

DORSET COUNCIL - NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 28 MAY 2019

Present: Cllrs S Jespersen (Chairman), J Andrews, T Cook, L Fry, M Hall, C Jones, N Lacey-Clarke, R Legg, V Potheary, B Ridout

Apologies: Cllr M Penfold (Vice-Chairman)

Also present: Cllr D Walsh

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

H Smith (Planning), R Lennis (Planning), P Crowther (Legal), J Nixon (Conservation), I Madgwick (Highways), D Reynafarje (Clerk)

1. Election of Vice-Chairman

In the Vice-Chairman's absence, it was proposed, seconded and agreed that Cllr V Potheary be elected as Vice-Chairman of the Committee for the remainder of the meeting.

2. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

3. 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.

4. Planning Applications

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

5. 2/2018/0696/OUT - Land North of Enmore Court And Off New Road, Shaftesbury, Dorset

The Planning Officer presented the report showing Members all the relevant plans and drawings. Members were informed that the proposal description should read: "Development of land by the erection of 2 – 23 Units, form vehicular accesses, parking and landscaping. (Outline application to determine access)." Members were also informed of an additional late representation received that raised no further issues already covered in the report.

It was stated that in conservation terms, that the proposal would lead to less than substantial harm to the setting of the Conservation Area and the grade II listed water trough. Great weight should be attached to the less than substantial harm. On balance, the benefit of providing market and affordable dwellings was considered to outweigh the identified conservation harm.

Public Participation

Oral representations in objection to the application were received from Ms C MacKay (Local Resident), Mr A Watson (Agent of Behalf of Local Residents), Ms C Langham (Local Resident), Ms J Upton King (Shaftesbury Civic Society) and Cllr P Proctor (Shaftesbury Town Council). Concerns were raised over the visual impact to the landscape character of the slopes, road

safety and highway issues, the lack of infrastructure, the future loss of trees and ancient hedgerows, the lack of viability and sustainability leading to a loss of affordable units, the lack of footpaths from the site to the town centre, the impact on the listed trough, and the unsuitability of the land for development.

Oral representation was also received in support of the application from Mr M Holmes (Agent for the Applicant). He stated that the proposal was devised following thorough assessments and addressed the shortfall of housing supply in the area. He stated that the site was suitable and visually well contained, benefited from good access, provided additional landscaping, and provided affordable housing. He highlighted the detailed highways assessment improving safety for pedestrians and providing acceptable access and parking. He felt the benefits outweighed any harm and the development was appropriate and sustainable preserving the character and appearance of the area.

Members' Questions and Debate

Members raised concern over road safety and the proposed pedestrian crossing. Officers stated that the point of crossing was determined following speed surveys to ensure visibility met national standards. There was no consideration for further traffic calming measures as traffic generation figures provided no significant grounds for refusal.

Members felt that the proposal would change the character of the site and impact on the landscape and the setting of the conservation area and listed building. It was stated that the slope policies were there for a reason and the historic nature of the town had to be taken into account. It was felt that the impact was not outweighed by the benefits of the proposal.

Members appreciated the affordable housing provided, but concern was also raised over the site location being next to a spring and impacting the amount of affordable housing proposed.

Members also felt that the site was unsustainable due to the lack of safe pedestrian access and that there were more suitable areas in Shaftesbury for development.

Decision

It was proposed by Cllr Ridout, seconded by Cllr Cook and agreed contrary to the officer recommendation that the application be:-

REFUSED for the reasons set out in the appendix to these minutes.

6. 2/2018/1828/OUT - Land Adjacent To Cleff House, Dunns Lane, Iwerne Minster, Dorset, DT11 8NG

The application was withdrawn from the Agenda due to additional information being under consideration and will be heard at a future meeting of the Committee.

7. 2/2017/1357/OUT - Land Adjacent To Sandways Farm, New Road, Bourton, Dorset, SP8 5BQ

The Planning Officer presented the report showing Members all the relevant plans and drawings. An update sheet highlighting further representations received was provided to Members and is attached as an appendix to these minutes.

Public Participation

Oral representations in objection to the application were received from Mr M Chapman (Trustee of Bourton Village Hall), Ms F Gillett (Local Resident), Cllr M Withers (Bourton Parish Council), and Cllr D Walsh (Ward Member). Concerns were raised over the suitability of the proposed site including the distance from the main road, lack of attractive outlook, access issues, noise issues, loss of setting, and flooding problems.

Oral representations were also received in support of the application from Mrs C Brake (Local Resident), Ms H Palmer (Local Resident), Mr T Bailey (Local Resident), Mr A Sturt (Local Resident), Ms J Powell (Local Resident), and Mr D Carpendale (Agent for the Applicant). It was

stated that the site was favoured by the majority of the village, provided good access, was well protected by trees, provided a level flat playing field, complied with policies, had no conservation or technical objections, and had a fully accessible location in the middle of the village.

Members' Questions and Debate

Following questions raised, it was noted that access ownership was not a consideration for the Committee and that any comparisons to the Chaffeymoor Farm site were also not applicable as each application had to be considered on their own merits.

Members felt that there would be no significant or demonstrable harm from the proposal and in planning terms there were no reasons to refuse the application. Concern was raised over the impact on the Grade II listed building but it was stated that this would be addressed at the reserved matters stage.

Decision

It was proposed by Cllr Potheary, seconded by Cllr Lacey-Clarke and agreed that the application be:-

A. GRANTED subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager including the provisions and conditions set out in the appendix to these minutes;

or

B. REFUSED permission for failing to secure the transfer of the hall if the agreement is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

8. 2/2019/0077/OUT - Land At Chaffeymoor Farm, New Road, Bourton, Dorset

The Planning Officer presented the report showing Members all the relevant plans and drawings. Members were informed of further representations received that raised no further issues.

Public Participation

Oral representations were also received in objection to the application from Mrs C Brake (Local Resident), Ms H Palmer (Local Resident), Mr T Bailey (Local Resident), Mr A Sturt (Local Resident), and Mrs Gibson (Local Resident). Concerns were raised over land ownership issues, visual impact, the loss of views, the lack of suitable land for development, the large footprint, and the impact on adjacent buildings.

Oral representations in support of the application were received from Cllr M Withers (Bourton Parish Council), Mr M Chapman (Trustee of Bourton Village Hall), Ms F Gillett (Local Resident), and Mr R Bagnall (Agent for the Applicant). It was stated that the proposal posed no harm to amenity or the local setting and would keep any increase in traffic outside the village. The benefits of the location were also highlighted including the sustainability of the hall and the creation of a community hub with the church and primary school.

Members' Questions and Debate

Members were informed that any questions of land ownership were not planning considerations for this Committee.

Members felt that the site provided good access and parking and since it was identified in the local plan as a suitable site, there were no further issues to raise.

Decision

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

A. GRANTED subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal

Services Manager including the provisions and conditions set out in the appendix to these minutes;

or

- B. REFUSED permission for failing to secure the transfer of the hall if the agreement is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.**

Duration of meeting: 2.00 - 4.50 pm

Chairman

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APPLICATION No. 2/2018/0696/OUT
Land North Of Enmore Court And Off, New Road, Shaftesbury, Dorset,
REASON(S) FOR REFUSAL

1. The site fails to provide safe and convenient access to services within Shaftesbury contrary to Policies 1, 2, 13, and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), and the National Planning Policy Framework.

2. The proposal would fail to strengthen local character due to its location on the open lower Slopes of Shaftesbury; the location of the proposed development would also harm to the setting of the grade II listed drinking trough and conduit head and the setting of the Shaftesbury Conservation Area through the erosion of the open rural visual character and would lead to less than substantial harm that would not be outweighed by the harm from the proposed residential development contrary to Policies 4, 5, 20, 24 of the adopted North Dorset Local Plan Part 1 (January 2016) and saved policy SB 4 of the North Dorset District-Wide Local Plan (2003), and the National Planning Policy Framework.

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.

The applicant/agent was updated of any issues after the initial site visit.

Application No: 2/2017/1357/OUT

Land Adjacent To Sandways Farm, New Road, Bourton, Dorset

A) GRANTED, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area,
and;
- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed below:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 06013- 7 A, 06013- 9 A forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site.

6. Before the development is occupied or utilised the first 10.00 metres of the vehicle access serving the proposed dwellings from the track adjacent to Fernleigh, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Before the development is occupied or utilised the first 15.00 metres of the vehicle access serving the proposed village hall, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

8. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities must be submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6

metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

11. The Biodiversity mitigation measures set out in the approved Report dated July 2016 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

12. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

13. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority.

The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

B) REFUSED PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

Application No: 2/2019/0077/OUT

Land At, Chaffeymoor Farm, New Road, Bourton, Dorset

A) GRANTED, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area,

and;

- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed below:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: Drawing Number 01 Location Plan forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. The Biodiversity mitigation measures set out in the approved Report dated December 2018 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

6. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

7. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

8. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site.

9. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 03 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

10. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

11. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority.

The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

B) REFUSED PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

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