections may be taken as acceptance that the extinguishment is expedient and therefore Dorset Council can itself confirm the order.
- d) In the event that objections of a similar nature to those already considered are received to the order, the committee will have already considered the objections in the light of the legal criteria and therefore Dorset Council should submit the order to the Secretary of State for confirmation and support the order.

Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority. Dorset Council's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.

159. **Urgent items**

There were no urgent items

160. **Update Sheet**

Appendix - Decision List

Duration of meeting: 10.00 - 11.55 am

Chairman

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