

Regulatory Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 23 October 2014.

Present:

David Jones (Chairman)
Daryl Turner (Vice-Chairman)
Pauline Batstone, Steve Butler, Barrie Cooper, Ian Gardner, Mervyn Jeffery, David Mannings, Margaret Phipps, Peter Richardson, Mark Tewkesbury, David Walsh and Kate Wheller.

Officers attending:

Roger Bell (Rights of Way Officer), Maxine Bodell (Economy, Planning and Transport Service Manager), Dave Brown (Engineer (Development Liaison)), Phil Crowther (Solicitor), Carol McKay (Rights of Way Officer), Sarah Meggs (Solicitor), David Northover (Senior Democratic Services Officer), Vanessa Penny (Definitive Map Team Manager), Matthew Piles (Head of Economy) and Chris Stokes (Principal Planning Officer).

Peter Wharf, County Council Member for Egdon Heath attended by invitation for minutes 21 to 26.

Public Speakers

Sarah Jackson, local resident – minutes 21 to 23.
Andrew Lance, local resident – minutes 21 to 23.
Nicholas Cole, local resident – minutes 21 to 23.
Colin Eversden, Senior Project Manager – minutes 21 to 23.
Paul Scothern, Premises Commissioning Manager, applicant – minutes 21 to 23.
Sharon Buckland, Headteacher, Lulworth and Winfrith Primary School – minutes 21 to 23.
Joanne Selfe, Chairman of Governors, Lulworth and Winfrith Primary School – minutes 21 to 23.
Roger Selwyn, local resident – minutes 32 to 34.
Stephanie Selwyn, local resident – minutes 32 to 34.
Jean Heaton, applicant – minutes 32 to 34.

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Regulatory committee to be held on **27 November 2014**).

Apologies for Absence

17. Apologies for absence were received from Beryl Ezzard and Mike Lovell.

Code of Conduct

18.1 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

18.2 David Jones declared that as a committed Christian he had a personal interest in respect of minutes 21 to 23 with regard to the proposed construction of a church as part of that development but stated that he had not prejudged the issue and any judgement he made in coming to a decision on that application would be based solely on planning grounds.

18.3 Daryl Turner declared a personal interest in respect of minutes 21 to 23 as he was a member of West Dorset District Council which had made a decision on the Charles

Street Development, and would take no part in the consideration of the planning application for Damers First School.

Minutes

19. The minutes of the meeting held on 5 September 2014 were confirmed and signed.

Public Participation

Public Speaking

20.1 There were no public questions received at the meeting in accordance with Standing Order 21(1).

20.2 There were no public statements received at the meeting in accordance with Standing Order 21 (2).

Petitions

20.3 There were no petitions received in accordance with the County Council's Petition Scheme at this meeting.

Planning Matters

County Council Proposals

Construction of Replacement Damers First School, Dorchester

21.1 The Committee considered a report by the Head of Economy on planning application WD/D/14/001915 for the construction of a new, replacement Damers First School, with associated hall, meeting rooms, parking, church and associated landscaping at Liscombe Street, Dorchester.

21.2 With the aid of a visual presentation and having regard to the update sheet provided for members, officers described the proposal and planning issues in detail, covering the key elements of the development including the school, shared hall and church. Photographs and plans were shown to the Committee which provided an illustration of the location and design of the proposed development, including its form, mass and size and the materials to be used, highways, parking and access arrangements, playing field provision and its relationship with other development in that part of Dorchester. Officers referred to the detailed design, including the school's construction and the materials to be used i.e. brickwork with an aluminium roof. The Committee was also shown the context of the development within the character of the surrounding landscape.

21.3 The Committee were informed that the school's design, for a single storey building for a school role of 600 pupils, was based on the Government's Baseline Design, which was the principal means of attracting the necessary funding for the construction of such schools. However the design had been modified to meet the Poundbury Design Guide. Officers referred to the comments of West Dorset District Council. Officers explained the need for a new school, which was designed to replace the current school situated in Damers Road, which was deemed not to be fit for purpose and had neither the capacity or capability of meeting the needs of a modern first school.

21.4 Officers explained that having established the need for a new school, the proposed development was designed to provide the capability of delivering a full educational curriculum which satisfied modern standards and expectations.

21.5 The Committee were informed that the provision of the new school was in accordance with the provisions of the West Dorset District Local Plan, the Poundbury Development Brief and the Poundbury Design Guide and was supported by West Dorset

District Council. Dorchester Town Council, whilst supporting the principle of a new first school, expressed concerns at how the hall was to be used, and required assurances that its intended community use should not be compromised.

21.6 Following discussions on how the development would be delivered, officers drew the attention of the Committee to the likely prospect that the hall and church elements of the building were likely to be revised, requiring separate planning applications at a later date. Whilst there was still a commitment to provide for these, these would not now necessarily be located on this site or as part of this particular development. However it was clarified that a hall to suit the schools needs would still be provided regardless of whether or not there was adequate provision for community use.

21.7 Officers informed the Committee that if the current proposal was pursued, the relationship between the school, church and the hall could be satisfactorily resolved by the submission of a management agreement, designed to determine how arrangements would be managed, so that the community had access to the hall when necessary. There was a planning condition recommended to secure this.

21.8 Accordingly, officers confirmed that the Committee were only being asked to determine the planning application as proposed, so that the construction of the school was not delayed. Officers reminded members that they should not take into consideration any potential alternative revised application, which might or might not arise at a later stage.

21.9 Officers drew particular attention to the arrangements for traffic management and explained how the Highways Adviser was satisfied that whilst there was no parking or drop off provision for parents, the roads surrounding the site provided adequate parking provision.

21.10 Members were informed that no response had been received from the Environment Agency to the flooding risk assessment which had been submitted by the applicant as part of the planning application process. Officers confirmed that if the Committee were minded to grant planning permission, an appropriate condition or informative note would be included in the decision notice, depending on the Agency's response. However members were reassured that any flooding risk was seen to be minimal, given that the development was to be situated on elevated ground and that outline planning consent from the District Council had already been granted, which would have considered this issue.

21.11 The Chairman read out a statement from one of the local County Council Members for Dorchester, Trevor Jones, who, whilst agreeing to the proposal in principle, made mention of the configuration of the development and to its proposed multi-purpose use, issues with which he hoped would be resolved satisfactorily.

21.12 The Chairman reminded the Committee that whilst the sentiments of the local member's submission should be borne in mind on planning grounds, and having regard for material planning considerations, the Committee should only be considering the application in front of them and not have regard to any possible revised application. The Chairman asked the Solicitor to remind the Committee of what were and were not material planning considerations.

21.13 Having had an opportunity to discuss the merits of the application, the Committee recognised the need for the replacement school and considered that what was being proposed would provide for a modern, vibrant school capable of delivering a full education curriculum which would benefit the pupils attending that school.

21.14 On that basis, they considered that the planning application should be approved on the basis that authority should be delegated to officers to agree any conditions necessary in light of any Environment Agency response received to flooding issues.

Resolved

22. That planning permission be granted subject to the conditions set out in paragraph 9 of the Head of Economy's report and having regard to the provisions contained in the Update Sheet and authority be delegated to the Director for Economy to agree any necessary conditions to satisfactorily address any response by the Environment Agency regarding flooding.

Reasons for Decision

23.1 As part of the Poundbury Development Brief a site had been identified for a new school in the North East quadrant. A design for the school had been agreed with West Dorset District Council and the Duchy which conformed with the Poundbury Development Brief and the Poundbury Design Guide. The masterplan for Poundbury included the provision of a community hall. Whilst the use of the proposed co-joined hall by school, community and church was consistent with local plan policy, careful consideration would need to be given to the management of the hall to ensure the needs of all parties were met.

23.2 Although there were concerns about access and parking, the Highways Agency and the Highway Authority had no objections. However a new school travel plan would be required before the school use commenced.

Construction of West Lulworth Primary School

24.1 The Committee considered a report by the Head of Economy on planning application 6/2014/0410 for the construction of a new West Lulworth Primary School at land at the end of a School Lane, West Lulworth to replace the existing first school in School Lane.

24.2 With the aid of a visual presentation, and having regard to the update sheet provided for members, officers described the main proposals and planning issues in detail, covering the key elements of the school development. Plans and photographs were used to show the location and design of the school, including its form, mass and size and the materials to be used. It also showed the highways, parking and access arrangements and playing field provision and its relationship with other development in West Lulworth, in particular the Youth Hostels Association (YHA). Officers referred to the detailed design, including the schools construction and the materials to be used. Officers also explained the context of the development within the Dorset Area of Outstanding Natural Beauty (AONB) and the character of the surrounding landscape.

24.3 The school's design was based on the Government's Baseline Design which was the principal means for attracting the necessary funding for the construction of such schools.

24.4 Officers explained the need for a new school which was designed to replace the current school which was now deemed to not to be fit for purpose. Members were informed that as a result of the Purbeck School's Review Reorganisation whereby the school pyramid arrangements had changed from a three tier to a two tier schooling system, the existing first school had now become inadequate to provide modern school building facilities. Photographs of the existing school were shown and officers explained that the existing school had been designed as a first school, and consequently its classrooms were now too small and it did not have the capacity or capability of meeting the needs of a modern primary school.

24.5 Officers explained that having established the need for a new school, the construction of a modern replacement would provide for a larger school which could meet the needs of a modern education curriculum and satisfy all the standards and requirements of a school with primary status.

24.6 The Committee was informed that the applicant had considered redeveloping the current site but it had become apparent that this was not feasible, particularly because the changes of levels would require terracing, with the need for substantial retaining walls of up to 3.2 metres. Consequently, that would mean that the Disability Discrimination Act (DDA) standards could not be adequately met. However in now proposing to locate the development at the eastern end of the village meant that DDA standards could be more readily achieved. There were also the practicalities over where the children would be schooled if redevelopment of the existing school took place.

24.7 Officers referred to the applicant's site selection process and explained how the proposed site had been decided upon. Following a series of assessments of suitable sites, consideration had been given to a site at the Glebe land, this being situated within the environs of the church, which was originally considered to have the least impact on the Dorset AONB. However this had since been rejected by the local community and, as a result, the Diocese had withdrawn the release of that site. Of the remaining sites to be considered, the application site was considered by the Dorset AONB Team to have the least environmental impact.

24.8 Officers confirmed that a series of meetings had taken place with West Lulworth Parish Council over the proposals and they had been provided with information on traffic, levels, drainage, the relationship between the development and the youth hostel, the potential for redesigning the current site and the design of the roof, all of which they had raised concerns about.

24.9 The Committee noted that no objection, in principle, to the proposals had been received from Purbeck District Council, but they had raised some issues in respect of the environmental impact of the development within the AONB which they hoped could be resolved.

24.10 Officers reported on the receipt of a petition containing 97 signatures in support of the proposal, which contrasted to those objections which had been received from local residents.

24.11 In particular, officers drew the attention of the Committee to the proximity of the proposed school to the Youth Hostel and the relationship between the two. The Committee was shown drawings, including wireframes, of the proposed school's footprint and shadow analysis to illustrate the effect of the proposal on the YHA. Members were informed that negotiations between planning officers and the applicant had resulted in the base of the development being reduced by 600 mm to lessen the effect of the development on the YHA, so that its overall height was now considered to be acceptable.

24.12 Officers reported that the concerns expressed by the Parish Council over increased traffic congestion were not shared by the Highway Authority as traffic surveys undertaken had indicated that there would be only a minor increase in vehicular traffic. The Highways Adviser was satisfied with the proposals given that parking would now be made available for school staff on site. By contrast, there was no staff parking at the existing school where staff had to park on the road. Additionally, the proposed turning area for buses within the school grounds could also be used by parents to drop off and turn around. This was considered to be acceptable in this case, given that the school would manage this as part of their School Travel Plan.

24.13 Officers explained that concerns had been raised over the design and, particularly, the colour of the roofing material to be used. Officers had explored alternative roofing materials with the applicant but the applicant was not prepared to provide a green (sedum) roof in view of construction costs and loading on walls. The design was consistent with the Baseline Design and with other new schools that had recently been constructed throughout the County. An example of the blue roof situated on Milldown School in Blandford was shown to the Committee for comparison. Officers explained that the applicant would consider alternative roof colour options and that members could choose to impose a condition on this matter if they felt it to be appropriate.

24.14 Drainage issues had been raised by the Parish Council and officers explained the proposed drainage scheme for the site. The provision of a ditch around the perimeter of the site would facilitate the collection of groundwater and rainwater which, together with a soakaway, would ensure that there would be adequate drainage. The Environment Agency had no objections to how this would operate. Analysis to ensure that water would percolate through the soakaway had been undertaken by the applicant's flooding consultants, who considered that adequate provision had been made and were satisfied that the scheme would not exacerbate issues of flooding previously experienced in the area.

24.15 The Chairman then provided the opportunity for those who had requested to address the Committee under the public speaking arrangements to do so.

24.16 The Committee heard from Sarah Jackson who, whilst understanding the need for improvements to be made to the school, opposed the proposal being made. She thought that the existing site should be redeveloped. She was particularly concerned at the perceived dominance of the development over the other development at that end of the village, especially the youth hostel. She considered the development to be out of keeping with the rest of the village and was of an unsympathetic design compared to the historic stone buildings in the rest of the village. She thought the proposed blue roof was highly inappropriate. She was concerned that the current school site would now be developed for housing and this would subsequently bring problems in its own right. She also raised concern at the way in which the planning application process had been managed, particularly its consultation process.

24.17 The Chairman again reminded the Committee of what constituted material planning considerations and that members should not concern themselves with the planning application process. Any concerns which were raised in that regard should be looked into separately.

24.18 The Committee then heard from Andrew Lance who was also opposed to the design of the development, considering it to be out of scale and keeping with the rest of the village and inappropriate for the AONB. He expressed concerns at how traffic and sewage would be managed and the adverse environmental impact they would have. He too considered that the future development of the existing site should be taken into consideration. In his view, a new school should be provided on the current site.

24.19 Nicholas Cole considered that there was considerable local opposition to the proposal and expressed his concern at the serious flooding implications for the area and at the basic design of the buildings. He considered this to be more appropriate to an industrial area and would cause visual damage to the village. He thought that the existing site met all the necessary criteria for being redeveloped. In his opinion, the proposals were too dominant and would overwhelm the youth hostel. Given the history of waterlogged ground in that area, he considered that the drainage of the site would be a significant issue in time and pose a considerable problem. Whilst appreciating that negotiations had brought about some

improvements to the scheme which was originally being proposed, he felt there had been insufficient opportunity for these changes to be meaningfully considered or views expressed.

24.20 The Committee then heard from Colin Eversden, the Project Manager, who described why the proposals were needed and how they had been developed taking into account the site's location, topography, environmental impact, visual impact, the building design and in providing value for money. The part the Highways Advisor, the County Ecologist and the AONB Team had played in helping to develop the proposals was also described together with the design work undertaken to ensure that the proposals would achieve all that was required.

24.21 Sharon Buckland, the Headteacher, informed the Committee that Ofsted had deemed the current school to be unsatisfactory accommodation and no longer fit for purpose. Therefore it was critical that this development took place to provide for a school which met the needs of the education curriculum and be in the best interests of the children it would serve. She considered that any concern over what would happen to the existing site was not a satisfactory reason to refuse this application. With regard to parking concerns, she confirmed that parents would be strongly encouraged by school staff not to park on site and this would be responsibly managed. She considered that there was no viable alternative other than to site the school where it was being proposed and urged the Committee to base its decision on that.

24.22 Paul Scothern, Commissioning Manager in Children's Services, explained that the new school was needed as a consequence of the Purbeck School's Review Reorganisation process in order to cater for the number of children proposed to be on role and the increasing numbers of children in the ensuing years. The facilities currently being used were wholly inadequate to provide for the delivery of a full education curriculum, with the absence of a hall and undersized classrooms, inadequate library facilities, inadequate disabled access arrangements, including the location of special educational needs provision and no availability for staff parking. In recognising the need for a replacement school, he considered this proposal to be the most cost effective option and one which had the least impact on the AONB; it was the only way of achieving all that was needed.

24.23 Joanne Selfe, the Chairman of the School's Governors, considered that the rationale for the new development was to cater for the growing number of pupils on the school role, including those children from army families stationed in the surrounding area. She considered that whilst the old school had served the village well in the past, it had now served its purpose and was not suitable for the delivery of today's school curriculum. The necessity for new school facilities was undeniable and after careful analysis of all the alternatives, this site and this development was the only option which met all the required needs. She commented that as the youth hostel was not a residential property, any nuisance which any development caused would be limited. She pointed out that the new design met all the environmental standards expected of a new build school and which could only be accommodated in a school of this design. She considered that the children of West Lulworth and Winfrith Newburgh deserved to be afforded the same opportunities as others in the County and having a school which offered the same facilities went a long way towards that.

24.24 Peter Wharf, the County Council member for Egdon Heath, whose electoral division adjoined that of Purbeck Hills explained that, although he was the adjoining local member, pupils from his electoral division attended the school as a co-joined school so he had a vested interest in seeing that the application was approved. He emphasised the importance of approving the application to provide a suitable school for the village. He confirmed that the proposals had the overwhelming approval of Purbeck District Council, although he agreed that the colour of the roof should be in keeping with the area and the drainage required further attention, but could be mitigated against.

24.25 Whilst he understood the concerns which had been raised within the community at such a significant development within the village he considered that, subject to those two matters being satisfactorily resolved, there was no reason why the application should not be approved as it would benefit the community as a whole. He considered that, on planning grounds, there was an overwhelming need for a new school and this option, whilst being of a modular, functional design, was the only one practicable and able to be delivered.

24.26 The Chairman thanked all those who had addressed the Committee and asked if members had any questions of the officer's presentation.

24.27 In response to members' questions, officers confirmed that the proposals could not be accommodated on the current site. Members asked whether the example shown of the blue roof on Milldown School was more suited to an urban site than a country setting. Officers explained that, whilst Milldown School was not located within the AONB, it was situated in an historic deer park within a Conservation Area and within sight of the Bryanston Public School grounds.

24.28 The Committee asked whether the Baseline Design was a planning issue or a question of cost. Officers confirmed that the baseline design was one which had served the applicants well throughout their school building programme throughout Dorset and one which provided for the most efficient and effective use of finances and resources whilst still providing for functional, practical and operational benefits. Officers reported that the applicant had confirmed that there was little scope for altering the design specifications which had been prescribed by government and, whilst investigations had been made into alternative options, there were limitations over what could be achieved in the design. Officers confirmed that the issue for members to consider was whether the design was good enough.

24.29 Members queried whether reducing the ground level for the building by 600 mm would increase the risk of flooding. Officers confirmed that this would not compromise drainage or increase the risk of flooding. Members also asked how parking would be managed, for example if a parent parked in the wrong place. Officers confirmed that the onus would be on staff at the school to manage the movement of traffic to ensure that provisions of the School's Travel Plan were being adhered to. Officers considered that the proposal was a considerable improvement to what already existed, as there was currently no provision for parking on site for school staff.

24.30 In response to members' queries on drainage issues, officers referred the Committee to Condition 11 which provided for the submission of a drainage scheme. Officers were satisfied that this would take account of the percolation of water so as to avoid any flooding. Officers explained that the drainage engineer would advise on where the soakaway should be sited to be at its most effective and how it would operate. There was deemed to be sufficient capacity in the soakaway to cope with the water that was anticipated, especially as it was on semi permeable chalk ground with porous limestone. In any event, an interceptor was already located there to divert water into the ditch so there was no reason to believe that this would not do what it was designed to do.

24.31 Members asked about arrangements for the footway improvement scheme and officers confirmed that the schemes had now been agreed and would provide a continuous footway to link to those existing lengths.

24.32 The Committee then discussed the merits of the application. Some members expressed their concerns over the flooding issues and access arrangements. Given this, it was proposed that the Committee should visit the site before determining the application to

see at first hand what was being proposed. Other members considered that the officer's visual presentation had provided a comprehensive understanding of all the material considerations to be taken into account and there would be little benefit in visiting the site as the three issues of concern would be unable to be seen at this stage, namely the roof colour, drainage and parking. On being put to the vote, the proposal to defer a decision pending a site visit was lost.

24.33 The Committee agreed the need for the development of a new school and that, given the assessments made of the other options, and in them subsequently being discounted, the proposal was the only one viable in the circumstances. Members however remained concerned at the issues of roof colouring and drainage. Whilst they acknowledged that Condition 11 largely provided for assurances on the issue of drainage, the roof colour remained a concern. Accordingly they agreed that, if being minded to approve the application, that Condition 2, governing the materials to be used, should specifically require the approval of the roof colour. It was agreed that the Chairman and Vice-Chairman of the Committee should be consulted on the submitted roof colour scheme.

24.34 Having had an opportunity to discuss the merits of the application, the Committee recognised the need for the replacement school and considered that what was being proposed would meet the need and provide for a modern, vibrant school capable of delivering a full education curriculum which would benefit the pupils attending that school.

24.35 On being put to the vote, the Committee agreed to approve the planning application subject to the amendment referred to on the roof colour in minute 24.33 above and the satisfactory resolution of the drainage scheme.

Resolved

25. That planning permission be granted, subject to the conditions set out in Paragraph 9 of the report, to included specific reference to the roof colour in Condition 2, and having regard to the provisions of the Update Sheet.

Reason for Decision

26. The applicants had demonstrated that the existing first school was not able to deliver a modern primary curriculum. As part of the Purbeck Schools reorganisation it was proposed to provide a new site for the West Lulworth Primary School which was federated with Winfrith School. There has been an extensive search for an appropriate site in West Lulworth. The application site was considered to be the least intrusive in the AONB of the sites available. The school would have improved access and would be of an appropriate layout to deliver a modern Primary curriculum. The design would be consistent with the Government's "baseline design". The school would operate a travel plan to reduce the potential for parental drop-off and the problems that arise. It was also proposed to improve the landscaping to the site in accordance with Policy LHH of the Purbeck Local Plan Part 1. The main concern was the potential impact on the YHA and the height of the new school building.

Construction of Bere Regis Primary School

27.1 The Committee considered a report by the Head of Economy on planning application 6/2014/0437 for the construction of a new Bere Regis First school and pre-school at land at the end of Egdon Close, Bere Regis and to construct a new access to Souls Moor.

27.2 With the aid of a visual presentation and having regard to the update sheet provided for members, officers described the main proposals and planning issues in detail, which provided an illustration of the location and design of the school and the materials to be used, including its form, mass and size and showed particularly the access and car parking

and drop-off arrangements and playing field provision and its relationship with the community woodland and other development in Bere Regis. The Committee was also shown the context of the development within the character of the surrounding landscape.

27.3 The school's design was based on the Government's Baseline Design which was the principle means for attracting the necessary funding for the construction of such schools. Officers referred to the detailed design, including construction and the materials to be used.

27.4 Officers explained the need for a new school. It was designed to replace the current school which was now deemed to no longer be fit for purpose; the school hall was too small and it had to rely on temporary classrooms. Members were informed that as a result of the Purbeck School's Review Reorganisation whereby the pyramid arrangements had changed from a three tier to a two tier schooling system, the existing first school was now unable to provide modern school building facilities given that a primary school was now proposed. Given that the existing school had been designed as a first school, it did not have the capacity or capability of meeting the needs of a modern primary school.

27.5 Officers explained that having established the need for a new school, the construction of such a modern replacement would provide for a larger school to meet the needs of a modern education curriculum and satisfy all the standards and requirements afforded to primary school status.

27.6 Officers described the access arrangements to the school and how children would get there, this being facilitated by the construction of an access route and a new pedestrian pathway from Egdon Close across Souls Moor and the Bere stream.

27.7 Some concern had been raised by residents about the use of the proposed access. However officers explained that those properties were sufficiently removed from the site, that the path would be 1.5 metres lower than the adjoining gardens and there would be intervening screening.

27.8 The Committee was informed that neither Purbeck District Council, nor Bere Regis Parish Council, had raised objections to the proposals. Wessex Water had raised objections to the sewage scheme proposed for the development, particularly the arrangements for dealing with foul water. However, officers were confident that the relevant conditions accompanying any grant of permission would satisfactorily resolve this issue.

27.9 The Committee heard from the County Council Member for Egdon Heath who supported the application and welcomed the negotiations which had been put in place to resolve outstanding issues. He particularly commended the County Council's Children's Services Commissioning and Premises Section for the part they had played in developing the proposals.

27.10 Members asked about the arrangements for the condition of the path, including its surfacing, fencing and illumination. Officers reported that, whilst the path was not proposed to be lit or fenced, the scheme was in accordance with the principles of the Safer Routes to School policy. Furthermore, those arrangements were outside of the scope of the planning application but agreement was being sought from the appropriate authorities to ensure that suitable arrangements for the condition of the path were put in place.

27.11 Officers were confident that the access arrangements being proposed would do all that they were designed to achieve. They considered that there was adequate parking provision in Elder Road to prevent any significant parking along the access road, which had

been designed to be wide enough to provide turning for buses, but which would be gated at its western end in order to prevent unauthorised access into the school grounds.

27.12 Members asked about the overhead power line which currently crossed the site. Officers confirmed that an application for the diversion of the electricity power cable had been submitted to the electricity company responsible and that this would be redirected around the perimeter of the site and be laid underground.

27.13 Having had an opportunity to discuss the merits of the application, the Committee recognised the need for the replacement school and considered that what was being proposed would go a considerable way to meeting that need and provide for a modern vibrant school capable of delivering a full education curriculum which would benefit the pupils attending that school.

Resolved

28. That planning permission be granted in respect of planning application 6/2014/0437, having regard to the provisions of the Update Sheet and subject to the conditions set out in paragraph 9 of the Head of Economy's report

Reasons for Decision

29.1 As part of the Purbeck Schools Review Reorganisation it was proposed to provide a new site for the Bere Regis Primary School. The school would have improved access and would be of an appropriate design and layout to deliver a modern Primary curriculum and be in keeping with its surroundings in accordance with Policies BIO, CF, D, IAT and LHH of the Purbeck Local Plan Part 1.

29.2 The school would operate a travel plan to reduce the potential for parental drop-off. It was also proposed to improve the landscaping to the site in accordance with Policy LHH of the Purbeck Local Plan Part 1.

Review of Development Management Activities – Second Quarter 2014/15

30.1 The Committee considered a report by the Head of Economy which updated them on the activities of the Development Management Team for the second quarter of the year 2014/15.

30.2 Attention was drawn to the appendices which listed all decisions taken under delegated powers and outstanding applications and to levels of performance. Officers explained that this detail was provided so that the information was in the public realm and to show what was being progressed under delegated authority

30.3 Clarification was also provided about how 'drive-by' site inspections were conducted.

Noted

County Matter

Proposed Development of Storage Lagoon at land to the south of A354, Milborne St. Andrew

31. The Committee were informed that this item had been withdrawn to enable further consultation to be effected.

Noted

Rights of Way Matters

Application for a Definitive Map and Statement Modification Order to upgrade Footpath 17, Colehill to a Bridleway from Kyrchil Lane via Kyrchil Way to Leigh Lane

32.1 The Committee considered a Rights of Way application to upgrade Footpath 17 at Colehill to a bridleway, from Kyrchil Lane via Kyrchil Way to Leigh Lane and the report considered the evidence relating to the status of the route, and received a visual presentation about this.

32.2 The Committee considered a report by the Director for Environment and the Economy about the documentary and user evidence relating to the route and viewed photographs of the route. Formal consultation on the application had taken place during the autumn of 2013, with 20 user evidence forms from users of the claimed route being submitted during the investigation process. The relevant evidence provided was set out in the report.

32.3 Attention was drawn to the analysis of the documentary evidence and, in particular, that relating to the Finance Act 1910 which indicated that the claimed route enjoyed a higher public status than that of a bridleway or footway.

32.4 Officers reported that the user evidence demonstrated that the route had been used for 20 years by horses/horseriders before that use had been challenged. As such, it was considered that the use supported a deemed dedication of public bridleway status along the whole of the claimed route. However, the documentary and user evidence combined was considered to be sufficient to raise an inference that public vehicular rights had been dedicated along the claimed route.

32.5 Given that no exception to the provisions contained in Section 67 of the Natural Environment and Rural Communities Act 2006 appeared to apply to the claimed route, the public mechanically propelled vehicular rights had been extinguished and the remaining vehicular rights could be recorded as a restricted byway. Accordingly, it was recommended that an Order should be made to record the claimed route as a restricted byway.

32.6 The Committee heard from Roger Selwyn who, having been a resident and user of the path for the best part of 40 years, was opposed to the application as he has not seen any evidence to suggest that it had been used sufficiently by horse riders over that time to the level or frequency being described. He considered that the width of the route in places was not conducive to it being used by horses as in his opinion the vegetation would not have been able to overgrow to such an extent. He considered that some of the documentary evidence being used could be disputed and contradicted each other on occasion and was being used selectively. He also claimed to have had evidence to the contrary of how the route had been used over time.

32.7 Stephanie Selwyn also objected to the application, citing that the route had been recognised as a footpath in Colehill Parish Council surveys carried out over the years and on a succession of definitive maps. Claims made in the past had not suggested that the route was anything other than a footpath and there was no evidence to demonstrate that it had any status higher than that. Furthermore, as the route had been maintained by the County Council throughout the years, obstructions in the form of bollards had been placed on the route at its end to suggest that a challenge had been made to the route being used by horses and to deter the use of it by anything other than pedestrians. She considered that any use by horseriders over the years had been an illegal practice.

32.8 Jean Heaton then addressed the Committee as the applicant. As a horserider

herself, she had used the route continuously over a number of years without challenge and had submitted evidence to suggest that the route had been used by horses and horse drawn vehicles over many years. She suggested that the bollards might well have been erected to discourage horseriders, given that there was a particularly steep section which might well have been considered in the past to be too dangerous to traverse. She maintained that she had witnessed horse riders on the route for as long as she was a resident of the area, which was some considerable years and she had kept ponies and horses in a paddock adjoining the route over that time.

32.9 The Committee considered that given the user and documentary evidence submitted and the analysis made of them, it was clear that the higher rights applied and the application for a bridleway should be refused, with an order being made to modify the Definitive Map and Statement of Rights of Way to record the route as a restricted byway. Members considered that the physical width of the route, whilst not prejudicing the decision made, could be looked at by officers with a view to widening this if necessary.

Resolved

33.1 That the application for a bridleway be refused.

33.2 That an Order be made to modify the Definitive Map and Statement of Rights of Way to record Footpath 17, Colehill, as shown on Drawing 13/30 accompanying the Director for Environment and the Economy's report, as a restricted byway.

33.3 That if the Order was unopposed, or if any objections were withdrawn, it be confirmed by the County Council without further reference to the Committee.

Reasons for Decisions

34.1 The available evidence shows, on balance, that the claimed route ought to be shown with higher public rights than that of bridleway;

34.2 The available evidence shows, on balance, that a highway shown on the definitive map and statement as a footpath (Footpath 17, Colehill) ought to be shown as a public vehicular way. As the application was submitted after 20 January 2005, and no other exceptions apply, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for motor powered vehicles and therefore an order should be made for a restricted byway over the claimed route;

34.3 The evidence shows, on balance, that the route claimed should be recorded as a restricted byway. Accordingly, in the absence of objections the County Council can itself confirm the Order without submission to the Planning Inspectorate.

34.4 Decisions on applications for definitive map modification orders help to ensure the definitive map and statement of rights of way is kept up to date and achieves the Corporate Aim aims to:

- Harness the unique environment to support business and sustainable growth and to increase opportunities to improve peoples health
- Help to keep businesses and people moving safely and sustainably on our highways and to reduce congestion

Dorset County Council (Part of Footpath 64, Swanage at California Quarry) Public Path Diversion Order 2014

35.1 The Committee considered a report by the Director for Environment and the Economy on the receipt of an objection in respect of the Dorset County Council (Part of Footpath 64, Swanage to California Quarry) Public Path Diversion Order 2014 and which recommended that it be sent to the Secretary of State to consider whether the Order should be confirmed and that the County Council support confirmation of the Order, as made.

35.2 Officers explained the background to the Diversion Order which had been

required in order to facilitate the necessary access to the quarrying rights afforded to Suttle Stone Quarry and its operations. Representations made and the objection to the Order was set out in the Director's report. The essence of the objection was that the footpath formed a natural boundary to the quarry and therefore naturally limited the size of any expansion of the site. Concern was raised that the diversion could consequently facilitate the space for a gas refinery to be accommodated within the quarry and that development would have an adverse environmental impact on the landscape.

35.3 The Committee was advised that future development proposals for the site would be a matter to be considered when any application for planning permission was received. Officers explained that, given that the objection remained outstanding, it was necessary to refer the confirmation of the Order to the Secretary of State for determination.

35.4 Officers confirmed that the diversion complied in all respects with the law and therefore the Order should be confirmed.

35.5 The Chairman drew the attention of the Committee to comments received from the County Council member for Swanage, who supported the Director's recommendation, but opposed any subsequent development of a gas refinery.

35.6 The Committee considered that the course of action being proposed in the Director's report should be approved.

Resolved

36. That the Dorset County Council (Part of Footpath 64, Swanage at California Quarry) Public Path Diversion Order 2014 should be sent to the Secretary of State for confirmation and that the County Council support the confirmation of the Order.

Reason for Decision

37. The diversion which was the subject of the Order, complies in all respects with the law and therefore the Order should be confirmed.

Questions from Members of the Council

38. No questions were asked under Standing Order 20(2).

Meeting duration - 10.00 am – 12.45 pm