

Regulatory Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 11 June 2015.

Present:

Councillors

David Jones (Chairman)

Pauline Batstone (Vice-Chairman)

Barrie Cooper, Ian Gardner, Mike Lovell, David Mannings, Margaret Phipps, Mark
Tewkesbury, David Walsh and Kate Wheller.

Lesley Dedman, County Councillor for Mudeford and Highcliffe attended the meeting by invitation for minutes 51 to 56.

Officers attending:

Andrew Brown (Manager – Traffic Engineering), Roger Bell (Rights of Way Officer), Phil Crowther (Solicitor), Mike Garrity (Team Leader), Phil Hobson (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 **30 July 2015**).

Public Speakers

Malcolm Mawbey, local resident, minutes 51 to 53.

Barry Rayner, local resident, minutes 54 to 56.

Dennis Quilter, local resident, minutes 54 to 56.

Andrew Marriner, local resident, minutes 67 to 69.

Lorna Jenkin, local resident, minutes 67 to 69.

Michael Nisbet, local resident, minutes 70 to 72.

Michael Wood, for landowner, minutes 70 to 72.

Michael Jupp, Beaminster Town Council, minutes 70 to 72.

Marcus Chambers, local resident, minutes 70 to 72.

Apologies for Absence

47. Apologies for absence were received from Steve Butler, Beryl Ezzard, Mervyn Jeffery, Peter Richardson and Daryl Turner.

Code of Conduct

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

48.2 With reference to minutes 51 to 53, David Jones, having worked closely professionally with the petitioner Malcolm Mawbey at Christchurch Borough Council as his Vice-Chairman, some years ago, did not consider that this would preclude him in the debate of this matter as he had not prejudged the matter.

48.3 With reference to minutes 54 to 56, David Jones, whilst confirming that he had no disclosable pecuniary interests under the Code of Conduct, knew the organiser of the proposals for Pinehurst Avenue on a social basis and as a fellow director of a flats management company associated with Pinehurst Road so, on that basis, he would express

his views as a Borough divisional councillor but would play no part in the discussion of this item and would leave the Committee Room when the voting took place. He asked that the Vice-Chairman, Pauline Batstone, take the chair for this item.

48.4 Similarly he confirmed that as he had previously been instrumental in supporting the waiting restrictions proposals for Caxton Close, Christchurch he would once again speak as local member but would play no part in the discussion of this item and leave the Committee Room when the voting took place.

48.5 With reference to minutes 60 to 62, Barrie Cooper confirmed that as he had previously been instrumental in supporting the waiting restrictions proposals for Blandford, he would speak as local member but would play no part in the discussion of this item and would leave the Committee Room when the voting took place.

Minutes

49.1 The minutes of the meeting held on 29 January 2015 were confirmed and signed.

49.2 David Mannings reported that subsequent to that meeting, the applicant of the Old Granary Close application had expressed appreciation for the way in which that particular application had been determined by Committee.

Public Participation

Public Speaking

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

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

Petitions

50.3 There was one petition received in accordance with the County Council's petition scheme at this meeting, minutes 51 to 53 refer.

Procedure for Petitions - Petition requesting a 20 mph speed limit on the A337 in Highcliffe, Christchurch

51.1 The Committee considered a report by the Head of Highways on the receipt of a petition containing 334 signatures requesting the imposition of a 20 mph speed limit on the A337 through Highcliffe, Christchurch to address the speed of vehicles passing along the road on road safety grounds and to improve the quality of life for those in that area. The petitioners were concerned that as the A337 was a busy, primary route which passed through the Highcliffe Shopping Centre, traffic speeds needed to be regulated particularly as the majority of the shoppers were elderly and had expressed concern about the traffic.

51.2 Given that rush hours caused significant congestion, the petitioners considered that a reduction in the speed limit would be consistent with stated policy of the adopted Core Strategy and with Government guidance to councils on setting local speed limits in shopping areas where there were vulnerable people. The reduction would improve the flow of traffic by giving more time for congestion to clear before the arrival of more vehicles.

51.3 With the aid of a visual presentation, officers explained the basis of the petitioner's request. Plans and photographs were shown which provided an understanding of the context of the road, its characteristics and its setting. It also showed its relationship with

development and facilities along the road. The report provided the Committee with a series of options on how they might consider responding to the petition.

51.4 Officer's explained that the 20 mph Speed Limit Policy allowed parishes to fund speed limits subject to meeting the necessary criteria. However this option was not available to Borough Councils. Alternatively, the request could be assessed and prioritised against criteria for future funds.

51.5 Members noted that there had been 8 reported personal injury accidents in the latest available 5 year period and that there was currently no speed survey data for that section of road. Officers explained that should the Committee agree to the petition request being progressed, the site and suitability should be assessed and prioritised against other proposals to establish if it was appropriate and met the necessary criteria.

51.6 Malcolm Mawbey, the petitioner, explained the background to the petition and what he hoped it would achieve. Given that it was a primary route used by heavy goods vehicles, the reduction of the limit was seen to be of benefit to vulnerable road users, would ease congestion and improve the environment for those who used that stretch of the A337. With the aid of a series of photographs he pointed out the facilities served by the road and its characteristics, including residential and commercial premises, a medical centre and a nursery school. The lowering of the limit would improve access to these when the road needed to be crossed.

51.7 The County Councillor for Mundeford and Highcliffe confirmed that she was wholly supportive of the principles behind what the petition was trying to achieve and that the lowering of the limit would go a long way to meeting the objectives of the petition. As Highcliffe had a considerably high proportion of elderly residents, the reduction in the limit would considerably improve road safety, given that access to facilities used by vulnerable road users was served by the A337. She had experienced the conflict between pedestrians and cyclists and heavy goods vehicles using the A337 and considered that there was a need for this to be addressed. She asked that, in the absence of current speed data, this should be obtained in order to determine how things might be progressed.

51.8 Whilst obtaining 334 signatures was considerable, she considered that if the petition had been more proactively canvassed, those signatories would have increased significantly. She considered that if the scheme was justified, there should be no financial impediment to it being implemented and asked the Committee to support it.

51.9 The Committee considered that the principles of the petition and what it was designed to achieve had merit and should be supported. They felt that there did appear to be an issue which needed addressing and that speed data should be gathered to determine the depth of the problem. Some councillors thought that all speed limits should be lowered to 20 mph in built up areas where facilities for vulnerable users were situated. Other members thought that 20 mph limits should only be used selectively so that their impact was not diluted, where there was deemed to be a real need, and where traffic speeds supported this.

51.10 The Committee recognised that if a 20 limit was to be implemented then it should be properly enforced to ensure that it was successful. This was something which needed to be borne in mind if the issue was to be progressed. Officers confirmed that any further research would include detailed consideration of accident records, speed data and traffic flows.

51.11 On being put to the vote, the Committee decided that research into the matter should be undertaken, 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 and the petitioner notified accordingly.

Resolved

52. That the petition be noted and the petitioner be notified that research into the matter would be undertaken and 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.

Reason for Decision

53. In the interests of road safety.

Traffic Matters

Proposed Waiting Restrictions, Christchurch

(David Jones confirmed that as he had previously been instrumental in supporting the waiting restrictions proposals for Caxton Close, he would speak as local member but would play no part in the discussion of this item and left the Committee Room when the voting took place. Similarly the organiser of the proposals for Pinehurst Avenue as a fellow director of a flats management company associated with Pinehurst Road was known to him on a social basis so, on that basis, he would express his views as a Borough divisional councillor but would play no part in the discussion of this item and would leave the Committee Room when the voting took place. The Vice-Chairman, Pauline Batstone, took the chair for this item)

54.1 The Committee considered a report by the Head of Highways explaining that following the advertising of proposed changes to parking restrictions in various roads in Christchurch, objections had been received to the proposals for Caxton Close, Pinehurst Avenue, Scott's Hill Lane/Rotterdam Drive and Stuart Road. Consequently, the Committee was now being asked to give consideration to those objections and decide whether to recommend that the proposals should be implemented as advertised.

54.2 With the aid of a visual presentation, officers explained the reasoning behind the need to impose the waiting restrictions and the basis of the objections received. Photographs and plans were shown to the Committee by way of illustration. This showed where the proposals would be situated, the character of the roads and their setting within the townscape. It also showed the relationship between the roads and commercial and residential properties and the effect that displaced parking was having on residential streets. Objections received considered that the proposed arrangements would be detrimental to their parking needs and affect trade. However officers considered that the proposals were, on balance, the best achievable to meet competing needs and addressed the issues currently being experienced. Councillors were informed that Christchurch Borough Council had supported the proposals as advertised.

54.3 Officers described the particular necessity for each set of waiting restrictions within the context of their respective roads and how each were designed to address a particular set of circumstances. Consequently, the waiting restrictions varied between roads to reflect those needs and to complement other restrictions in that area. That necessity comprised maintaining the passage on the road, reducing congestion, safety implications and the obstruction of driveways to properties.

54.4 The County Councillor for Burton Grange supported the proposed waiting restrictions, particularly those for Pinehurst Avenue and Caxton Close, him being instrumental in formulating the proposals for the latter.

54.5 Of particular mention were the proposals for Pinehurst Avenue given the issues being experienced on that road. Barry Rayner, local resident, considered that the restrictions were necessary to address the issues residents were having in being able to readily access their properties and in ensuring that visitors had the ability to park. He considered that the primary reason for this was as a result of displaced parking from the Christchurch Harbour Hotel following the development of its car park, which had undoubtedly compounded the situation.

54.6 Dennis Quilter, local resident, expressed similar views in that he attributed the escalation of the parking problems in the road with the development of the hotel car park. This had displaced both patrons and staff so they now had to park on street, with Pinehurst Road seemingly being the most convenient. He suggested other more suitable roads which might be able to better accommodate this displaced parking and which were within close walking distance. Furthermore as Pinehurst Avenue was effectively a cul-de sac, the road was often congested with vehicles seeking to park unsuccessfully and having to negotiate a three point turn manoeuvre.

54.7 The County Councillor for Mudeford and Highcliffe supported the proposals for the roads in her electoral division considering that those proposed for Pinehurst Avenue were designed to improve the quality of life for residents and provide them with improved accessibility. Whilst she acknowledged the benefits that the Hotel brought to the area, she acknowledged that the parking situation in the road had undoubtedly been compounded by the decision to develop the hotel's car park. The proposed measures would go a considerable way to addressing that issue.

54.8 On a general point, the Committee was of the view that, wherever possible, dialogue between developers and the highways authority should take place so that similar situations might be avoided in future and partnership arrangements should be put in place to facilitate this.

54.9 Having considered the objections received, the Committee considered that the proposed waiting restrictions were necessary to address the issues being experienced and were both reasonable and proportionate in achieving this. Given this, and taking into account the support of the local county councillors and Christchurch Borough Council, they considered that the proposals should be implemented as advertised.

Recommended

55. That having considered the objections received, the Cabinet be asked to approve the proposed waiting restrictions on Caxton Close, Pinehurst Avenue, Scott's Hill Lane/Rotterdam Drive and Stuart Road, Christchurch as originally advertised.

Reason for Recommendation

56. The proposals should improve the safety aspect of vehicle movements in Caxton Close and Stuart Road, which both have a ninety degree bend with no visibility; safer and improved vehicle movements in Scott's Hill Lane/Rotterdam Drive for vehicles exiting the road and being faced with vehicles entering off the B3059 at speed. The proposal in Pinehurst Avenue would give priority for parking to residents and visitors rather than all-day parking by employees to a local hotel and visitors to local beaches in the summer months.

Proposed 30 mph Speed limit on the A351 in Harman's Cross

57.1 The Committee considered a report by the Head of Highways on proposals to implement a 30 mph speed limit on the A351 in Harman's Cross. Following advertisement of

the proposed reduction from 40mph to 30 mph, objections had been received and the Committee was now being asked to consider those objections and decide whether to recommend that the proposal should be implemented as advertised.

57.2 With the aid of a visual presentation, officers explained the reasoning behind the request from Worth Matravers Parish Council for the reduction in the speed limit on road safety grounds. Photographs and plans of the length of road concerned were shown to the Committee by way of illustration. This showed the route, its character and setting within the village and the points between which it ran.

57.3 The configuration of the road was explained to councillors and the relationship of this with residential properties along the route and how other features such as the petrol garage, bus stops and the part access to the Swanage Railway and the village hall has affected officer's consideration of a speed reduction. Councillors were informed that data from a traffic flow and speed survey undertaken generally supported the lowering of the speed limit along that length of road and given that the road was undulating, with a series of bends, on balance a 30 mph limit was considered to be appropriate and be beneficial to improving road safety.

57.4 Officers explained that the representations received were largely equally supportive of and objecting to the proposals. Those in support were largely residents of Harman's Cross who considered that lowering the limit would benefit road safety through the settlement, whilst those opposed largely lived elsewhere but regularly travelled through the village and considered the proposal was an unnecessary impediment to their journey times.

57.5 The County Councillor for Purbeck Hills supported the proposal on road safety grounds considering that, as the majority of support had been from residents and that further development in the village would generate greater activity, the proposal should be implemented as advertised.

57.6 With regard to whether the proposals would be enforceable, officers confirmed that in addition to the support of the Parish Council, Langton Matravers Parish Council and Purbeck District Council, Dorset Police were supportive of the measures.

57.7 The Committee considered that as the criteria were met, on balance, the proposals should be implemented as advertised as the lowering of the limit would contribute towards improved road safety throughout the village.

Recommended

58. That the Cabinet be asked to approve the implementation of the proposed 30 mph limit on the A351 through Harman's cross as advertised and as set out in drawing number 2265/2/4 in Appendix 2 to the Head of Highways report.

Reason for Recommendation

59. The proposals would improve the safety of the residents of the village providing an improved environment for those who live there.

Proposed Waiting Restrictions - Sandbourne Avenue/Shottesford Avenue, Blandford
(Barrie Cooper confirmed that as he had previously been instrumental in supporting the waiting restriction proposals for Blandford, he would speak as local member but would play no part in the discussion of this item and left the Committee Room when the voting took place.)

60.1 The Committee considered a report by the Head of Highways explaining that following the advertising of proposed changes to parking restrictions in various roads in

Blandford, objections had been received to the proposals for Sandbourne Avenue/ Shottesford Avenue in Blandford. Consequently, the Committee was now being asked to give consideration to those objections and decide whether the proposals should be recommended for implementation as advertised.

60.2 With the aid of a visual presentation, officers explained the reasoning behind the need to impose the waiting restrictions and the basis of the objections received. Photographs and plans were shown to the Committee by way of illustration. This showed where the proposals would be situated, the character of the roads and their setting within the townscape. The need for the proposals had arisen from the experience of service buses using the route having their passage impeded by vehicles parking around the tight bends in that area of the estate. Of particular concern was that not only were buses being affected but emergency, refuse and delivery vehicles were on occasion unable to pass. As the bus route was well used and well established there was reluctance for it to be altered so as to avoid that particular point. Accordingly, the proposed restrictions were designed to alleviate the situation.

60.3 Officers confirmed that the proposals were supported by Blandford Forum Town Council, North Dorset District Council and Dorset Police. Objections to the proposals were received from local residents who considered that these would have a detrimental effect on their ability to park where they wished.

60.4 The County Council member for Blandford supported the proposals as advertised, considering that it was necessary for the bus route to be preserved and the safe passage of large vehicles around that point assured. On a wider issue he considered that more consideration should have been given to the configuration of the road network in the development of the estate.

60.5 The Committee considered the proposals were necessary to ensure that buses could safely negotiate that point in the estate and should be recommended for implementation as advertised.

Recommended

61. That having considered the objections received, the Cabinet be asked to approve the proposed waiting restrictions on Sandbourne Avenue/Shottesford Avenue, Blandford as originally advertised and as set out in drawing no. 2018/1/65H at Appendix 1 in the Head of Highway's report.

Reason for Recommendation

62. Sandbourne Avenue and Shottesford Avenue had a tight bend which was frequently obstructed by parked cars. The proposals would improve the movement of larger vehicles especially the bus service that used the road regularly and would improve access for emergency service vehicles.

Poole Road, Upton - Amendments to Parking Arrangements

(During consideration of this item, David Jones stated that his wife was a blue badge holder but he considered that this did not preclude him from taking part in the debate and voting on the issue)

63.1 The Committee considered a report by the Head of Highways setting out responses to the Draft Order consultation and resulting correspondence relating to the proposal to amend the parking restrictions on Poole Road, Upton and consideration of the modification of the advertised proposal to accommodate concerns of the objection received.

63.2 With the aid of a visual presentation, officers explained the need for the

amendments to the parking arrangements as a result of highway improvements being made along Poole Road, including the provision of a cycle route scheme and the renewal of the existing footway. Photographs and plans were shown to the Committee by way of illustration. The parking amendment was proposed to complement the shared use footway/cycleway by moving parking from the immediate vicinity of the pedestrian crossing to improve visibility. The practical effect of the traffic proposals was to move on-street parking spaces westwards away from the pedestrian crossing, resulting in the overall net loss of one disabled parking space.

63.3 Whilst some members did not see the new arrangements as an improvement for those requiring the use of a disabled parking bay, it was explained that, in practice, the space available for disabled parking was limited to a single space, despite the legal order providing for two. The amendment now being sought was designed to address the objection received that the current location of the bay obstructed a property's access. The proposals were designed to regulate arrangements so that the bays could be legally marked and implemented as soon as possible. The amendments were supported by Lytchett Minster and Upton Town Council and the County Councillor for Lytchett.

63.4 The Committee saw the benefits of the proposals in that they were necessary as a consequence of the improvements made to the visibility splay and the highway improvement scheme introduced.

Recommended

64. That having considered the objection received, the Cabinet be asked to approve the amendment to the prohibition and restriction of waiting in Poole Road, Upton as advertised, subject to a modification to relocate the disabled parking bay as shown on scheme plan H11025/014/01/a.

Reason for Recommendation

65. The proposals as advertised subject to the modification enabled the implementation of the proposed off-road cycleway from Upton Cross to Upton House on B3067 which achieved the aims of:

- Avoiding danger to persons or other traffic using the roads, or any other road, and for preventing the likelihood of any such danger arising.
- Facilitating the passage on the road, or any other road, of any class of traffic (including foot passengers) or of vehicles.
- Preserving or improving the amenities of the area through which the road runs.
- Allowing Disabled Badge Holders to continue to park (in accordance with the concessions available to them under the Blue Badge Scheme).

In addition, the proposed modification accommodated the concerns raised by an objector.

Acknowledgment

66. As this would be Andrew Brown's final meeting, the Chairman took the opportunity to thank him for his contribution to the work of the Committee over the years and wished him every success in the future. Mr Brown duly responded.

Rights of Way Matters

Dorset County Council (Footpath from Broad Street to Marine Parade, Lyme Regis (known as Teneriffe Path)) Definitive Map and Statement Modification Order 2013

67.1 The Committee considered a report by the Director for Environment and the Economy which considered new evidence submitted by Lyme Regis Town Council in reconsidering the position to be adopted by the County Council on the submission of the Footpath from Broad Street to Marine Parade, Lyme Regis (known as Teneriffe Path) Definitive Map and Statement Modification Order 2013 to the Secretary of State following the receipt of objections.

67.2 With the aid of a visual presentation the basis for the application was explained and what it entailed. Photographs and plans were shown to the Committee by way of illustration. This showed the claimed route, its character and setting within the townscape and the points between which it ran. The documentary and user evidence contained in the earlier reports was referred to, as was the new evidence provided by the Parish Council in January 2014. It was considered that the new evidence added little value.

67.3 The Committee were also provided with an extensive explanation of the background to the application, supplemented by previous reports to Committee, how the position now reached had been arrived at and the part the Roads and Rights of Way Committee had played in what the Committee was now being asked to do.

67.4 The Team Manager – Definitive Map and the Senior Solicitor explained the legal implications of the decisions previously taken by Committee and emphasised the need for a decision which was made by the Committee to support or oppose the confirmation of the Order, should be based on the evidence that was set out in earlier reports in order to avoid the possibility of legal challenge. The Senior Solicitor, officers and the Chairman clarified what issues needed to be addressed and what needed to be taken into consideration by the Committee in coming to its decision.

67.5 Given that the merits of the application were being debated between the applicant, Lyme Regis Town Council, and those opposed to the application, officers considered that the County Council should play no part in its determination. Consequently, officers were recommending that the Order should be submitted to the Secretary of State for determination and that the County Council should take a neutral stance in the proceedings.

67.6 Andrew Marriner, local resident, objected to the application as he considered the new evidence submitted by the Town Council to add no value to what had previously been considered and that the County Council should take a neutral stance, as had previously been the case. He considered there to be insufficient evidence to support the claimed rights, that weight should be given to the evidence to suggest that use was by permission only and that there was uncertainty over the dates being claimed. He considered that no further resources should be diverted by the County Council on this and that the Secretary of State should determine it.

67.7 Lorna Jenkin, local resident, was of the view that the wealth of evidence suggested that the claimed route was a public right of way and that Lyme Regis Town Council had demonstrated sufficiently that this was the case. She considered that the County Council should maintain its position of supporting the Order, as it had in January 2014.

67.8 The Committee asked for clarification of what scope they had to make a decision on this application and on what basis they might be able to do this.

67.9 The Senior Solicitor confirmed that whilst a decision to take a neutral stance did not require a review of the evidence, any decision taken to support or oppose confirmation should be based exclusively on the evidence before them and not on desirability or need, and that any judgement should be made on that basis. The Chairman reinforced this position.

67.10 Officers explained that their recommendation of a neutral stance was based on the practical issues and was a procedural matter. If the Committee were to determine that the rights existed or did not exist then their reasoning for this should reflect their consideration of the evidence.

67.11 Having understood fully the implications of coming to any other decision than to take a neutral stance, and having had the opportunity to consider fully the available evidence before them on the claimed right, on being put to the vote, the Committee agreed with the officer's recommendations contained in the Director's report.

Resolved

68.1 That the Order be submitted to the Secretary of State for determination.

68.2 That the County Council takes a neutral stance in the proceedings.

Reason for Decision

69. (a) There have been objections to the Order and therefore the County Council must submit it to the Secretary of State for an Inspector to be appointed to consider confirmation; and
 (b) Continued investment of public resources relating to this matter was not considered to be in the public interest.

Decisions on applications for definitive map modification orders ensured that changes to the network of public rights of way complied with the legal requirements and achieved 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

Application for a definitive map and statement modification order to add a footpath from Bridleway 59 to Footpath 58, Beaminster

70.1 The Committee considered a report by the Director for Environment and the Economy which set out details of an application for a definitive map and statement modification order to add a footpath from Bridleway 59 to Footpath 58, Beaminster.

70.2 With the aid of a visual presentation the basis for the application was explained and what it entailed. Photographs and plans were shown to the Committee by way of illustration. This showed the claimed route, its character and setting within the woodland and the points between which it ran. The documentary and user evidenced contained in the report was referred to in detail. Given analysis of the evidence, officers had concluded that,

on balance, this was insufficient to demonstrate that the claimed right of way between A – B - C - D subsisted, or was reasonably alleged to subsist, and the evidence was inconclusive.

70.3 Michael Nisbet, local resident, supported the officer's recommendation to refuse the application on the grounds that the documentary evidence was insufficient to demonstrate that the route subsisted and because there was documentary evidence contrary to that claim.

70.4 Michael Wood, speaking on behalf of the landowner, considered that the use of the route between A - D would be impractical given the terrain and that the supporting user evidence was inconsistent and incomplete so was not credible and consequently should be disregarded.

70.5 Michael Jupp, Beaminster Town Council, supported the application, and considered that there was evidence to demonstrate that the route had been used for a considerable number of years. However, he hoped that if the Committee decided to refuse the application, arrangements could be put in place so that the route could continue to be used on a more informal basis.

70.6 Marcus Chambers, local resident, supported the application too, considering that the user evidence bore out use of the route and that there was evidence of use over a considerable time. He considered the route to be a medieval route which should be formalised so that use could continue to be made, without hindrance. He considered that this was in accordance with the County Council's Corporate Plan aims for economic growth, health and wellbeing and access to natural environment.

70.7 The Committee considered that the documentary evidence demonstrated that the full route between A - D was incomplete and inconclusive and, on that basis, agreed with the officer's recommendation.

Resolved

71. That the application to add a footpath from Bridleway 59 to Footpath 58, Beaminster between points A - B - C - D, as shown on drawing number 13/44/1 in Appendix 1 to the Director's report, be refused.

Reason for Decision

72. The available evidence did not, on balance, show that the claimed right of way between points A and D subsisted or was reasonably alleged to subsist.

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 - Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset.
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 - Enable people to live in safe, healthy and accessible environments and communities.

Application for a definitive map and statement modification order to add footpaths in Whitchurch Canonorum and Chideock parishes, east of Ryall

73.1 The Committee considered a report by the Director for Environment and the Economy on an application for a definitive map and statement modification order to add a series of footpaths in the parishes of Whitchurch Canonorum and Chideock and were asked to consider the evidence relating to the status of the routes.

73.2 With the aid of a visual presentation, the basis for the application was explained and what it entailed. Photographs and plans were shown to the Committee by way of illustration. These showed the claimed route, its character and setting within the countryside, the points between which they ran and their relationship between each other. The documentary and user evidence contained in the report was also referred to in detail. The weight to be afforded to the user and documentary evidence was explained. Officers reported that the evidence on the ground of the status of the routes was inconclusive, with very little being able to be determined from this.

73.3 Officers reported that, from analysis, the available evidence did not, on balance, show that the claimed rights of way subsisted or could be reasonably alleged to subsist. Therefore they recommended refusal of the application.

73.4 Officer's drew attention to the receipt of a late submission from the applicant. However, it was considered that this submission added little value to the evidence in support of the application.

73.5 Having considered in detail the evidence submitted and having taken into account the officers recommendation, the Committee considered that there was insufficient evidence to support the claim and agreed that the application should be refused.

Resolved

74. That the application to add footpaths in Whitchurch Canonorum and Chideock be refused.

Reason for Decision

75. The available evidence did not, on balance, show that the claimed rights of way subsisted or was reasonably alleged to subsist.

Decisions on applications for definitive map modification orders ensured that changes to the network of public rights of way complied with the legal requirements and achieved the Corporate Plan objectives of:

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- 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.
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Planning Matter

Planning Application 6/2015/0072 - Variation of Condition 3 (alteration of access) of planning permission 6/2014/0437 (erect new school and pre-school) at site for Bere Regis Primary School, off Southbrook, Bere Regis, Dorset.

76.1 The Committee considered a report by the Head of Economy on planning application 6/2015/0072 for a variation of Condition 3 (alteration of access) of planning permission 6/2014/0437 at the site for Bere Regis Primary School, off Southbrook, Bere Regis, Dorset.

76.2 Whilst planning permission had been granted by Committee for the erection of a new Bere Regis primary school and pre-school to be served by a new access at their meeting on 23 October 2014, permission was now being sought for a slightly amended access arrangement. Officers considered the amended arrangement to be of an appropriate standard and its design, layout and landscaping was considered to be acceptable. As the proposed development was considered to be in general accordance with the development plan, approval of the application was recommended.

76.3 With the aid of visual presentation, officers explained what the application was designed to achieve. Modification of the access arrangements was designed to accommodate landowner considerations but would now require the removal of the lime tree at the junction of Southbrook and Southbrook Road which was obstructing the proposed new access. The modification also provided for an alternative means of addressing surface water and its storage. The report explained how this was to be achieved as this alternative solution was now needed as a result of subsequent investigation into how best to address this issue, given that the original means was now deemed impractical. The replacement planning and landscaping arrangements were also described.

76.4 The Committee's attention was drawn to the removal of the lime tree by the applicant in advance of any planning permission being granted. Officers considered this to be unfortunate, but no more. Whilst the Committee acknowledged that the felling of the tree was undertaken in the interests of being able to accommodate the new access and that it held little intrinsic ecological value, they were nevertheless disappointed that this had occurred and had been undertaken prior to consideration of the application. They were particularly unhappy that this was the case given that the application was a County Council one. They saw no real reason why this should have been the case and asked that every effort be made to avoid a similar situation recurring.

76.5 The Committee asked that the landscape feature which was to be removed by the scheme, be replaced wherever practicable and that a replacement lime tree be planted at the nearest convenient location to the original. Notwithstanding this, the Committee understood the need for the modification and agreed that planning permission should be granted on that basis.

Resolved

77. That planning permission be granted subject to the conditions set out in paragraph 8.2 of the report.

Reason for decision

78. The reasons for granting planning permission were summarised in paragraph 6.22 of the Head of Economy's report

Review of Development Management Activities for 2014/15

79. The Committee's attention was drawn to the fourth quarter and end-of-year review of Development Management Activities for 2014-15, together with a list of applications determined under delegated authority, which were available to see on the County Council's website, dorsetforyou.com.

Noted**Questions from County Councillors**

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

Meeting duration
10:00am – 1.40 pm