

Public Document Pack



INFORMAL STRATEGIC PLANNING COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 9 AUGUST 2021

Present: Cllrs Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Dave Bolwell, Alex Brenton, Kelvin Clayton, Jean Dunseith, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

Apologies: Cllrs Mike Dyer

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

Philip Crowther (Legal Business Partner - Regulatory), Mike Garrity (Head of Planning), Elaine Tibble (Senior Democratic Services Officer), Huw Williams (Lead Project Officer - Corporate Projects), Steve Savage (Transport Development Manager) and Toneisha Williams (Monitoring and Enforcement Officer)

14. Declarations of Interest

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

15. Public Participation

Representations are attached as an appendix to these minutes.

16. Planning Application 3/17/2480/DCC - Land at Biarswood Yard, Barrack Road, West Parley, BH22 8UB

The Lead Project Officer, Corporate Projects presented the application for continued use of the site known as Briarswood Yard, Barrack Road, West Parley in part for vehicle repair and associated sales; continued use of site in part for existing concrete contracting yard; proposed use of site in part for B8 storage and distribution; landscaping and associated works.

With the aid of a visual presentation the committee members were shown the site context and advised that part of the application site was within Bournemouth, Christchurch and Poole (BCP) Council's administrative area. At the present time the BCP application had not been determined and it was understood that BCP were awaiting Dorset Council's resolution before making its own decision.

After presenting a description of the site and its varied uses the Lead Project Officer, Corporate Projects gave a detailed history of the site. Looking closer at aspects of the site context and application proposal he felt that the Ecological Impact Assessment indicated that no significant adverse effect on the designated sites was likely and that the submitted Biodiversity Plan provided for the realisation of an overall net gain for biodiversity. The

area was in a low risk Flood zone 1 area. Updated photographs taken in July 2021, post writing of the report, were presented showing the addition of some new curbing and a removable building.

Written statements from the members of the public and West Parley Parish Council were read to the committee and the Local Ward Councillor, Cllr Parry also read a statement, these are attached as an appendix to these minutes.

The committee members had the opportunity to ask questions of the Lead Project Officer, Corporate Projects which focused mainly on:

- Concerns about water run-off.
- What materials would be used for the bund and landscaping.
- Hours of operation.
- Noise disturbance for local residents
- The Certificate of Lawfulness.

Following responses to questions, the committee debated the application. Overall, there was support for the application, but concerns remained regarding hours of operation and potential noise disturbance. It was considered beneficial for the site to be brought under planning control and the surface water would be dealt with under condition 3(iii) in the report.

Proposed by Cllr D Tooke
Seconded by Cllr S Jespersen

The Committee were unanimously 'minded to' allow the application, subject to an additional condition relating to the hours of operation being from 7.00am to 7.00pm, Monday to Saturday only with no Sunday or Public Bank Holiday working.

The Head of Planning declared that he had listened to the debate and all the comments and was happy to determine the application in line with the committee's 'minded to' decision.

Decision: That the application be approved, subject to the conditions outlined in the appendix attached to these minutes.

17. Urgent items

There were no urgent items.

18. Exempt Business

There was no exempt business.

Written Representations Received
Decision List

Duration of meeting: 10.00 am - 12.54 pm

Chairman

.....

This page is intentionally left blank

Appendix

Representations for Strategic Planning Committee Monday 12 August – Briarswood

OBJECTIONS

1. Ian Stanley

I live next door to the top of the Yard and am on the front line of all noise, activity and water runoff problems.

It may help to know about the concrete contracting operation. There is no planning permission for this yet we have to put up with the concrete contracting work being done close to us. We suffer from the noise of circular saws, nail guns and hammering constantly when the wooden formwork is being assembled or dismantled.

The site plan does not reflect the actual use of the site. Work on the concrete framework has always been done outside of the space rented to Martch on a large area that is proposed to be for B8 use. The fenced area is used solely for scaffolding storage. Presumably the formwork will have to stop in future.

Every time we have heavy rain in Winter when the ground is waterlogged we are deluged with dirty water. The Owner cleared natural vegetation from the east part of the site in 2003 and tipped coarse rubble then road scalpings on to the land. Due to the natural fall of the site and as the rubble and scalpings are permeable water runs beneath the surface on to our land. Large areas of our property are flooded and water subsequently runs on to adjoining properties then in to the local stream.

We know that water also runs off the Yard across another neighbours property, bordering Barrack Road.

We ask you to turn down the application as submitted, but should be inclined to grant the application despite all the opposition, we welcome any conditions to stop the water runoff and reduce the noise of operations at the site.

- We ask that you require the installation of tanking system that takes all the surface water from the site.
- We request that the bund on our mutual boundary should be of soil not scalpings to create an impermeable barrier or require the construction of an acoustic screen and install a drain along the entire length. The scalpings have been shown to be permeable and not suitable for a bund.

2 workers in the Yard were heard to say that the current planning permission has been granted. About a month ago clearance of huge quantities of scrap and equipment started over the whole site to prepare for its proposed use. The whole of the frontage has been relandscaped and new steel fencing has been erected within the yard. Large quantities of scalpings have been delivered, presumably to create the new bund.

We would ask Councillors to request that the Head of Planning investigate this.

2. John Cullen

There are a number of areas of concern about the information being given to Councillors.

There are numerous pages on Consultee feedback repeated verbatim but the responses from the 35 objectors, including virtually all local Residents has been compressed to 12 bullet points. Whilst you are given a link at the end of the report to the DC web site for more information we believe that more detail about the specific issues raised by Residents should have been included in the Report Pack to give more balance.

The Planning History section only gives you details of any planning permissions granted but does not cover the wider planning background. The comment in para 6.2 confirms that no formal action (of enforcement) being taken is correct but it ignores the important fact the Yard has a very long history of serious planning breaches that started in 2002 but that DCC, DCC, EDDC and EA have stopped informally.

No mention is made that a 2013 planning application for vehicle breaking was withdrawn at the last minute and an application for a depot was subsequently refused by EDDC.

You have not been told that EDDC consistently refused any development at the Yard. The Officer's recommendation to grant permission goes against all prevailing planning policy for the Yard. This policy applies to other commercial sites in Barrack Road.

The report provided to you is complicated and contains a lot of information on vehicle breaking that is no longer proposed, gives in full detail all the changes to the planning application that are not relevant and provides large extracts from the Design statement that are also not relevant and out of date and may confuse Councillors.

Councillors will note that here is little information on the proposed B8 usage or the car repair activity. A major omission.

You have not been given a site plan to study and have to look at the full planning application on the DC web site for one. The Design Statement is well out of date. As the application has been with DC for 4 years and been amended I have suggested that an updated Design Statement should have been sought giving full details of the new uses so that Councillors could have the facts they need to make a reasoned decision.

3. Pete Stimpson

I live next to the yard and front on to Barrack Road and have suffered from all the constant illegal commercial activity under the current ownership.

The Officers Report states that it is best to agree planning issues by negotiation. I agree with this but wonder why DCC and now DC have spent so much time and effort on this one site trying to get a planning solution. The sheer scale of resource

devoted to this one site is beyond belief and Councillors would be right to question how this case has been allowed to go on for so long without bringing it to an end sooner.

It would be welcome to bring the uncertainty to a close. The Yard has clearly been outside of Planning Control for many years.

Despite the case put forward by the Officer to agree the application based mainly on planning policy, there are many other reasons to decline it and it is noticeable that there is universal opposition to the application, including all adjoining Councils.

The application is devoid of any details, even estimates, about the future use of the yard that will influence traffic volumes, noise and disruption to neighbours. The lack of information makes it difficult to understand how the Yard will be run and the level of activity there will be.

If you do feel you have enough information to make a decision and support the recommendation I strongly support you adding the conditions suggested by adjoining residents as we are most affected by the issues created by the Yard.

These include:-

- setting hours of operation
- uses soil not scalplings for the bund or installing a robust acoustic screen
- no non B8 activity to be allowed in the new B8 area
- the container storage to be just single height

In the Design statement the Owner has stated that he will only accept conditions that would not affect his business. I would suggest that to restore some control over this Yard you set a limit of 3 months for the Owner to accept all your conditions as proposed and ensure that all current work now being undertaken at the Yard to implement the new site layout is stopped until confirmation of acceptance of all the conditions is received.

This is an opportunity to restore planning control over the site and it should be firmly applied by the Head of Planning under your direction.

4. Mr and Mrs Perry

We live next to the Yard and wish to comment on a number of points made in the Officers report:-

Much weight is given to negotiating with the Owner to improve aspects of the application to make it acceptable but little weight is given to the very large number of objections from Residents, local interest groups and local Councils who have a good knowledge of their local area.

We do not agree with the Officer comment about the suitability of the road for more and large vehicles. The report fails to mention that Barrack Road is only 8 feet wide

at its narrowest, there are few passing places and the overhanging branches that are the main aspect of the amenity of the area are regularly torn down by large lorries. These branches are only 3 metres from the Road in a number of places and many are ripped out by passing lorries leaving the Road blocked till they are cleared. This damage makes the trees liable to infection. There are TPOs on a number of trees in the Road that are some of the oldest in West Parley. Some have already been damaged.

The application seeks to bring containers up the road and store them on top of each other. We believe that double stacking will be a significant visual intrusion.

Recent planning cases have confirmed that under B8 class tall storage racks and permanent storage of containers have been classed as 'buildings' so in future the Owner could make a strong case to replace double stacked containers with buildings.

Problems of misuse of the site, noise, dirty water runoff and smell from the Yard have been going on for 20 years and whilst Residents welcome a return to planning control, especially control of water runoff, we strongly believe that the application should be refused.

If Councillors are minded to agree this application with conditions we ask for hours of operation to be set at 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and no operation on a Sunday. When illegal use of the yard was more prevalent lorries from Romania would arrive in the early hours of Sunday morning.

Under the Human Rights Act we are entitled to the peaceful enjoyment of our property. This has been impossible in recent years.

Councillors may ask themselves –

Would you agree to this application if it was in your Ward? If not why agree to it in another.

How could you leave so many Dorset Residents and road users with the unacceptable impacts of increased commercial use.

SUPPORT

1. Jerry Davies

Good morning, Chair and Members

As you can see from your report, this application has been in for a long time and has seen several important changes to bring it in line with our discussions with your Officers. All of those changes are set out in what is a very comprehensive and objective report, which reflects the efforts made by both the applicant and your Officers to respond to the various issues raised and to arrive at a scheme that is appropriate for this site.

As the report confirms, much of the issue with this site in the past has arisen from the vehicle breaking/dismantling use that has been in existence for decades. That use has operated under a Certificate of Lawfulness and consequently there has been no opportunity for the Council to control it through the use of planning conditions. The current proposals not only remove the dismantling use but also offer the opportunity to introduce reasonable, additional controls(as set out in your report)and this represents a genuine net benefit in planning terms.

You will see from your report that the application as originally proposed included retaining a smaller element of vehicle dismantling use–this resulted in extensive discussions with your Officers and the applicant was persuaded in the end to remove this element of the use altogether. That is a significant concession because suitable (and lawful) sites for vehicle dismantling are hard to find and therefore attract value. It was in the spirit of co-operation that the decision was taken to remove this element, even though it is considered to be lawful to continue that use.

The applicant acknowledges that some of those who have expressed objection to the application would rather the site was not here at all. Whilst that is understandable, the reality is that the proposals represent a development of less impact, when compared objectively, to the one that presently exists. This is confirmed by the responses to the application from a range of consultees.

Given this long-established use, the proposals comply with both local and national planning policy in respect of the re-use of previously developed land. Moreover the application offers an opportunity to bring the use of the site within reasonable planning control whilst ensuring that it continues to make a valuable contribution to the needs of local business. I would therefore commend the recommendation to the Committee.

West Parley Parish Council – Ms Linda Leading

Dear Sirs,

1. The 14 page Officer's Report attempts to convey the complexity and history in respect of this important site which abuts an SSSI of heathland. The Parish Council have long been of the view that the public, as guardians of the site, need to ensure the SSSI is fully protected. To ignore planning breaches is to dilute public confidence in the need for strict planning control. The more so, in this area of strategic importance of East Dorset where there are tremendous pressures to develop.
2. It is for this reason the Parish Council have raised concerns over many years about this site. Therefore, this current application has been studied closely-and with concern. In short it attempts a 'forgive and forget approach' to numerous

planning breaches that has occasioned distress and misery to the local householders and those of us concerned about the fragile heathland it abuts.

3. We are aware of the informal approaches of Officers and Members to negotiate alternative uses of this site, which we commend. The brutal fact however, is that by regularising this site, it's value is inflated and makes meaningful future negotiation meaningless. Rumour has it that the site owner places a value of £2.5 million on the site once 'regulated'. Not a bad return for the original disregard of planning controls, if true.
4. The problem has been that the Dorset County Council as original regulators were slow to seek enforcement measures and thus by default claims of established use are made.
5. For this reason, the Parish Council urge that
 - (1) The recommendations be disregarded in this report for a year
 - (2) Enforcement action be actively continued
 - (3) informal negotiations continue between the site owner and the Council to seek agreement for a more realistic valuation of site value, within the year. The matter then be brought back to Committee.
 - (4) If however, the Committee is minded to ignore public opinion, that strict conditions be imposed on future site usage. We note the Officer's view that the scope is limited. Given the short time between release of the Officer's Report and the committee hearing, it has not been possible to take detailed views from outside Planning Consultants nor Counsel experienced in these matters. However, informal discussions lead us to believe there is considerable merit in further conditions being imposed.

We thank the Committee for consideration of Council's views.

Cllr Andrew Parry – Ward Member

Thank you for notifying me of the opportunity to put forward a written submission to the strategic planning committee meeting, to be held on the 9th August 2021.

As you will be aware, both the planning status and certificate of lawful use for Briarswood, have been the subject of much discussion in the Parish for a considerable period of time.

It is important for the committee to understand, the significance of time elapsed since this matter was first raised and frustration felt that it has not been addressed sooner. In fact, I believe it was my predecessor (the late Cllr John Wilson), who was originally involved in trying to address these matters, when the entire site was located solely in the then upper tier local authority area of Dorset County Council. Local Government Reorganisation in 2019, appears to have hampered progress in bringing about a conclusion, as the site is now split across two Council areas.

As the ward member for West Parley, I have heard and read a range of views from residents, many of which have been echoed in comments at Parish Council meetings, with some of the most vocal, coming from those opposed to this application.

Opinions expressed to me include a desire to see the Briarswood decommission from all commercial use, with the site's close proximity to SSSI common land, often stated as the principal reason for objection together with Barrack Road's use as a popular area for walking and horse riding.

The historic business activities, including the breaking and storage of commercial vehicles, required the site operator to carry a waste licence, which whilst being relinquished in this application, appears not to have appeased critics of the site's continued use for commercial purposes.

There is an expectation that if this application is approved, it would result in an increase in traffic volumes, especially commercial vehicles, on a narrow road in a sensitive ecological setting and it has been stressed that this would impact on neighbouring residential properties and at Barrack Road's Junction with the B3073.

The likely hours of access and businesses operating at unsociable times have also been subject of debate. Again, I would stress to the Committee, consideration of impact on neighbouring properties is necessary.

In respect of Dorset Council's commitment to climate change and the environment, concerns for both mitigation of flood risk/water run-off and the risk of fire spreading to the adjacent heathland, have been expressed to me as reasons for objection.

As the West Parley Ward member, if I can be of further assistance in answering Committee's questions, then I would be very pleased to do so.

This page is intentionally left blank

Strategic Planning Committee 09 August 2021 Decisions List

Application Reference: 3/17/2480/DCC

Application Site: Briarswood Yard, Barrack Road, West Parley, BH22 8UB

Proposal: Continued use of site in part for vehicle repair and associated sales; continued use of site in part for existing concrete contracting yard; proposed use of site in part for B8 storage and distribution; landscaping and associated works.

Decision: Granted subject to conditions.

Conditions:

(1) Time Limit – Commencement of Development

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Use of Land in Accordance with Proposed Arrangements

Use of the land and buildings within the application site shown edged red on the submitted application site location plan shall be in accordance with the arrangements illustrated on Sheerin Bettle Architecture Drawing Number SBA.3464-7-2 Revision J and shall include no other primary use. Use for the purposes of vehicle repair, servicing and ancillary sales shall be restricted to the area hatched yellow on Drawing Number SBA.3464-7-2 Revision J and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any other Order enacting or re-enacting the provisions of that Order the area hatched yellow shall be used for no other purposes other than uses falling within Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987.

Reason: In the interest of the natural environment and amenity having regard to Policies KS3, KS11, ME1, ME2, HE2 and PC4 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015 and saved policies DES6 and DES11 of the East Dorset Local Plan 2002.

(3) Site Operation and Management Plan and Biodiversity Plan

Prior to the recommencement of vehicle repair, servicing and ancillary sales and prior to the siting of any additional storage containers within the application site shown edged red on the submitted application site location plan a Site Operation and

Management Plan shall be submitted to and approved in writing by the local planning authority. The submitted Site Operation and Management Plan shall include:

- (i) a Site Layout Plan specifying operational layout arrangements including details of site usage, site surfacing, any means of enclosure and the provision to be made for vehicular and cycle parking and vehicular manoeuvring;
- (ii) a method statement and timetable for the implementation and future maintenance of site landscaping measures including provision of bunding and hedge planting in accordance with the arrangements detailed on Sheerin Bettle Architecture Drawing Number SBA.3464-7-2 Revision J;
- (iii) a scheme for the management and disposal of foul and surface water;
- (iv) details of any facilities for the storage of oils, fuels or chemicals that would present a pollution risk (all such details to include provision for secondary means of containment that is impermeable to both the oil, fuel or chemical and water);
- (v) a scheme for the management of waste arisings on the Application Site; and
- (vi) a timetable for the implementation of the biodiversity mitigation and enhancement measures set out in the Biodiversity Plan dated 23/07/2021 submitted in support of the application.

Use and management of the application site shall be in accordance with the approved Site Operation and Management Plan and the Biodiversity Plan dated 23/07/2021.

Reason: In the interests of the natural environment and the character and appearance of the area having regard to Policies KS3, KS11, ME1, ME2, ME6, HE2, HE3 and PC4 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015, saved policies DES2, DES6 and DES11 of the East Dorset Local Plan 2002 and Policy 22 of the adopted Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

(4) Noise Limits

Use of the land and buildings within the application site shown edged red on the submitted application site location plan shall be managed so that noise measured at any boundary of the application site with a neighbouring residential property does not exceed 55 dB LAeq,1 hour between the hours of 07:00 and 23:00 and does not exceed 45 dB LAeq,1 hour between the hours of 23:00 and 07:00.

Reason: In the interest of the amenity of neighbouring residential occupiers having regard to Policy HE2 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015 and saved policy DES2 of the East Dorset Local Plan 2002.

(5) Maximum Height of Stored Items and Storage Containers

No materials, equipment or other items stored on the land shown edged red on the submitted application site location plan and no storage containers stationed on that land shall exceed a maximum height of 5.30 metres above ground level.

Reason: In the interests of the character and appearance of the area having regard to Policies KS3, HE2 and HE3 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015 and saved policies DES6 and DES11 of the East Dorset Local Plan 2002.

(6) Use – Operational Hours

No powered machinery, tools or equipment shall be operated within the application site shown edged red on the submitted application site location plan outside the buildings and no activity shall be carried out on the site and no deliveries shall be received at or despatched from the site outside the hours of 7.00 am to 7.00 pm Monday to Saturday, nor at any time on Sundays or Bank Holidays.

Reason: In the interest of the amenity of neighbouring residential occupiers having regard to Policy HE2 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015 and saved policy DES2 of the East Dorset Local Plan 2002.

This page is intentionally left blank