

**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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