

Regulatory Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 29 January 2015.

Present:

Councillors

Daryl Turner (Vice-Chairman – in the Chair)

Pauline Batstone, Steve Butler, Barrie Cooper, Beryl Ezzard, Ian Gardner Mike Lovell, David Mannings, Margaret Phipps, Peter Richardson, Mark Tewkesbury, David Walsh and Kate Wheller.

Officers attending:

Mike Harries (Director for the Environment and the Economy), Andrew Brown (Manager – Traffic Engineering), Phil Crowther (Solicitor), Mike Garrity (Team Leader), Carol McKay (Rights of Way Officer), Sarah Meggs (Senior Solicitor), Vanessa Penny (Team Manager – Definitive Map), Huw Williams (Principal Planning Officer) and David Northover (Senior Democratic Services Officer).

(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 **12 March 2015**).

Apologies for Absence

1. Apologies for absence were received from David Jones and Mervyn Jeffery.

Code of Conduct

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

Minutes

3. The minutes of the meeting held on 18 December 2014 were confirmed and signed.

Public Participation

Public Speaking

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

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

Petitions

- 4.3 There was one petition received in accordance with the County Council's petition scheme at this meeting, minutes 12 to 14 refer.

Planning Matters

2/2014/1393/PLG - Provision of sports lighting to existing netball courts – Blandford School, Milldown Road, Blandford Forum

- 5.1 The Committee considered a report by the Head of Economy on planning application 2/2014/1393/PLG for the provision of sports lighting to illuminate the existing netball courts at the Blandford School, Milldown Road, Blandford Forum.

5.2 With the aid of a visual presentation officers explained the application, which was designed to provide eight, eight metre high lighting columns as replacement floodlighting to serve the existing netball courts at the school. The luminosity of the lights was described. The proposed floodlights would include a cowl to limit light pollution and an integral baffle to reduce glare and enhance performance, this being designed to solely provide illumination of the courts and minimise light spill. The Design and Access Statement which accompanied the application explained that this lighting arrangement would achieve a Sport England designated Class II standard, which was suitable for principal local clubs and county competitions.

5.3 Photographs and plans were shown to the Committee which showed the form and size of the lighting and its relationship with other school building development and existing lighting, with the Leisure Centre and its setting within the character of the surrounding landscape. The Committee was informed that the lighting columns had already been erected but had not as yet been used and would not be until such time as planning permission was granted.

5.4 The setting of the netball courts within the context of the other sporting facilities on site was shown, particularly the relationship with the synthetic turf sports pitch, which was illuminated, and which lay directly to the south of the application site.

5.5 Members were informed that whilst the site was not covered by any landscape designations, it was adjacent to The Crown Meadows and former deer park. This provided a pastoral parkland setting on the western fringe of the town and was identified as an "important open or wooded area" in the North Dorset District-Wide Local Plan.

5.6 The application was also accompanied by a Heritage Impact Statement which presented a detailed analysis of the impact of the proposal on the Blandford, Blandford St Mary and Bryanston Conservation Area and adjacent listed buildings and a Landscape and Ecology Management Plan.

5.7 The Landscape and Ecology Management Plan had been produced in May 2014 in connection with the synthetic turf pitch application and included an assessment and evaluation of the importance of the landscape and setting of the school campus within its river meadow context and how this should be managed. The implementation of those management proposals had been secured under the existing grant of planning permission for the synthetic turf pitch.

5.8 The report set out details of the consultation exercise undertaken and the representations received in response, which confirmed that no objections had been received from the County Councillor for Blandford, Blandford Forum Town Council or Natural England. Officers reported the receipt of two late representations, from Blandford School and the North Dorset Netball Club, both supporting the proposals which they considered would benefit pupils and community use.

5.9 However, North Dorset District Council had raised concerns regarding the impact of the proposed development on heritage assets including the character, appearance and setting of a designated conservation area. Notwithstanding the concerns expressed, officers considered that there would be no significant additional adverse effect on the identified heritage assets, the character and appearance of the area or on amenity. They considered that the proposal provided for the continued and enhanced community use of an important school facility and recreation resource and was considered to be in accordance with the development plan.

5.10 In response to a series of questions, officers confirmed that the lighting was deemed to be adequate in meeting the required needs for county standard netball competition. Officers could see no reason for the lighting to be left on when the courts were

not in use and confirmed that a condition could possibly be imposed to secure that. Some Members suggested that so as to ensure that lights were not left on inadvertently, whatever condition was in place to constrain the synthetic pitch lighting, could also be applied as a condition for the netball courts. However officers explained that no such condition existed.

5.11 Consensus in relation to what time the lighting should be switched off in the evening could not be reached but Members considered that the lights should not remain illuminated when the courts were not in use. Officers explained the difficulty in enforcing this but were satisfied that this would be largely self regulating as it would not be in anyone's interest for them to remain lit unnecessarily.

5.12 Members, whilst expressing concern over light pollution, were reassured by officers that the lighting units were designed to be confined solely to the courts and any spillage would be minimal. Similarly, the Committee were again assured that the quality of lighting met the necessary standard for competition.

5.13 In response to another question, officers were unaware of any restrictions covering the cumulative affect of the lighting on site other than any lighting arrangements should not compromise the site context noticeably. Similarly they were unaware of guidance for cumulative wattage levels within a conservation area. However, officers explained that, by law, special attention had to be given to preserving or enhancing the character and appearance of the Conservation area and any harm caused by a proposal to a significant heritage asset. Where this harm was deemed to be less than substantial, this assessment should be weighted against the benefits to be derived from the proposal and its viability by the community and, in this case, the pupils of the school and a balanced judgement made on that basis.

5.14 Some concern was expressed that the application was effectively for retrospective planning permission, given that the masts had already been installed. They were disappointed that this was the case, particularly given that the application was a County Council one. Whilst mindful of the Committee's views, officers suggested that the opportunity might have been taken to install the columns to coincide with the works to install the synthetic pitch. Officers confirmed that the courts had previously been illuminated by temporary mobile floodlight units but the cost of providing this was becoming unsustainable. Officers confirmed that the height of the proposed masts was less than those already being used to illuminate the synthetic pitch and the netball courts were situated at a lower elevation.

5.15 Officers were asked if English Heritage had been consulted on the application, given that they had previously lodged an objection in respect of the Heritage Impact Statement and Landscape and Ecology Management Plan. This had played a significant part in the development of the North Dorset Local Plan and the length of time it took to adopt. In response to confirmation that English Heritage had not been consulted, one member considered that given the strength of objection from English Heritage to the proposed Crown Meadows development and the weight placed on this by the District Council in sustaining their objection to the application, further consideration of the application should be deferred subject to English Heritage being consulted and given the opportunity to express their views.

5.16 The Solicitor clarified the position regarding the circumstances in which English Heritage should be formally consulted. He explained that the statutory requirement to consult was limited and there was no obligation to consult on small level applications like the one being considered. Nevertheless one councillor considered that what was being considered still had consequences for The Crown Meadows and therefore he considered

that English Heritage's objection to The Crown Meadows development still carried significant weight and they should be given the opportunity to comment.

5.17 The County Councillor for Blandford, as the local member, took the opportunity to clarify that whilst English Heritage had indeed been consulted on the implications for The Crown Meadows as part of town development within the Local Plan, this application was on a considerably smaller scale and therefore did not warrant their input.

5.18 He confirmed that he had no objections to the application, nor did Blandford Forum Town Council. Additionally any concerns that the District Council Environmental Health Officer had over light spillage had been negated by the assurances given by officers. Furthermore the application site was situated within the confines of already existing development on the school site complex, and adjacent to existing lighting columns and would be an asset to the school and community alike. Accordingly he could see no reason why the application should not be approved on that basis.

5.19 Other Members were of a similar view to that of the local councillor, considering that the floodlighting would be an important asset and provide the ability for the courts to be used to their full potential. As part of the County Council's corporate aim of health, well being and safeguarding, it would serve to provide opportunities to encourage participation in sport. They also were of the view that the conservation area would not be unduly affected by this proposal given the other development on site. They also considered that there was sufficient mitigation to allay any concerns over light pollution and that all should be done to ensure the school remained as vibrant and viable as it could.

5.20 Whilst recognising the comments of the Solicitor on the need to consult English Heritage on planning applications, in order to allay the concerns some councillors still had that they should have been consulted formally, the Committee considered that, if necessary, in lieu of a formal consultation, an informal discussion might suffice between the Chairman of the Committee and English Heritage in order to keep them abreast of what the proposal entailed.

5.21 However some members still maintained that English Heritage should be consulted before the application was determined as they considered that it had a bearing on the character of the conservation area. It was proposed that further consideration of the application should be deferred subject to consultation with English Heritage. On being put to the vote, the proposal to defer further consideration of the application was lost.

5.22 It was then proposed that planning permission be granted subject to the conditions recommended in the officer's report. On being put to the vote, the Committee decided that planning permission should be granted, subject to the conditions contained in paragraph 8 of the report.

Resolved

6. That planning permission be granted, subject to the conditions set out in paragraph 8 of the Head of Economy's report.

Reason for Decision

7. As summarised in paragraphs 6.12 of the Head of Economy's report.

Refenestration to part of rear of Dorchester Library

8.1 The Committee considered a report by the Head of Economy on planning application WD/D/14 003123 which sought permission for the refenestration to part of the rear elevation of the former Dorchester Library in Colliton Park, Dorchester. The building was

located within a designated Conservation Area, wherein special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area. On that basis, an objection to the proposal had been received from West Dorset District Council on the grounds that the proposed windows were not in keeping with such a distinctive building and the proposed replacement windows could not be justified and would fundamentally change the building's character.

8.2 With the aid of a visual presentation officers explained the application, which was designed to provide for the replacement of a section of existing fenestration on the south facing (rear) elevation of the building. The proposed work was part of the programme of works associated with the conversion of the former library to address the accommodation needs of the County Council, designed to enable a more efficient use of Council premises and the means by which they could be better used.

8.3 Photographs and plans were shown to the Committee which provided an understanding of the design of the windows and the context of their setting, including how the elevation backed onto Homechester House, which was a retirement/sheltered housing scheme built in 1984, consisting of some 51 flats.

8.4 Officers explained that the existing windows comprised "Crittall" windows with narrow metal frames which were proposed to be replaced by new polyester coated aluminium double glazed pivot windows. In all, twelve windows would be replaced. Supplementary information provided with the application noted the poor condition of the existing windows and also pointed out that windows in the other three facades of the building had already been replaced with more modern windows.

8.5 The report set out details of the consultation exercise and the representations received in response. Councillors noted that the statutory consultation period for this application process did not expire until the following day, 30 January, so any decision made would be subject to any further representations received. Notwithstanding the District Council's objection, no other objections had been received from any other consultee, Dorchester Town Council included. Officers reaffirmed that many of the windows on the building's other elevations had been replaced over previous years with windows of a similar design. However those being proposed would be more efficient and provided for the necessary ventilation, illumination and improved insulation required of a modern office space.

8.6 Officers confirmed that the proposal provided for the continued beneficial use of an existing building and would preserve the character and appearance of the Dorchester Conservation Area. The proposal was considered to be in accordance with the Development Plan and there were no material considerations indicating that the application should be determined other than in accordance with the Plan. On that basis, they were seeking the granting of planning permission.

8.7 Councillors asked if the windows would be opaque, as now, or transparent and how this would affect the flats at Homechester Court in their being overlooked. Officers confirmed that whilst they currently were opaque, the replacements were proposed to be transparent, in that they were designed to achieve improved natural lighting levels for the building's new office use. The importance of the quality of lighting levels was emphasised by the Director in order to take advantage of natural daylight, whenever possible.

8.8 The distance between the library building and Homechester Court was described by officers who confirmed that whilst some views of each building would be

apparent from upper storeys, the intervening distance between the two buildings was sufficient so as to not be considered too imposing.

8.9 The Chairman of the West Dorset District Council's Planning Committee commented that it should be borne in mind that the objection received had emanated from District Council officers and that the application had not been considered by the District Planning Committee. He thought the proposal would enhance the conservation area and could see no reason why the application should not be supported.

8.10 Other councillors shared this view, particularly after establishing that the windows in Homechester Court were of similar design and materials to those being proposed, with this too being situated within the conservation area. Consequently, on being put to the vote, the Committee agreed to grant planning approval.

Resolved

9. That, subject to the receipt of no further representations on the application prior to the expiry of the statutory consultation period, the Head of Economy be given delegated authority to grant planning permission, subject to the conditions set out in paragraph 8.2 of the Head of Economy's report.

Reason for Decision

10. As summarised in paragraph 6.12 of the Head of Economy's report.

Review of Development Management Activities – Third Quarter 2014/15

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

11.2 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.

Noted

Traffic Regulation Matter

Petition to reduce the speed limit beyond the West Elworth Junction on the B3157 at Portesham

12.1 The Committee considered a report by the Head of Highways on the receipt of a petition containing 50 signatories requesting the reduction of the speed limit from 50 mph to 30 mph, so as to extend the existing speed limit south westwards past the West Elworth Junction on the B3157 at Portesham. The request was also supported by Chesil Bank Parish Council.

12.2 With the aid of a visual presentation officers explained that the petition was asking for a reduction of the speed limit over that length of the B3157 in the interests of road safety, as it was considered that in the absence of any footway provision, there was currently no safe access from the western end of the village to use the facilities beyond, particularly to use the tennis courts, the playing field/recreation ground and the allotments. They considered that there was evidence that the junction was a safety hazard and by reducing the speed of vehicles, from both directions, in advance of reaching that junction would assist considerably in reducing the risks associated with manoeuvres to and from that junction.

12.3 Photographs and plans were shown to the Committee which provided an understanding of the context of the road, its character and its setting and how its relationship with the West Elworth junction had raised such concern. Officers confirmed that the requested length of road covered a section where there was no frontage development and therefore would ordinarily preclude that length of road from warranting a speed limit. Accordingly officers considered that the current 30mph speed limit began at the most practicable and obvious location at the start of the village development. Officers also confirmed that the length of road did not meet the criteria set out in the Dorset Speed Limit Policy for villages qualifying for 30mph speed limits.

12.4 Councillors were provided with details of accident records along that stretch of road, the last of which was in January 2011, since which time the carriageway had been re-profiled and resurfaced with the addition of coloured strips and SLOW markings in advance of the junction to further highlight this location.

12.5 Officers also explained how the request from the Parish Council for a footway had been addressed, explaining that the costs and viability for this and how it was prioritised meant that it was unlikely to proceed anytime in the near future.

12.6 Officers explained that if the Committee was minded to agree to the petition request being taken forward, the site and suitability of the request should be assessed and prioritised against other proposals to establish if it was appropriate and met the necessary criteria.

12.7 The County Councillor for Chesil Bank supported the essence of what was being requested given the character of the road over that length and, particularly, the hazards which he considered existed around that junction. Given the acceleration of vehicles exiting the village and those decelerating late upon entering, he was of the view that the current 50 mph limit was situated too close to the settlement. Whilst he acknowledged that considerable improvements had been made over the past few years to the condition of the B3157 to improve safety, concerns still remained and needed to be addressed, particularly in the absence of any swift solution to the footway issue.

12.8 However officers explained that, generally, speed limit signs would be erected as close as was practicable to the built up settlement and would not be ordinarily extended into open countryside, as it was considered that this would dilute the effect of what was trying to be achieved.

12.9 Nevertheless, given the popularity of the amenities requiring access at that end of the village and the lack of means of being able to safely access them, the Committee generally considered that the petition had substance and that there should be further research into what might be able to be achieved. As part of this, they considered that the Parish Council should be asked to play its part in commissioning a traffic/speed survey to determine what speed limit might be appropriate, given that there was not one readily available.

12.10 Upon receipt of this information, the Committee noted that the request would be assessed in the usual way to determine if it met the criteria for the reduction of a speed limit and prioritised accordingly to where it was adjudged to be ranked against other such schemes.

Resolved

13. That the petition be noted and the petition organiser be informed that further research should be undertaken and submitted in support of an application for a speed limit which should be made in the usual way by the Chesil Bank Parish Council to the County Council. The application would then be assessed in the usual way to determine if it met the necessary criteria and prioritised accordingly in being ranked against other such competing schemes.

Reason for Decision

14. To facilitate the democratic process and provide the ability to engage with local councils.

Rights of Way Matter

Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014

15.1 The Committee considered a report by the Director for Environment and the Economy on an objection to the Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014 and which consequently recommended that it be sent to the Secretary of State and that the County Council support confirmation of the Order, as made. Officers explained that as there has been an objection to the Order, the County Council was unable to confirm it itself.

15.2 With the aid of a visual presentation, officers explained the background to this. Photographs and plans were shown to the Committee by way of illustration. These showed the proposed route, its character and setting in the countryside and the views which could be seen. Both Cheselbourne and Melcombe Horsey Parish Councils had supported the proposed diversion.

15.3 However, the Ramblers had objected to the Order on the grounds that the proposed new route was less enjoyable for footpath users than the existing route, in considering that the current route offered a more interesting and varied route in terms of scenery, surface type and elevation than the proposed route. Conversely, they considered the proposed route to be unrewarding.

15.4 However officers confirmed that, although the current route offered more variety, in terms of gradient and type of landscape, the proposed new route was more accessible as it was flatter and there were no stiles, gates or electric fences along the route. The views from the proposed new route were considered to be extensive and panoramic and the proposed diversion was some 195 metres shorter than that which currently existed. Furthermore, the diversion of the footpaths would enable easier land management, in particular the location and maintenance of electric fences and hedges. Finally, the proposed diversion met the legal tests under Section 119 of the Highways Act.

15.5 The Committee considered that the proposed diversion would be beneficial and provided for greater accessibility along the route without unnecessarily compromising its convenience to the public.

Resolved

16.1 That the County Council supports confirmation of the Order as made.

16.2 That the Dorset County Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014 be sent to the Secretary of State for confirmation.

Reasons for Decision

17.1 The diversions, which are the subject of the Order, comply in all respects with the law and therefore the Order should be confirmed.

17.2 Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and achieves the corporate plan objectives of:

- Enabling Economic Growth
 - Ensure good management of our environmental and historic assets and heritage
- Health, Wellbeing and Safeguarding
 - Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset
 - Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live
 - Enable people to live in safe, healthy and accessible environments and communities

Questions for County Councillors

18. No questions were asked by members under Standing Order 20(2).

Meeting duration
10:00am – 11.50 am