NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 30 AUGUST 2022

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Carole Jones, Stella Jones, Val Pothecary and Belinda Ridout

Apologies: Cllrs Matthew Hall, Brian Heatley and Emma Parker

Also present: Cllr David Walsh

Officers present (for all or part of the meeting): Hannah Smith (Planning Area Manager), Jennie Roberts (Senior Planning officer), Lara Altree (Solicitor) Elaine Tibble (Senior Democratic Services Officer) and David Northover (Democratic Services Officer)

Public Speakers
Stephen Shears, resident
Giles Moir, agent
David Green, Clerk to the Parish Council

115. **Apologies**

Apologies for absence were received from Cllrs Matt Hall, Brian Heatley and Emma Parker.

The Chairman took the opportunity to thank Cllr Hall – in his absence – for the valued contribution he had made to the work of the Committee in the past, as he was standing down as a member of the Committee.

116. **Declarations of Interest**

Cllr Mary Penfold declared a disclosable pecuniary interest in minute 121 because she was the landowner of the application site. Cllr Penfold withdrew from the meeting during consideration of the item.

117. **Minutes**

The minutes of the meeting held on 20 July 2022 were confirmed and signed.

118. **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.

119. **Planning Applications**

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

120. **There has been a change to the published agenda whereby application P/FUL/2021/04282 - Land Adjacent Sandways Farm, Bourton, SP8 5BQ - will no longer be heard at the meeting on the 30th August.**

121. **P/FUL/2021/04282 - Land Adjacent Sandways Farm, Bourton, SP8 5BQ**

This application was not considered at the meeting.

122. **P/FUL/2022/02326- Land and buildings north of Cutlers Close, Sydling St Nicholas**

The Committee considered application P/FUL/2022/02326 for the demolition of existing agricultural barns and erection of 5 dwellings together with access, parking & landscaping, together with the erection of a replacement barn on land and buildings north of Cutlers Close, Sydling St Nicholas

The application was being considered by Committee as the landowner of the application site was a Dorset Councillor and the Vice-Chairman of the Committee. On that basis, Cllr Mary Penfold declared a pecuniary interest and played no part in consideration of the item.

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 development was to look – including its design, dimensions, configuration and appearance; along with its ground floor plans and elevations; the materials to be used; access and highway considerations; environmental and land management considerations; drainage, flooding and water management considerations, the means of landscaping and screening and the development's setting within that part of Sydling St. Nicholas, its Conservation Area and the Dorset Area of Outstanding Beauty.

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.

The planning history of the site was outlined, including mention of the reasons for refusal of a previous application.

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 unacceptable in relation to material planning considerations, as the proposed development would be in an unsustainable location, inappropriate for new residential development given that the village did not have a defined development boundary and having little in the way of public services or facilities.

Additionally, with regard to more site-specific considerations, the proposal was considered harmful to the setting of Designated Heritage Assets, namely the Sydling St Nicholas Conservation Area and 5 and 6 Waterside Lane, which were both Grade II listed buildings.

The development, by virtue of its scale, was also considered to be detrimental to the natural beauty of the Dorset Area of Outstanding Natural Beauty.

These assessments formed the basis of the officer's recommendation to refuse the application.

From formal consultation, Sydling St Nicholas Parish Council had opposed the application on the grounds that there was inadequate parking provision and unsafe access, the impact on the sewage system, the impact on the rural nature of the area and the lack of affordable housing provision in a village that lacked the basic infrastructure necessary to support the development.

Speakers had the opportunity to address the Committee. Stephen Shears objected on the basis of the officer's reasons for refusing the scheme, particularly that it was overdevelopment, the adverse effect it would have on the listed buildings and their amenity and that, twice in the past five years, water running off nearby fields had caused Sydling Water to break its banks which caused problems both in the village and further downstream, as far away as Poole Harbour.

Giles Moir, the agent, considered the development to be acceptable and would contribute to the housing needs of the village. Moreover, there had been significant revisions to the application so as to address areas of concern from the earlier application, particularly with a scaling back of the size of the homes.

David Green, Clerk to the Parish Council, objected to the application on the grounds of flooding and road safety risk, being out of keeping with the village, access issues and lack of supporting amenity.

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.

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:-

- what was considered to be the flooding risk associated with this development and how this and drainage was to be managed
- how the proposals could be seen to be in keeping with the characteristics of the village
- what implications there would be for access to essential amenity and local facilitates
- how traffic and parking would be affected and what road safety issues might be experienced
- what access arrangements there were for refuse and emergency services
- what effect the proposal would have on the Conservation Area and the Dorset AONB

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. Particular mention was made that Wessex Water was comfortable with the flooding risk as the site was in the lowest category of Zone 1.

From debate, the majority of the Committee considered the recommendation being made by officers was acceptable in the circumstances, on the grounds that the homes planned were out of keeping with the village conservation area, the plot was outside the village defined development boundary and was in an unsustainable location in terms of amenity and facilities. There were also concerns that although the site itself was not likely to flood, water from it could increase the risk of flooding for nearby homes

However, some members considered whilst this application was unacceptable, it was hoped that some use could be made of the redundant buildings in the future and that a revised – or new - application might be able to achieve this.

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 Stella Jones and seconded by Councillor Jon Andrews, on being put to the vote, the Committee agreed - unanimously - to refuse permission on the grounds that the proposal:-

- was located in an unsustainable location.
- would cause harm to the setting of the conservation area and setting of Listed Buildings.
- would cause harm to the setting of the AONB
- would cause harm due to phosphates/Nitrates issues

Resolved

That application P/FUL/2022/02326 be refused on the grounds of sustainability, phosphates/nitrates, harm to the conservation area and Listed Buildings (designated heritage assets) and, now there is now a 5-year housing land supply, which focused new homes within Defined Development Boundaries (DDB), this site was outside of any DDB.

Reasons for Decision

1)Having regard to the location of the site, outside any settlement boundary, and the subsequent reliance on the occupants of the dwelling on the private car given the lack of services offered with the village, it was considered that this scheme would have a significant, negative, impact on the environment and overall would result in an unsustainable form of development. There was no overriding need to allow dwellings in this location nor does the application present a re-use of existing buildings, provide of essential rural workers dwellings, or an affordable housing scheme. As such, it was contrary to the provisions of Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

Finally, phosphate pollution had emerged as an issue within the Poole Harbour Catchment Area, which to date remains unresolved, with standing

advice from Natural England (NE) expected at some point. Until such time as this was received, the applicants could not demonstrate phosphorous neutrality or off-setting, to overcome NE's objection.

2. By virtue of its built form and large-scale design of dwellings, the proposal was considered to represent undesirable development in this edge of village location to the detriment of the character and appearance of the conservation area. The proposal was therefore considered to be contrary to policy ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

3. By virtue of the change of use of land to residential, eroding the edge of village character the proposal would adversely affect the setting of 5 and 6 Waterside Lane which are Grade II listed buildings. The proposal was therefore considered to be contrary to policy ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

4. By virtue of its built form and large-scale design of dwellings, the proposal was considered to represent undesirable development in this edge of village location to the detriment of the setting of the Dorset Area of Outstanding Natural Beauty. The proposal was therefore considered to be contrary to policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

5. The application is within the nutrient catchment area of Poole Harbour which is designated as a Special Protection Area under the Habitat Regulations 2017. Poole Harbour is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended) and a Ramsar site. Natural England has advised that the harbour is Phosphate limited which means that any addition of phosphate either directly or indirectly should be deemed to have an adverse impact on the site's integrity in accordance with recent case law. The applicant had failed to evidence nutrient neutrality to demonstrate no adverse effects in combination with other plans or projects, on the designated site of nature conservation. In the absence of this information, and until demonstrated otherwise, the precautionary principle must prevail in favour of nature conservation. The proposal failed to comply with the provisions of the Habitats Regulations 2017 and guidance contained within paragraph 185 of the National Planning Policy Framework (revised 2021), and policy ENV2 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

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123. **Urgent items**

There were no urgent items for consideration at the meeting.

124. **Exempt Business**

There was no exempt business considered at the meeting.

Duration of meeting: 2.00 - 3.00 pm

Chairman

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