

## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY 1 DECEMBER 2021**

**Present:** Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan and David Tooke

**Apologies:** Cllrs Mike Barron, Julie Robinson, Bill Trite and John Worth

**Also present:** Cllr David Walsh

**Officers present (for all or part of the meeting):** Mike Garrity (Head of Planning), Kim Cowell (Development Management Area Manager - East), Elizabeth Adams (Development Management Team Leader), Kevin Riley (Senior Planning Officer), Andrew Douglas (Senior Tree Officer), Lara Altree (Senior Lawyer – Regulatory) and David Northover (Senior Democratic Services Officer)

#### **230. Apologies**

Apologies for absence were received from Councillors Mike Barron, Julie Robinson, Bill Trite and John Worth.

#### **231. Declarations of Interest**

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

#### **232. 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.

#### **233. 3/20/2260/FUL - To sever Plot, Demolish Remaining Part of Existing Dwelling and Erect Replacement Dwelling at Smugglers Hyde, 47 Brook Lane, Corfe Mullen**

Members considered application 3/20/2260/FUL, which was designed to sever a plot, demolish the remaining part of the existing dwelling and erect a replacement dwelling at Smugglers Hyde, 47 Brook Lane, Corfe Mullen.

Officers explained that following a severe fire at the original property - which had destroyed the majority of the structure - the site had been previously the subject of numerous alternative applications for its redevelopment, all of which

had either not been fully pursued, granted, refused or remained undetermined, with appeals pending, in respect of the latter.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, taking into account the policies against which this application was being assessed.

Plans and photographs provided an illustration of how the plot was proposed to be used overall; the location, orientation, dimensions and appearance of the development and how it was designed to be in keeping with other neighbouring properties; along with its ground floor plans; the materials to be used; access and highway considerations; environmental and land management considerations; drainage and water management considerations, the means of landscaping and screening and the development's setting within that part of Corfe Mullen. Drawings also showed how Smugglers Hyde looked before the fire.

Officers showed the development's relationship with other adjacent residential development, with the characteristics and topography of the site being shown. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary.

What assessment had been made in the officers coming to their recommendation were drawn to the attention of the Committee, with the proposal being considered to be acceptable in relation to material planning considerations, with all significant planning matters having been appropriately, or adequately, addressed.

The Committee were notified of a written submission – received from Corfe Mullen Parish Council - and officers read this direct to the Committee, being appended to these minutes. Their objection was on the grounds of highway and access issues; the size and characteristics of the development and how the plot was to be used; and overlooking.

Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

Officers updated on a response received from the Rights of Way team, who had no objection on the basis that access to the bridleway would not be compromised in any way.

Concerns raised from local representations were that construction of the basement could compromise the stability of the surrounding ground and cause issues to nearby dwellings. However, assessments made showed that that would not be the case, given that there was 12 metres separation between this proposal and the nearest other residential property.

The opportunity was then given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision.

Some important points raised, some of which they considered still required clarification, were:-

- how access arrangements and highway issues would be managed and what effect there would be on the highway network and how this had been assessed
- how the S106 agreement would be enacted and on what basis this would be, in the event this element was required
- how the relevant policies in the Local Plan were assessed and applied in respect of this application - in terms of density of development on this specific site
- how the design of this development was assessed and how it compared with the previous applications submitted

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

Of importance was that officers considered that:

- the proposal was located within the boundary of the Corfe Mullen Main Urban Area and was considered to be sustainable and acceptable in its design and general visual impact.
- there was not considered to be any significant harm to neighbouring residential amenity.  
highway safety was not harmed by the proposal.
- there were no material considerations which would warrant refusal of the application

and that this was the basis of the assessments made and the recommendation before the Committee.

From debate, the majority of the Committee considered the proposal to be acceptable - in making the best use of the land available – and considered that this development would be of benefit, given the condition of the site as it stood, and had been standing, for a number of years.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representation; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Barry Goringe, on being put to the vote, the Committee agreed unanimously - by 6:1 - to be **minded to** grant permission, subject to the conditions and informative noted set out in paragraph 17 of the officer's report, with the enactment of their 'minded to' decision being made by the Head of Planning.

### **Resolved**

1) That planning permission for the application be '**minded to**' be granted, subject to the conditions and informative notes set out in paragraph 17 of the report and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- an agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL) and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

2) That the Committee would be minded to refuse planning permission, for the reasons set out below, if the legal agreement was not completed by 1st June 2022 or such extended time as agreed by the Head of Planning.

3) Having taken into consideration the Committee's minded to decision, the delegation to the Head of Planning to be authorised to grant permission be **enacted**.

#### Reasons for Decisions

In the absence of a satisfactory and completed legal agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL), there would be an extant planning permission for a development considered to be incompatible with the proposal; due to the contrast in design style and close juxtaposition of the dwelling in this proposal and the approved dwelling to the north of the site these two dwellings would read as one disproportionately large building with a visually discordant relationship with each other and the neighbouring development. As such the proposal would be contrary to policy HE2 and paragraph 134 of the NPPF 2021.

and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

#### 234. **6/2020/0560 - To convert and extend existing barn into 4 x 2 bedroom residential units with parking and the reuse of existing access at Spyway Orchard Barn, Durnford Drove, Langton Matravers**

The Committee considered application 6/2020/0560 - to convert and extend an existing barn into 4 x 2 bedroom residential units, with parking, and the reuse of the existing access at Spyway Orchard Barn, Durnford Drove, Langton Matravers.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, taking into account the policies against which this application was being assessed.

Plans and photographs provided an illustration of how the existing barn looked and how it would be reconfigured; the location, orientation, dimensions

and appearance of the development and its elevations and how it was designed to be in keeping with other neighbouring properties; along with its ground floor plans; the materials to be used; access and highway considerations; environmental and land management considerations; drainage and water management considerations, the means of landscaping and screening and the development's setting within that part of Langton Matravers and the Dorset AONB.

Officers showed the development's relationship with other adjacent residential development - including the recently approved new development at Spyway Orchard, which was currently in the process of being constructed - with the characteristics and topography of the site being shown. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary. Officers updated that a Biodiversity Plan had now been agreed by the Dorset Natural Environment Team and certification had been issued to that effect.

What assessment had been made in the officers coming to their recommendation were drawn to the attention of the Committee, with the proposal being considered to be acceptable in relation to material planning considerations, with all significant planning matters having been appropriately, or adequately, addressed.

The Committee were notified of a written submission – received from Langton Matravers Parish Council - and officers read this direct to the Committee, being appended to these minutes. Their objection was on the grounds of how policies in the National Planning Policy Framework (NPPF) were being applied; the lack of affordable housing; the adverse impact on nature conservation and biodiversity; layout and visual appearance; and the proposed design was not in line with Dorset's emerging policies on the environment and the climate change emergency.

Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed in how their assessments had been made and by the provisions of the application. Concerns raised from local representations related to flood risk; the failure to enhance setting and disproportionate additions to the original building; harm to the AONB; and highway safety issues.

The opportunity was then given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision.

Some important points raised, some of which they considered still required clarification, were:-

- how a Biodiversity Plan would be applied and what this entailed
- how access arrangements would be managed and maintained during construction, given the limitations of the highway network in that area and what consideration had been given to this
- what consideration had been given to energy efficient infrastructure

- the management of light pollution emanating from any roof lights and how this could be addressed
- how the housing policies in the NPPF were being assessed and applied in this case and the grounds on which those assessments were being made
- what assessment had been made of parking spaces and what consideration had been given to this being sufficient to meet the needs of residents.

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

Of importance was that officers considered that additional conditions and informative notes could be applied to address the issues raised in respect of the Biodiversity Plan being agreed; a Construction Management Plan being applied; the provision of roof light blinds, as practical, to mitigate light pollution and; the consideration of two additional parking spaces, as necessary and if practical to do so – although in practice this could well be achieved by informal arrangements to meet any need.

From debate, the majority of the Committee considered the proposal to be acceptable, in making the best use of the land available, and considered that this development would be an improvement in terms of appearance and use to that which already existed and be beneficial in contributing to meeting the housing needs in Purbeck - understanding the fundamental issue of housing land supply and the delivery of the necessary number of houses in Purbeck, given it had failed the housing delivery test - and bearing in mind that approval had been recently given for the new development being built adjacent, to the north of this. Members considered this development to be modest when set in the context of the new Spyway Orchard development.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representation; and what they had heard at the meeting, in being proposed by Councillor Mike Dyer and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed unanimously - by 7:0 - to be **minded to** grant permission, subject to the conditions and informative notes set out in paragraph 17 of the officer's report - and the additional conditions covering the Biodiversity Plan, a Construction Management Plan; the provision of roof light blinds and; the consideration of two additional parking spaces - with the enactment of their 'minded to' decision being made by the Head of Planning.

### **Resolved**

1) That planning permission for the application be '**minded to**' be granted, subject to the conditions and informative notes set out in paragraph 17 of the report, in the officer's presentation and the following additional conditions:-

#### **Condition 4 - amended in line with presentation**

4. The development must strictly adhere to the mitigation measures set out in the Biodiversity Plan approved by the Dorset Natural Environment Team on 25.11.2021. The development hereby approved must not be first brought into

use unless and until the mitigation and enhancement/net gain measures detailed in the approved Biodiversity Plan have been completed in full, unless any modifications as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To mitigate and enhance/provide net gain for impacts on biodiversity.

Condition 9 - amended

9. Notwithstanding the parking details provided to date, before the development hereby approved is first occupied additional details identifying opportunities for visitor parking must be submitted to and approved in writing by the Local Planning Authority. The turning and parking shall be constructed in accordance with the approved details and thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

Condition 10 - added in accordance with presentation

10. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and local amenity

Condition 11 - added by Members

11. In the first instance and on all subsequent occasions the rooflights in the dwellings hereby permitted shall be fitted with automated electronic shutter blinds or louvres. The blinds or louvres shall be closed between sunset and sunrise should the room/s they serve be artificially lit.

Reason: To ensure that light emissions are controlled in the interest of protecting the dark night skies which characterise the Area of Outstanding Natural Beauty.

2) Having taken into consideration the Committee's 'minded to' decision, the delegation to the Head of Planning to be authorised to grant permission be **enacted**.

Reasons for Decisions

1) Paragraph 11 of the National Planning Policy Framework (NPPF) set out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.

2) The proposal would contribute to housing delivery in the Purbeck Area and would reuse an existing building whilst avoiding harm to assets of particular importance, namely the Dorset Area of Outstanding Natural Beauty and internationally designated Dorset Heathlands.

3) There were no material considerations which would warrant refusal of this application.

235. **3/21/1259/TTPO - T1 Oak: Reduce the canopy to the previous pruning points ca. 1.5-2m in all directions. Remove epicormic growth. Remove epicormic growth. Deadwood. T2 Oak: Pollard the tree by reducing the height by ca. 4-5m and the sides by 2-3m. Remove lowest lateral growing into T1 at 23 Beaufoys Avenue, Ferndown,**

Members considered application 3/21/1259/TTPO, so as to manage the growth of two oak trees: in reducing the canopy and removing epicormic growth and deadwood of one and to pollard and reduce the height of the other to more manageable levels, at 23 Beaufoys Avenue, Ferndown.

Officers explained that the reason the Committee were being asked to determine this application was that the applicant was a member of the Tree Team in Economic Growth and Infrastructure. On that basis it was required that, for reasons of transparency and propriety, the Committee should decide.

With the aid of a visual presentation what works would take place and the reasons why this husbandry was required was outlined by officers.

Plans and photographs provided an illustration of the location and of the oak trees themselves and their relationship with 23 Beaufoys Avenue and other nearby properties, being set in context with the characteristics and setting of that part of Ferndown.

Officers explained that the works were generally considered to be run of the mill and could be enacted as a matter of course. As their growth had become unwieldy and overbearing, the objective was to ensure the trees remained stable, safe and more manageable so as to be able to continue to thrive successfully.

Officers were confident that the submitted tree works were acceptable and would result in no harm to the character and setting of the area.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed unanimously - by 7:0 - to be **minded to** grant permission, subject to the conditions set out in paragraph 7 of the officer's report, with the enactment of their 'minded to' decision being made by the Head of Planning.

### **Resolved**

- 1) That planning permission for the application be '**minded to**' be granted, subject to the conditions set out in paragraph 7 of the report.
- 2) Having taken into consideration the Committee's 'minded to' decision, the



delegation to the Head of Planning to be authorised to grant permission be enacted.

Reasons for Decisions

1)As the applicant was a member of the Tree Team in Economic Growth and Infrastructure.

2)In the interests of safety and acceptable tree management and husbandry for the benefit of the applicant and the management of their property.

236. **Urgent items**

There were no urgent items of business for consideration.

237. **Written Submissions/Public Participation**

**3/20/2260/FUL - Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling at Smugglers Hyde, 47 Brook Lane, Corfe Mullen**

**Nicola Gray, Town Clerk – Corfe Mullen Town Council**

Corfe Mullen Town Council should like to make the following statement in respect of the above application:

Having considered the application for this property, which has seen some 20 plus applications being presented to this Council over the last 10 years, all of which have been objected to for substantial and valid reasons. The Town Council is somewhat frustrated by the amount of time wasting which these continued applications cause and should like to request the Planning Authority considers the value of continued applications and the impact they have.

The Town Council recognise the Court Case which took place in March 2020 in respect of the restrictive covenant, which found the owner of Smugglers Hyde, 47 Brook Lane as “having an apparent desire to maximise, sometimes incrementally, the application land’s development potential”. And having “erected a sign at the rear of 155 Hillside Road stating that three houses were going to be built on the application land”, along with having “a fanciful description of Smugglers Hyde as a five-bedroom property, a description which was designed to make it look more similar to his proposed properties than was actually the case”, indicates the owner is attempting to force a decision in his favour. Although the Town Council is not putting forward this statement in relation to any covenant, the facts and outcome of the case which dealt with the covenant does provide a number of legitimate material matters which can form fundamental objections to the application.

Further to the information above, the Town Council has the following objections:

- The application is contrary to NPPF 110(b) in that the proposed development does not provide safe and suitable access to the site for all users. Access to site is dangerous as Brook Lane is a single track, un-adopted gravel lane which will not cope with additional traffic.

- The proposed development would have an overbearing effect which would result in a detrimental impact to the amenity currently enjoyed by neighbouring properties.
- Potential severing of the plot would result in high density housing for the remainder of the plot contrary to policy LN2.
- The size of the proposed dwelling is overlarge for the severed plot and is unsympathetic to the more spacious character and appearance of existing development in the unmade part of Brook Lane. This will result in a cramped development which is out of character with the immediate area of Brook Lane and is therefore contrary to Christchurch and East Dorset Local Plan Policy HE2.
- It is noted that the street scene provided as part of this application is totally misrepresentative, particularly in relation to the size of existing adjacent dwellings.

Members request the application is considered by the Planning Committee if the Officers comments are at variance to the above.

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**6/2020/0560 - Mr R Turner, Spyway Orchard Barn, Durnford Drove, Langton Matravers, BH19 3HG. Convert and extend existing barn into 4x2 bedroom residential units with parking re use existing access Use class C3.**

**Dr Mary Sparks, Parish Clerk, Langton Matravers Parish Council**

**Langton Matravers Parish Council OBJECTS to this proposal** on the following grounds:

**1. Policy CO (Countryside) does not apply in this case,** The National Planning Policy Framework (NPPF) is explicit that the policy affecting the conversion of existing farm buildings does not apply in AONBs, SSSIs and Heritage sites (eg the Jurassic Coast), in this case all of the above apply (see identified constraints in PAP 2020/0007). Any grant of planning permission on this basis would be invalid and could result in judicial review. In the alternative, policy CO requires that any development in the countryside should make a positive contribution to landscape character and enhance biodiversity. This development neither makes the positive contributions nor the enhancements required. Indeed it detracts from both. (see further objections below). The NPPF does not permit development in the countryside “if the development would result in the external dimensions [...] extending beyond dimensions of the existing building”. As the dimensions of the proposed building do exceed the existing building then again the development is not permitted under the NPPF.

**2. Rural Exception Site,** As CO does not apply and it is a development outside the settlement boundary then RES does apply. This application fails to provide affordable housing as required the RES policy.

**3. Adverse Impact on nature conservation and biodiversity (including the effect on trees).** The current site has a rich and diverse ecology. The biodiversity appraisal, which appears to have been undertaken by someone other than a qualified ecologist, only and inadequately addresses matters relating to bats. Such an appraisal needs to be undertaken by a suitably

qualified person who should address all aspects of biodiversity so as to ensure there is no negative impact.

4. **Layout and visual appearance.** This development alongside the already approved Spyway Orchard development is an over-development having a negative impact on the surrounding countryside/AONB. The proposed design is not in keeping with the existing Langton Matravers vernacular style nor is it in keeping with the neighbouring Spyway Orchard development.

5. **Emerging policies (environmental and climate change).** The proposed design is not in line with Dorset's emerging policies on the environment and the climate change emergency.

**Duration of meeting:** 10.00 - 11.40 am

**Chairman**

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