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## **DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON THURSDAY 3 OCTOBER 2019**

**Present:** Cllrs Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Louie O'Leary, David Shortell, Sarah Williams and Kate Wheller

**Apologies:** Cllr Nick Ireland

**Also present:** Cllrs Tony Alford and David Walsh

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

Lara Altree (Solicitor), Lara Altree (Legal Services Manager), Paul Beecroft (Communications Team), Ashleigh Evans (Communications Officer), Lindsay Fello (Planning Officer), Mike Garrity (Head of Planning), Clare McCarthy (Senior Planning Officer), Rob McDonald (Planning Officer), Debbie Redding (Development Manager), Emma Telford (Senior Planning Officer) and Denise Hunt (Democratic Services Officer)

**40. Apologies**

An apology for absence was received from Cllr Nick Ireland.

**41. Statement by Planning Solicitor**

The following statement was read aloud by the Planning Solicitor:-

“As a planning committee you have to decide every application that comes before you on its planning merits.

You are not bound to follow the advice of officers, but you do have to take their advice into account and if you intend not to accept the advice of planning officers then you need to be able to give reasons.

As individual councillors you need to approach each application with an open mind and not come into the room having already made up your minds in advance of hearing from applicants, interested parties and objectors who might wish to speak.

We are aware of concerns raised by one applicant for an item on the agenda today that a member of this committee has emailed other members of the committee urging them to refuse an application. If any member of the committee has received any such approach from another member of the committee then that must be disregarded and instead every member of the committee needs to decide that and every other item on the agenda on its

planning merits and come to a decision only after hearing from anyone who speaks today.

The Monitoring Officer will be writing to all members of the three area planning committees to warn them against the danger of engaging with objectors over social media and committing themselves in a way which would make people think that they have made up their minds in advance.

If any member feels that they have pre-determined any matter on the agenda they should not take part in that matter and should leave the room for that item."

**42. Declarations of Interest**

Cllr Pete Barrow declared that he had pre-determined application Nos WP/19/00528/FUL and WP/19/00529/LBC - Terrace Adjacent to Beach Chalets, Greenhill Garden, Greenhill, Weymouth as he was close to the two community interest groups involved. Cllr Barrow withdrew from the meeting during consideration of the item.

**43. Minutes**

The minutes of the meeting held on 5 September 2019 were confirmed and signed.

**44. 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.

**45. Planning Applications**

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

**46. WD/D/19/000811 - The Hare and Hounds Inn, Slape Hill, Waytown, Bridport, DT6 5LQ**

The Planning Officer introduced the application to change the use of land for the siting of 4 shepherd's huts and a toilet / shower block for holiday purposes. This formed part of a rural public house situated north of Bridport that was outside the Defined Development Boundary (DDB) in the Area of Outstanding Natural Beauty (AONB). The public house had been deemed as an asset of community value.

An update sheet was circulated to the committee at the meeting that provided amendments to conditions and clarified the reason why this application was being determined by the Area Planning Committee.

Members were shown aerial photographs, site plan, elevations and floor plan, site photos and an illustrative plan of the shepherd's huts. The key planning issues were explained in relation to the principle of development, impact on the AONB, design, neighbouring amenity, access and parking.

Glen Bishop addressed the committee in objection of the application, referring to aspects of the viability of the business. He considered that the drawings misrepresented the size of the huts and that photographs did not accurately represent the location of tables in the garden area during the summer period.

Roger Miles spoke in objection of the application regarding the impact of the proposal on the community asset, use of the garden for community functions, impact of the huts on the skyline and noise and light disturbance when the huts were occupied.

Cllr Tony Alford addressed the committee in relation to the public sector equalities duty and disabled access to the huts, reference to negligible light pollution in the report given that this would be a 24 hour site, use of the garden as amenity for the huts rather than general usage, sufficiency of sewerage capacity with respect to the toilet block and the open boundary on the eastern side. He referred to the relevant national and local planning policies whilst addressing these points.

Nigel Jones, the agent, addressed the committee in support of the application, stating that there were no technical or policy reasons to refuse the application. It was recognised that the pub was on the edge of viability and the applicants were injecting significant capital to retain a viable business and create additional trade to the public house that would retain the pub in the locality.

The Development Manager stated that conditions had been imposed in order that the scheme was acceptable and to address the areas of concern including siting and materials for the shower block, landscaping and lighting.

In response to questions by members she confirmed that the site plan of the garden was taken to be accurate; the height of the huts included the wheels, the ground surface was indicated to remain as grass and that, although the huts were off the ground similar to a caravan, there could be provision for ramped access.

Members commented on the potential contribution of the proposal to the viability of the public house, the position of tables in the garden, whether the tenants had objected, landscaping and privacy for users of the huts.

They were informed that all representations were detailed in the report, and although the views of the tenants were not known, this and the location of tables in the garden were not material to the planning decision.

Proposed by Cllr Louie O'Leary, seconded by Cllr Susan Cocking.

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes**

47. **WP/19/00528/FUL and WP/19/00529/LBC - Terrace Adjacent to Beach Chalets, Greenhill Garden, Greenhill, Weymouth**

*Cllr Barrow left the room during consideration of this application. The Planning Solicitor re-read the statement made at the start of the meeting (minute 41).*

The Planning Officer presented the two applications for the removal of the temporary RNLI facility and alterations to restore the building to its former condition.

An update sheet outlining details of 2 further representations received since the report was drafted were circulated to the committee at the meeting. One comment had been in support and one objecting. The objection did not add any new material planning considerations. The comment in support stated that the existing structure was not in keeping with the building and was only supposed to be used for a short time.

Members were shown a location plan, google earth image, a site plan and photograph of the new RNLI hut on the beach. The key planning issues were outlined including the principle of development, impact on the significance of heritage asset and on the character of the area. The committee was reminded that leaseholder views and issues of occupancy were not material planning considerations.

Dave Wraight addressed the committee in support of the application, stating that previous planning recommendations had been ignored. The structure should have been removed by 2008, however, since that time the former Borough Council had allowed changes to be made to the building. He agreed with the view of the Conservation Officer outlined in the report.

Jason West, Director of Weymouth Bay Sea Swimmers Community Interest Company, spoke in objection of the application, stating that the group had been evicted from the hut unlawfully and there were ongoing enquiries regarding the legality of the lease. The hut had recently been renovated with £2k raised by Tesco bags. He referred to policies in the Local Plan in relation to the loss of community buildings or structures that supported the argument for sustainable use of the existing building.

The Development Manager advised that the latest of the temporary planning permissions expired in 2008 and that the site had been vacated by the RNLI during 2011 when the alternative structure on the beach came into use.

Members discussed the temporary nature of the structure and that it did not enhance the building overall. Mindful that the lease was not a planning matter, they hoped that help could be provided by councillors representing Weymouth to assist the sea swimmers in finding a permanent base.

Proposed by Cllr Kate Wheller, seconded by Cllr David Shortell.

**WP/19/00119/FUL**

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.**

Proposed by Cllr Kate Wheller, seconded by Cllr Sarah Williams.

**WP/19/00529/LBC**

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.**

**48. WP/19/00119/FUL - 34 and 35 Easton Square, Portland, DT5 1BU**

The Senior Planning Officer introduced the retrospective application to change the use of a building from A2 (bank) to a C3 (dwelling-house) use comprising of one two bed dwelling and one three bed dwelling, construction of a single storey rear extension and wall and alteration to fenestration.

Members were shown an aerial view of the local centre, Easton Square, and site location plan showing Nos 34 and 35 formerly occupied by Lloyds Bank. No 35a was in separate ownership and available to be marketed for a commercial use as it was currently vacant.

A number of photographs were shown of the site as it looked now, as it appeared during its use as a bank and historical photos of the building as a dwelling and a shop.

The cashpoint formerly installed as part of the Lloyds Bank had been removed, however, there were alternative cashpoints providing limited banking functions at the Co-op store directly opposite the application site and at a nearby Tesco.

The site had been marketed for a short time which resulted in some offers, none of which had been for commercial use. It was noted that previous marketing of No 31 Easton Square had resulted in short term lettings and periods where the building remained vacant. On the basis of the marketing information received officers had assessed the need to retain a community facility against the benefit of restoring the buildings and provision of housing use which was much needed in that area.

The key planning issues were outlined including the principle of development, local centre/community facility, visual amenity, living conditions and highway safety.

Tim Clark, the applicant, spoke in support of the retrospective application and advised that when the property was decommissioned as a bank it had been separated from No 35a which would remain available to let as a commercial unit. Lloyds had subsequently made arrangements to market the building and received 3 offers, none of which were intended for commercial use. The sole objection had been made by Portland Town Council who may not have had access to the marketing documentation prior to its meeting.

Members commented on the substantial turnover of businesses in Easton Square, the need for residential accommodation on Portland, the availability of a Post Office in that area, previous attempts by Councillors to retain banks or building societies in the area and the lack of commercially viable alternatives for the buildings.

Proposed by Cllr David Gray, seconded by Cllr Pete Barrow.

**Decision: That the application be granted subject to the conditions outlined in the appendix to these minutes.**

49. **WD/D/19/001920 - Clipper Teas LTD, Broadwindsor Road, Beaminster, DT8 3PR**

The Senior Planning Officer introduced the proposed modification of planning obligations on Section 106 agreement dated 16 January 2017 on planning approval WD/D/16/000654.

Members were shown a photo and plan of the site that was approved at reserved matters stage. The modification would remove the local connection clause relating to 4 shared ownership units in order to access a Homes England grant that would not otherwise be available.

It was the intention of the applicants to provide an 100% affordable housing scheme although this could not be required through the planning process. Should a 100% scheme not come forward there remained the planning policy requirement for 35% affordable housing, with the effect that the local connection status would have been lost on 4 shared ownership properties.

Tom Edwards, Aster Group, addressed the committee in support of the application. He explained that Homes England would not fund shared ownership properties with the local connection restriction as it wanted a wider coverage for its investment. A 100% affordable housing scheme would provide a total supply of 29 shared ownership units and have no impact on the 9 rented units.

The Housing Enabling Officer provided relevant housing waiting list numbers. The additional homes would provide more opportunities to local people through the "Opening Doors Programme". He had also provided reassurance to Beaminster Town Council in respect of its objection to the modification.

Proposed by Cllr Louie O'Leary, seconded by Cllr David Shortell.

**Decision: That the application be delegated to the Head of Planning to modify the S106 agreement dated 16th January 2017, as varied by deeds of modification dated 28th November 2017 and 16th November 2018 to:**

**Remove the local connection provisions relating to the shared ownership units.**

50. **Urgent items**

There were no items of urgent business.

**Appendix**

**Duration of meeting:** 2.00 - 3.35 pm

**Chairman**

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**APPLICATION NUMBER: WD/D/19/000811**

**APPLICATION SITE: The Hare and Hounds Inn, Slape Hill, Waytown, Bridport, DT6 5LQ**

**PROPOSAL:** Change of use of land for siting of 4 No. shepherds huts and toilet/shower block to use for holiday purposes.

**Decision: Granted subject to the following conditions:**

1. 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).

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

Location Plan – PB/125/200 Rev E received 10/09/2019

Wash Room Details – PB/125/201 Rev A received 19/03/2019

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

4. The shepherds huts hereby approved shall be positioned as shown on plan PB125/200 Rev E, shall not exceed 6 metres in length, 2.5 metres in width and 3.6 metres in height; and shall be retained as such thereafter.

REASON: To safeguard the character of the locality

5. The Shepherds Huts hereby approved shall be used solely for holiday letting purposes and not as the main or sole residence of the occupier. The owner/operators of the site shall maintain an up-to-date register of the names and home addresses of all occupiers of the shepherd huts on the site and shall make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

REASON: To limit the intensity of the site and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

8. No external lighting shall be installed within the car park or Shepherds Hut area hereby approved unless details of the type and siting of the lighting has been submitted to and approved, in writing, by the Local Planning Authority.

REASON: In order to protect the landscape qualities of the Area of Outstanding Natural Beauty and limiting light pollution.

9. The external materials to be used for the shepherd huts hereby approved shall be timber cladding walls and mineral felt roofs. The colour and finish of the cladding shall be submitted to and agreed in writing by the local planning authority prior to the siting off the shepherds huts and shall be retained as agreed thereafter.

REASON: To conserve the character of the locality and wider landscape setting.

10. The external materials to be used for the Shower/toilet block hereby approved shall be timber cladding walls and a profile sheet steel roof. The colour and finish of the cladding and steel roof shall be submitted to and agreed in writing by the local planning authority prior to construction of the shower/toilet block and shall be retained and as agreed thereafter.

REASON: To conserve the character of the locality and wider landscape setting.

11. The shepherds huts hereby permitted shall not be occupied or utilised until the parking shown on the approved site plan has been laid out and constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purpose specified.

REASON: In the interest of road safety

12. Prior to the siting of the Shepherds Huts a landscaping and tree planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. Such scheme shall be implemented during the planting season November - March inclusive, prior to occupation of the Shepherds Huts or as may be agreed otherwise in writing by the Local Planning Authority. The scheme shall include the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from the date of decision.

REASON: In the interest of visual amenity.

13. The Shepherds' huts hereby permitted shall not be occupied at any time other than for the purposes incidental to the Public House known as 'Hare and Hounds Inn'

REASON: Due to the close relationship with the Public House

**APPLICATION NUMBER: WP/19/00528/FUL and WP/19/00529/LBC**

**APPLICATION SITE: Terrace Adjacent to Beach Chalets, Greenhill Garden, Greenhill, Weymouth.**

**PROPOSAL: removal of temporary RNLI facility and alterations to restore building to its former condition.**

**Decision:**

**WP/19/00528/FUL Granted subject to the following conditions:**

1. 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)

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

Location Plan, Site Plan, Proposed Floor Plans and Elevations - Drawing Number 2904:151.002A received 28 June 2019.

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

**WP/19/00529/LBC Granted subject to the following conditions:**

1. 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

Location Plan, Site Plan, Proposed Floor Plans and Elevations - Drawing Number 2904:151.002A received 28 June 2019.

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

3. Prior to any demolition works of the RNLI lifeguard support building a demolition method statement (to include details of making good the remaining structure) must be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: To preserve the remaining historic fabric of the listed building and preserve and enhance the significance of the heritage asset.

**APPLICATION NUMBER: WP/19/00119/FUL**

**APPLICATION SITE: 34 and 35 Easton Square, Portland, DT5 1BU**

**PROPOSAL: Change the use of a building from an A2 (Bank) use to a C3 (dwellinghouse) use comprising of one two bed dwelling and one three bed dwelling, construct a single storey rear extension and wall and alter fenestration. (Retrospective).**

**Decision: Granted subject to the following condition:**

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

Location Plan received on 03/02/2019

Proposed elevations and floor plans - Drawing Number OP.18.03A received on 30/04/2019

Site Plan - Drawing Number OP.18.01 received on 03/02/2019

Reason: For the avoidance of doubt an in the interests of proper planning.

**APPLICATION NUMBER: WD/D/19/001920**

**APPLICATION SITE: Clipper Teas LTD, Broadwindsor Road, Beaminster, DT8 3PR**

**PROPOSAL: Modification of planning obligations on Section 106 agreement dated 16 January 2017 on planning approval WD/D/16/000654.**

**Decision:** Authority delegated to the Head of Planning to modify the S106 agreement dated 16th January 2017, as varied by deeds of modification dated 28th November 2017 and 16th November 2018 to:

- Remove the local connection provisions relating to the shared ownership units.