

Regulatory Committee

Minutes of meeting held at County Hall,
Colliton Park, Dorchester on 27 November 2014.

Present:

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

Officers attending

Maxine Bodell (Group Manager), Phil Hobson (Rights of Way Officer), Rob Jefferies (Senior Planning Officer), Carol McKay (Rights of Way Officer), Sarah Meggs (Senior Solicitor), David Northover (Senior Democratic Services Officer), Vanessa Penny (Definitive Map Team Manager), Chris Stokes (Principal Planning Officer) and Huw Williams (Team Leader, Development Management).

Public Speakers

Mrs Amanda Streatfeild, Symondsburry Parish Council, minutes 46 to 48.
Stuart Smart, applicant, minutes 52 to 54.
Mike Thompson, applicant, minutes 55 to 57.

(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 **18 December 2014**).

Apologies for Absence

39.1 Apologies for absence were received from Barrie Cooper, Beryl Ezzard, Ian Gardner, Mervyn Jeffery and Mike Lovell.

39.2 On behalf of the Committee, the Chairman conveyed his best wishes to Ian Gardner, whom had suffered a heart attack the previous week, and wished him a speedy recovery.

Application to add footpaths and a proposal to add a restricted byway to the definitive map and statement for Mill Lane, Wimborne Minster in the town centre

40.1 With regard to the application to add footpaths and a proposal to add a restricted byway to the definitive map and statement for Mill Lane, Wimborne Minster in the town centre, the Chairman informed the Committee that the County Council had received additional documentary evidence the previous day and, consequently, officers had not had sufficient opportunity to meaningfully examine them for their relevance, or otherwise.

40.2 He had been advised that it was sensible to defer consideration of this item so that the documents and their relevance, or otherwise, could be reviewed. To proceed with consideration of the application as it stood would leave the County Council vulnerable to challenge or complaint.

40.3 He considered that as officers had undertaken comprehensive consultation on this application, had provided ample opportunity for documentary evidence to be provided in sufficient time and had made themselves available for

discussions about this case, it was disappointing that these papers had been forwarded to the Council at such a very late stage.

40.4 On behalf of the Committee, he offered his sincere apologies in having to inconvenience those members of the public who had attended the Committee anticipating that the application would be determined and with the intention to speak. Whilst this was undoubtedly frustrating, he hoped that they would understand that it was important that all evidence available in relation to matters before the Committee was dealt with consistently. He thanked those members of the public who had attended for that item for the interest they had shown and hoped to see them again when the application was again before the Committee for consideration.

40.5 So that a similar situation did not arise again, he urged any members of the public to make sure that any documentary evidence which they considered to be relevant to be made available to officers in sufficient time for them to be meaningfully considered.

40.6 The Chairman clarified that those interested parties would be informed in due course over the arrangements for when consideration of this application was to be heard again.

Resolved

41. That consideration of the application to add footpaths and a proposal to add a restricted byway to the definitive map and statement for Mill Lane, Wimborne Minster in the town centre be deferred to allow the new documentary evidence to be reviewed.

Code of Conduct

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

Minutes

43. The minutes of the meeting held on 23 October 2014 were confirmed and signed.

Matter Arising

44. Minute 25 - officers updated members on progress being made about deciding the roof colour for the new school at West Lulworth. The Parish Council had been consulted on their preference for the brickwork and colour of the roof, but the limited scope available had meant that no decision could be made at this stage. The applicant was in the process of preparing a more varied range of colours for consideration.

Public Participation

Public Speaking

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

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

Petitions

45.3 There were no petitions received in accordance with the County Council's petition scheme at this meeting.

Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park) Public Path Diversion Order 2014

46.1 The Committee considered a report by the Director for the Environment and the Economy on the receipt of an objection in respect of the Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park) Public Path Diversion Order 2014. It was recommended that the Order be sent to the Secretary of State to consider whether it should be confirmed and that the County Council support its confirmation, as made.

46.2 Officers explained the background to the Diversion Order, why it was necessary and what it was designed to do. Its purpose was to essentially make the routes more convenient and acceptable and provide greater accessibility for those wishing to use them. Additionally the crossing of the A35 would become considerably safer by virtue of that particular diversion.

46.3 Officers explained the context of the diversions within the character of the surrounding landscape and other neighbouring facilities and dwellings, with particular mention being made of their relationship to the A35 and the Highlands End Holiday Park. Photographs and plans were shown which provided an illustration of how the diversions were to be made. Details of the diversions and how they were to be applied were set out in the Director's report.

46.4 The Committee's attention was then drawn to the details of the objection received which related to the revised addition to Footpath 26 not being a suitable alternative and the need for the diagonal Footpath 26; the need for Footpath 23 as a short cut from Watton and; that the alternative paths were unsafe and inconvenient.

46.5 The objection also mentioned the perceived relationship between the landowner and the County Council and the way in which the consultative process had been administered in raising awareness of when this issue would be considered by Committee.

46.6 In response, officers confirmed that the proposed diversions of Footpaths 22, 23 and 26 would not result in paths that were substantially less convenient to the public and would substantially improve safety. In particular the diversion of Footpath 26 was designed to avoid the use of the steps which formed part of the current route. It was also confirmed that there were no links, as implied, between the planning applications submitted by the landowner and maintenance which he carried out on his land, either on public rights of way or other areas. Any maintenance carried out on public rights of way by the applicant was done with the consent of the County Council's Coast and Countryside Service.

46.7 Amanda Streatfeild addressed the Committee on behalf of Symondsburry Parish Council, as the applicant. She supported the Confirmation of the Order and welcomed the improved safety that this would provide in crossing the A35. She was of the view that the countryside was a working environment and therefore changes to improve standards and conditions should be expected and welcomed. The adoption of the diversions was a natural progression against such a backdrop.

46.8 The County Council member for Marshwood Vale echoed the sentiments of the Symondsburry Parish Councillor, considering the proposals to be practicable and sensible.

46.9 The Committee were of the view that the proposals would be beneficial to the rights of way network in that area and wholeheartedly supported the recommendation contained in the Director's report.

Resolved

47. That the Dorset County Council (Footpath 22 (part), Footpath 23 (part), Footpath 26 and Bridleway 28 (parts), Symondsburry at Highlands End Holiday Park) Public Path Diversion Order 2014 be sent to the Secretary of State for confirmation.

Reason for Decision

48. The diversion, which was the subject of the Order, complied in all respects with the law and therefore the Order should be confirmed. Decisions on applications for public path orders ensure that changes to the network of public rights of way complied 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

Planning Matters

County Council Development

Construction of a new section of highway linking Springfield Road and Spring Close at Springfield Road, Verwood

49.1 The Committee considered a report by the Head of Economy on planning application 3/14/0844/CPO for the construction of a new section of highway to provide a link between Springfield Road and Spring Close at Springfield Road, Verwood.

49.2 With the aid of a visual presentation, officers explained the proposals. Currently a stretch of road was unmade, being situated within a residential area in the south western quadrant of Verwood and an adjacent, undeveloped strip of land, the subject of this application, had been reserved for the continuation of the Verwood distributor Road. There had been considerable expansion of development over the previous 20 to 30 years within Verwood and, with it, the need for access to be gained to amenities and facilities. The dimensions of the strip of land proposed to be developed were described, being some 11 metres wide and 75 metres in length and running between the rear fences of properties in Springfield Close and Manor Lane.

49.3 The attributes of the proposal were described by officers, including how the highway would be surfaced, how the footway would be constructed, landscaping and other design and environmental considerations to be taken into account. Neither East Dorset District Council or Verwood Town Council had raised objections to the proposal, although other representations received had raised concerns, particularly about the adverse impact on the quality of life currently enjoyed by residents.

49.4 How the application accorded with the provisions of the Planning Policy Framework was explained, including the provisions of the Local Plan and the Development Plan. The Committee's attention was drawn to the principle of the development, in that the Springfield Local Distributor Road formed part of the East Dorset District Local Plan. The section which was now being proposed to be made up played a critical part in delivering the Verwood Distributor Road scheme, so providing a vital link between the south west and the north east of Verwood. Members noted that whilst this length had lain fallow over the past 20 years, it was always the intention to use this for completion of the network at the appropriate time.

49.5 Officers explained the distinction between the length of Springfield Road which was currently an unmade road and constituted a highway and the link subject of the application, which was not a highway and consequently required planning permission.

49.6 The environmental impact of the scheme was explained by officers, together with the impact on residential properties, which was the primary concern of the representations received. Since being fenced off in 1992, the area of land reserved for the new road had become overgrown with scrub vegetation and had attracted wildlife, including badgers. Neighbouring residents had naturally become accustomed to that tranquil environment. Consequently they questioned the need for the new road and objected to the development on the grounds of the impact on their amenities, the character and appearance of the area, noise and health and safety.

49.7 Officers explained that the predominant character of the area was a suburban, residential estate and it was considered that the development of the new road would not have an adverse impact on the overall suburban character of the area, being similar in nature to other surrounding roads. Whilst they acknowledged that the loss of this tranquil area would have a localised impact for neighbouring properties, the impact was considered to be acceptable and reasonable. The loss of mature trees would be mitigated by the management of nearby woodland and the construction of an artificial badger sett was considered to be acceptable in the circumstances.

49.8 Whilst accepting that conditions 3 and 4 made provision for both landscaping and tree protection, one member asked to be assured that there would be sufficient tree planting and appropriate screening. Officers confirmed that the tree management arrangements would be appropriate and offered to discuss the Biodiversity Management Plan with the member to reassure her about this.

49.9 Officers explained that the new road would divert traffic from residential streets not designed as distributor roads. Whilst this would generate noise levels similar to other distributor roads in Verwood, it was not considered that it would create an unreasonable nuisance to the adjoining properties. Members were informed that any disturbance to residents from noise needed to be balanced against

the reduction of traffic on residential roads in the area which were not suitable as distributor roads.

49.10 The Committee's attention was drawn to the receipt of comments from the County Council members for Verwood and Three Legged Cross who were both in support of the proposals for the reasons set out in the officer's report and in justifying its delivery. They considered that the mitigating measures would adequately meet the concerns raised by local residents and hoped that the application could be supported.

49.11 The adjoining local County Council Member for St Leonard's and St Ives considered there to be a critical need for the road to be constructed as soon as possible to provide the necessary links across the town and in order to divert traffic currently using unsuitable residential streets onto a more appropriate purpose built road. Whilst recognising the loss of amenity for those residents adjoining the proposed stretch, he considered that, on balance, the road's construction would provide an enormous benefit to the majority of residents in Verwood. The congestion experienced was considerable elsewhere in that quadrant of the town, especially at peak times, with access to the local middle school contributing significantly to this.

49.12 Members recognised the issues raised and acknowledged that the ever growing population of Verwood would only contribute to even greater demand for road use. As such they considered that the development of this stretch was necessary and planning permission should be granted accordingly.

Resolved

50. That planning permission be granted subject to the conditions set out in Paragraph 8.1 of the Head of Economy's report.

Reasons for Decision

51.1 To accord with the Corporate Aim of Economic Growth.

51.2 As summarised in paragraph 6.18 of the Head of Economy's report.

Installations at Waste Transfer Station, Bailie Gate Industrial Estate, Sturminster Marshall

52.1 The Committee considered a report by the Head of Economy on planning application 3/14/0486/CPO for a proposed change of use from "part parking of vehicles, operating centre and portable office and part general industrial" to "part parking of vehicles, operating centre and various ancillary buildings and part as a waste transfer station", comprising the provision of a concrete pad with 2 metre walling to two sides on which to operate the proposed transfer station at 9E1 Middle Road, Bailie Gate Industrial Estate, Sturminster Marshall. This proposal had previously been considered by the Committee on 5 September 2014 when a decision had been deferred.

52.2 With the aid of a visual presentation, officers explained that the proposal was for the provision of a concrete pad within an industrial compound/yard site that was used, in part, for skip storage. Some waste handling already occurred on the site, with sorting being undertaken direct from one container to another. The concrete pad would be used for the emptying and sorting of skip contents, enabling the site operator to undertake additional sorting of waste and to batch materials in greater bulk prior to despatch.

52.3 Officers explained the context of the development within the character of the site, its surrounding landscape and other development on the industrial estate. Photographs and plans were shown which provided an illustration of what the proposals were designed to do, where the proposed concrete pad would be situated and the relationship of the proposals with neighbouring sites and other local facilities. Particular mention was made of its relationship with the adjoining empty, property of Braemar, the dental laboratory, Sturminster Marshall First School and the golf course. The screening and landscaping arrangements were also described together with the limited, glimpsed views of the site from Moor Lane. It was noted that Braemar, together with its tree line, formed a barrier between the site and the school.

52.4 The Committee were reminded that the application had been discussed by the Committee at their meeting on 5 September 2014, when they had decided to defer determination of the application pending further discussion with the applicant on the feasibility of enclosing the proposed operation to reduce dust and the implications associated with this.

52.5 Members had expressed their concern at the implications of dust emanating from the operations on the site, especially given its close proximity to Sturminster Marshall First School and asked if it was reasonable to require a dust management plan as part of the condition or to require this part of the operation to be enclosed. The opportunity therefore had been taken to re-evaluate the proposed dust management measures and further detail had been provided.

52.6 Officers explained that whilst Policy 29 of the Waste Local Plan provided that proposals for waste transfer stations or extensions to existing transfer stations would only be permitted where the reception, handling and processing took place in a fully enclosed building, unless there would be no proven benefit from such enclosure, the applicant had maintained that the full enclosure of the proposed operation would not be viable or practicable and was unnecessary for effective dust management, with a very substantial building for this being required. Furthermore, the Planning Statement submitted in support of the application contended that there was no justification or proven need for the proposed facility to be enclosed within a building and that the cost implications of so doing would be excessive for the throughput proposed.

52.7 The two main issues associated with possible dust emissions from waste development sites were impact on amenity by reason of nuisance and impact on health.

52.8 An assessment of the dust management measures available to suppress dust and the likelihood of nuisance occurring at the school from air borne dust particles had been considered in the context of wind data, which showed that winds blowing in the direction of the school occurred least frequently. Officers reported that the wind data provided also indicated that wind speeds were predominately less than that required to move dust off of the ground. It was therefore considered that the potential for adverse impact on amenity was minimal given that the dust management measures focussed on release avoidance or suppression at source. Measures for the effective management of dust to avoid nuisance occurring, included the maintenance of surfaces, dust suppression including the damping down during dry periods and covering loads and piles were all to be undertaken by the applicant.

52.9 In addition, the District Council's Public Health Officer was not objecting to the proposal and dust management would also be a requirement of the Environment Permit or Exemption issued by the Environment Agency.

52.10 Furthermore, a proposed concession had been made by the applicant to provide for additional screen walling along the whole length of the eastern side of the concrete pad, rather than just at the south eastern corner, as had originally been proposed.

52.11 Another concern expressed by members at their meeting on 5 September 2014 related to what controls were being placed on hazardous waste entering the site and how this was proposed to be monitored.

52.12 Officers responded to these concerns. Officers confirmed that the facility would cater for construction, demolition, excavation and trade wastes only. No consignments, including hazardous waste or refuse that included foodstuffs, would be accepted at the site and no processing of waste (e.g. crushing, mechanical screening, recycling or burning) would occur on site. Controls would be in place to ensure that no hazardous waste was being imported onto the site. If there was seen to be evidence of a contravention of this, then the Environment Agency could take appropriate action.

52.13 Members were informed that the proposed activity would require a Permit or Exemption under the Environmental Permitting Regulations 2012. The Environment Agency was required to consider all forms of pollution when issuing an Environmental Permit and consequently the operator would be required to take all appropriate measures to prevent pollution.

52.14 Having regard to the above, officers had concluded that the full enclosure of waste reception and handling was not necessary in this instance and in their opinion it would be unreasonable to impose a condition which compelled the applicant to enclose the proposed operations. Officers considered that sufficient measures were in place to demonstrate that this would be addressed satisfactorily.

52.15 They therefore again recommended that planning permission should be granted, subject to conditions controlling and regulating the proposed use.

52.16 The applicant, Stuart Smart, addressed the Committee. He explained what concessions had been made since the application was last considered. In refining the proposal, the arrangements in place for the suppression of dust and its management had been reaffirmed, with the evidence provided by the reassessment of the analysis showing that all concerns raised had been taken into account.

52.17 Having heard the re-evaluation of the application and taken this into consideration, members also considered that the distance between the site and the school and the intervening tree screen were sufficient to prevent dust being a potential nuisance to those attending the school. The Committee took into consideration the proactive way in which dust was proposed to be suppressed, including the dampening down of dust in dry conditions, how the concrete base was to be cleaned and maintained, the way in which dust particles behaved under varying wind conditions and directions and in particular circumstances, all of which was set out in detail in the report. Given this, the Committee agreed that planning permission should be granted on the basis of the explanation of the re-evaluation.

Resolved

53. That planning permission be granted subject to the conditions set out in Section 4.1 of the Director's report.

Reason for Decision

54. As summarised in paragraphs 6.25 to 6.29 of Appendix 1 to the Head of Economy's report.

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

55.1 The Committee considered a report by the Head of Economy on planning application 2/2014/0529/PLNG for the proposed development of a storage lagoon at land to the south of the A354, Milborne St Andrew.

55.2 With the aid of a visual presentation, officers explained that the proposal was for the provision of a lagoon to receive digestate via tractor and tankers from the AD facility at Bourne Park, Piddlehinton at a rate of three deliveries on weekdays and 1-2 deliveries on Saturdays. The application stated that digestate stored within the lagoon would only be used on the land holding and would not be exported off site to other farms. The dimensions of the lagoon were described, together with the hours of operation of the facility and how traffic management arrangements would be applied.

55.3 Officers explained the context of the development within the character of the site, the surrounding landscape and other neighbouring agricultural development. Photographs and plans were shown to the Committee which provided an illustration of what the proposals were designed to do, where the proposal was to be situated and the relationship of the proposals with other neighbouring facilities and dwellings in and around Milborne St. Andrew. They also described how the proposal related to the Planning Policy Framework, together with an explanation of the Planning Assessment, including visual and landscape impact, highways impact and odour considerations.

55.4 The consultation arrangements were described by officers, together with the representations received as a consequence of this.

55.5 At this stage, the Chairman, on behalf of the Committee, took the opportunity to apologise that the application had not been determined at their meeting on 23 October, as anticipated. This was owing to an administrative oversight over whom should have been consulted when engaging with Milborne St. Andrew Parish Council. This had since been rectified and the views of the Parish Council were subsequently reported to the Committee, these being set out in the Update Sheet provided for members' information.

55.6 Whilst not objecting to the application, the Parish Council raised some concern at the hazards associated with siting the lagoon where it was proposed, given the speed of traffic recorded along that stretch of road, and suggested that arrangements should be put in place to improve road safety.

55.7 North Dorset District Council had also objected to the proposal on similar grounds, on the adverse effect the proposal would have on the open landscape and on the environmental sustainability of the proposal, considering that it should be sited in closer proximity to source.

55.8 Mike Thompson, the applicant, spoke in support of the proposals considering them to be beneficial in meeting ongoing recycling and environmental targets and which were also intended to reduce the impact of vehicular movements though Milborne St. Andrew.

55.9 The Committee's attention was drawn to the receipt of comments from the County Council member for Winterborne who, whilst supportive of the proposal in principle, expressed her concern at the traffic implications associated with the application, considering that stretch of the A354 to be particularly hazardous in terms of vehicular speeds and the visibility necessary to avoid such dangers. She asked for consideration to be given to the provision of signage to warn motorists of the possibility of impending agricultural vehicle manoeuvres at that point as well as improvement to the visibility splays in both directions from the site entrance to provide for greater awareness of oncoming traffic.

55.10 Officers considered that the appearance and scale of the proposed development, as well as the presence of mature hedging that both screened and assimilated the development into the wider landscape, would ensure that there would be no detrimental impact upon the visual and landscape qualities of the area. Similarly, having regard to the close proximity of the source of the waste to the proposed lagoon, it was considered that the proposal accorded with the relevant policy in the Waste Local Plan. Additionally, the level of vehicular movements between the sites was not considered to be significant and the proposed access to the application site was suitable in respect of highway safety. Finally, the digestate to be stored in the proposed lagoon was of low odour and the lagoon would be fitted with a cover and therefore accorded with the relevant policy having regard to potential odour impacts.

55.11 Whilst members acknowledged that Condition 9 covered visibility splays, they expressed reservations that, overall, the traffic management measures in place were inadequate for this particular stretch of road and should be reinforced by robust signage warning motorists of the potential hazard of vehicles manoeuvring into and out of the site. Given this, they asked that consideration be given by officers to the erection of appropriate signage, taking into account the views of the local member.

55.12 One member, however, considered that this stretch of road was no different to any other rural road within the County whereby slow moving agricultural vehicles might be expected to be encountered by motorists, so could not necessarily see why this application should be treated any differently in terms of signage.

55.13 The Highways Adviser acknowledged members' concerns but reiterated that, in taking into account the mitigating measures being proposed as part of the application, there would only be a minimal number of vehicle movements generated by the operation. He therefore considered that, given the adequate visibility and stopping distances necessary along that length of road, the traffic management arrangements proposed were satisfactory. Nevertheless, given the strength of feeling by members over the road safety aspect of the application, the Highways Adviser suggested that appropriate warning signage could be given consideration and would be investigated to see what might be feasible and practicable.

55.14 Accordingly the Committee agreed that such appropriate signage should be agreed by officers after consultation with the Chairman and Vice – Chairman of the Committee.

Resolved

56.1 That planning permission be granted subject to the conditions set out in paragraph 9.1 of the Head of Economy's report, the provisions of the Update Sheet and paragraph 53.17 above.

56.2 That consideration be given to appropriate warning signage in connection with the permission to see what might be feasible and practicable and that such appropriate signage be agreed by officers, after consultation with the Chairman and Vice-Chairman of the Committee.

Reason for Decisions

57. As summarised in paragraph 6.15 of the Head of Economy's report.

Questions

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

Meeting Duration
10.00 am – 11.25am

