

DORSET COUNCIL - NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 18 JUNE 2019

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Carole Jones, Nocturin Lacey-Clarke, Robin Legg, Val Potheary, Belinda Ridout, David Taylor

Apologies: None on this occasion.

Also present: Cllr David Walsh (Cabinet Member for Planning)

Officers present (for all or part of the meeting):

Hannah Smith (Planning Area Manager), James Lytton-Trevers (Senior Planning Officer), Anne Collins (Area Lead Major Projects), Ian Madgwick (Highways Engineer), Kerry Smyth (Definitive Map Technical Officer), Vanessa Penny (Definitive Map Team Manager), Carol McKay (Definitive Map Technical Officer), Philip Crowther (Senior Solicitor), Daniel Reynafarje (Democratic Services Officer)

9. Declarations of Interest

Cllr M Penfold declared a non-disclosable pecuniary interest in Minute No 14 due to being involved in several discussions on this development. She withdrew from the meeting during consideration of the item.

Cllr Penfold declared a non-disclosable pecuniary interest in Minute No 16 due to being previously involved in matters relating to the application. She withdrew from the meeting during consideration of the item.

Cllr J Andrews declared a non-disclosable pecuniary interest in Minute No 14 due to previous predeterminations made on the development. He stated that he would be speaking on the application but would not take part in debate and voting thereon.

Cllr N Lacey-Clarke declared that as he did not attend the site visit in regards to Minute No 14, he would not take part in debate and voting thereon.

Cllr M Hall declared that in regards to Minute No 14, the proposal was deemed to be a new planning application and different to the one considered at Sherborne Town Council, and therefore he did not have a predetermination and would remain present.

10. Election of Vice-Chairman

It was proposed by the Chairman that Cllr V Potheary be elected as Vice-Chairman for Minute Nos 14 & 16. This was seconded and agreed.

11. Minutes

The minutes of the meeting held on 28 May 2019 were confirmed and signed.

12. Public Participation

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

13. Planning Applications

Members considered written reports submitted on planning applications as set out below.

14. WWD/D/18/002619 - Land South of the Paddock Garden, Old Market Place, Sherborne

The Planning Officer presented the report showing Members all the relevant plans and drawings. Members were informed that CPRE withdrew their objection. Members were also informed of an additional comment from Sherborne Town Council on the revised plans, a letter of support from Artlink, and an objection from Trees for Dorset.

The Planning Officer explained that the site was in a sustainable location in the centre of Sherborne. In view of this, the loss of 15 parking spaces was considered to be acceptable having regard to the level of parking that would still be available within the town.

The Officer highlighted that one of the key planning considerations was the impact of the proposal on the setting of the Grade I listed Sherborne House and on the designated Conservation Area. The impact on the designated heritage assets was considered to be neutral. The design of the arts centre had been modified to address the concerns of Historic England.

The Officer explained that there were significant public benefits to weigh in the planning balance, to the town and to the wider area.

Public Participation

Oral representation was received from Mr P Neal (Sherborne and District Society CPRE President) stating that following discussions with the applicant and Heritage England, and the improvements made to the design, the CPRE withdrew their objection.

Oral representation was received from Cllr J Andrews (Local Ward Member) raising concerns with the loss of parking spaces and disruption from the construction of the site.

Oral representations in support of the application were received from Ms J Wood (Sherborne Chamber of Commerce), Ms V Jardine (Local Resident), Mr A Strachan-Stephens (Local Resident), Mr J Halsby (Sherborne Arts Society), Sir R Fry (Chairman of Sherborne Arts Trust) and Ms E Morris (The Paddock Project). The benefits of the proposal were highlighted including the economic benefits to the town centre from attracting visitors and providing further employment, the social benefits of creating a hub for the town, the cultural benefits raising the profile of Sherborne with famous and important artwork, and the learning benefits providing year-round programs of activities for all ages.

Debate

Members raised concern with the maintenance of the green roofs as these lessened the impact to Sherborne House. Officers stated that a condition could be added for a submission of details for ongoing maintenance of the green roofs for the lifetime of the building.

A Member also raised concern over the preservation of the monkey puzzle tree in Paddock Garden. Officers stated that Condition 4 could be amended to include protection of the tree specifically.

Decision

It was proposed by Cllr C Jones, seconded by Cllr M Hall and agreed that the application be:-

GRANTED as set out in the appendix to these minutes.

15. WD/D/19/000794 - Poundbury Phases 3 and 4, Poundbury

The Planning Officer presented the report showing Members all the relevant plans and drawings. Members were informed that Paragraph 14.2.6 of the report referred to the trigger for the provision of the combined NEAP and LEAP at The Great Field. The applicant had advised that they proposed to have the play equipment in place for spring 2020, which tied in with the planting that the applicant was proposing at The Great Field over the winter months and to that end proposed a trigger of prior to the occupation of the 550th dwelling in phases 3 and 4. This was for Member's information and did not change or alter the recommendation to committee. Members were also informed of a further late consultation received.

Debate

Following questions by Members, it was proposed and seconded as set out in the officer recommendation.

A counter proposal was made by Cllr Cook and seconded by Cllr Taylor to remove the third point from the recommendation on the grounds that a second LEAP should still be required.

Officers stated that removing that recommendation would require lowering the pieces of play equipment and area of the LEAP as set out in the second point of the recommendation.

Following further clarification and debate, the counter proposal was withdrawn.

Decision

It was proposed by Cllr Lacey-Clarke, seconded by Cllr Taylor and agreed in accordance with the officer recommendation that:-

Delegated authority be GRANTED to the nominated officer to modify the S106 agreement dated 20th December 2011 to:

- **Omit provision of a ball wall and 300 seat community hall.**
- **Provide one NEAP and one LEAP in a combined area on the Great Field with at least 18 pieces of play equipment and an area of 1800 sq m**
- **Omit requirement for a second LEAP in phases 3 and 4 of the development.**

16. **Application to divert Footpaths 9 (part), 22 & Bridleways 7 (part), 8 & 23, Piddlehinton and Bridleway 32 (part), Puddletown at Muston Farm**

The Definitive Map Technical Officer presented the report showing Members all the relevant plans and drawings.

Public Participation

Oral representation in support of the application was received from Mr S Rice (Agent for Applicant) highlighting the process leading to the proposals and the benefits of the changes to the area.

Decision

It was proposed by Cllr Andrews, seconded by Cllr Cook and agreed in accordance with the officer recommendation:-

RESOLVED that:-

- a) **The application to divert Footpaths 9 (part), 22 & Bridleways 7 (part), 8 & 23 Piddlehinton and Bridleway 32 (part), Puddletown at Muston Farm be accepted and an order made;**
- b) **The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversions; and**
- c) **If the Order is unopposed, or if any objections to the Order are of a similar nature to those already considered by the Committee, it be confirmed by the Council without further reference to the Committee.**

Duration of meeting: 2.00 - 4.10 pm

Chairman

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APPLICATION NO: WD/D/18/002619
LAND SOUTH OF THE PADDOCK GARDEN, OLD MARKET PLACE, SHERBORNE
SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Site Plan - Existing - Drawing Number 15065 L 01.00 received on 08/11/2018
Site Clearance Plan - Drawing Number 15065 L91.01 received on 08/11/2018
Tree Constraint Plan - Drawing Number 04677 TCP REV A received on 08/11/2018
Landscape Masterplan - Drawing Number 15065 L93.01 P3 received on 06/06/2019
Upper Ground Floor Plan - Drawing Number 15065 L 020.01 P3 received on 06/06/2019
Lower Ground Floor Plan - Drawing Number 15065 L 02.00 P3 received on 06/06/2019
Proposed North and South Elevations - Drawing Number 15065 L 04.00 P3 received on 06/06/2019
Proposed East and West Elevations - Drawing Number 15065 L 04.01 P3 received on 06/06/2019
Context Site Sections - Drawing Number 19.05.09 received on 06/06/2019
Site Perspectives received on 06/06/2019
Proposed Sections AA and BB - Drawing Number 15065 L 03.01P2 received on 14/06/2019
Proposed Sections CC and DD - Drawing Number 15065 L 03.02P2 received on 14/06/2019

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. No development above damp proof course shall commence until details and samples of all external walling and roofing materials to be used in the construction of the building hereby approved have been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall be completed in accordance with the materials that have been approved or such other materials as shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: To safeguard the character of the area.

4. The existing chestnut tree shown on the approved plan to be retained and the monkey puzzle tree in Paddock Garden, shall be fully safeguarded during the course of site works and building operations. No works shall commence for the digging of foundations on site until all trees to be protected on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction (to be confirmed in writing) of the Local Planning Authority in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any new Standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

REASON: To safeguard the trees on the site which are shown to be retained.

5. The development hereby approved shall be undertaken in accordance with the recommendations of the BIODIVERSITY MITIGATION & ENHANCEMENT PLAN dated 20/02/2019 submitted in support of the planning application.

REASON: To safeguard protected species on the site.

6. Before the development is brought into use a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes, proposed numbers/densities and - where appropriate - implementation timetables; (iii) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme; (iv) full details of any level changes; and (v) full details of the positions, materials and proposed construction methods for all paths and other hard surfaces. Thereafter, unless otherwise approved in writing by the local planning authority, the approved landscaping scheme shall be implemented in the planting season November – March immediately following the commencement of development.

REASON: To safeguard the character of the area.

7. Any external lighting shall be installed and maintained in accordance with the lighting statement dated 17/10/2018.

REASON: To safeguard the amenity of the area.

8. The development shall not be occupied until further details clarifying

precisely how the proposed raising in height of the boundary walls is to be implemented have been submitted to, and approved in writing by, the local planning authority. Thereafter, use of the building hereby approved shall not commence until the height of the boundary walls has been raised in accordance with such details as has been agreed.

REASON: In the interests of safeguarding the amenity of adjoining residents and setting of listed buildings.

9. Prior to the occupation of the development, information regarding the operating noise levels of specific equipment to be installed shall be submitted to the planning authority, along with the calculated effect upon nearby properties. Suitable mitigation should be included should the parameters within the noise report be exceeded to prevent loss of amenity. The installations shall be agreed in writing by the planning authority. If operation is to cease for example during night time periods a suitable timer to control the hours of operation shall be installed to prevent human error i.e. to prevent unwarranted operation.

REASON: To safeguard amenity.

10. Prior to the occupation of the development, the building operator shall submit a site-specific written odour risk assessment surrounding the emissions of odour or particulates from the proposed development. This shall include the nature of the suitable mitigation to be installed for the control of odour from the kitchen area. This shall be agreed in writing by the planning authority.

REASON: To safeguard amenity.

11. No development above damp proof course shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

REASON: To prevent the increased risk of flooding & associated nuisance, to improve and protect water quality, and to improve habitat and amenity.

12. No development above damp proof course shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of

the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

13. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

14. All on-site working, including deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard amenity.

15. Before the development hereby approved is utilised, an enhanced Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- Targets for sustainable travel arrangements.
- Effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development
- The direction of coaches to the appropriate parking facilities
- Specific delivery instructions so as to avoid peak traffic periods

The development must be implemented only in accordance with the approved Travel Plan.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding area.

16. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries

- timings of deliveries so as to avoid peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

REASON: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

17. Prior to the instillation of either of the green roofs, a specification of the construction, planting and ongoing maintenance of each green roof shall be submitted to the local planning authority for approval in writing. The specification shall be carried out in full prior to the first use of the building and thereafter the green roofs shall be retained and maintained in accordance with the agreed details.

REASON: To ensure that the setting of Sherborne House is adequately safeguarded through the retention of the green roofs.

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

2. DRAINAGE

Detailed proposals and finalised supporting calculations will need to be supplied and approved in respect of subsequent submissions and discharge of the conditions requested in respect of the surface water management.

Any detailed design supplied with regard to the above conditions must demonstrate that best practice are fully complied with, and critically, that no off-site worsening will result. To this end the previously requested clarification of the receiving system and downstream structures will be required in support and substantiation of the detailed design.

Further application(s) should be submitted to this Council where the above condition(s) require the written approval of the local planning authority. All such applications must be made in writing and must be accompanied by the relevant fee. To apply please visit www.planningportal.co.uk.

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