

EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 7 SEPTEMBER 2022

Present: Cllrs Mike Barron, Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Mike Dyer, Barry Goringe, David Morgan, Julie Robinson and David Tooke

Apologies: Cllrs Robin Cook, Bill Trite and John Worth

Also present: Cllrs David Walsh (Portfolio Holder for Planning) and Cherry Brooks (Ward member for South East Purbeck)

Officers present (for all or part of the meeting): Mike Garrity, Elizabeth Adams, Peter Walters, Steve Savage, Lucy Page, Sarah Barber, Phil Crowther and David Northover

281. Apologies

Apologies for absence were received from Cllrs Robin Cook, Bill Trite and John Worth.

282. Declarations of Interest

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

283. Minutes

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

284. 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.

285. Planning Applications

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

286. P/FUL/2022/03143 - Change of use from agricultural to 8 no. self-storage (B8 storage only) units at Walston Poultry Farm Ltd, Gaunt's Common, BH21 4JR

The Committee considered application P/FUL/2022/03143 for the change of use from agricultural to 8 no. self-storage (B8 storage only) units at Walston Poultry Farm Ltd, Gaunt's Common, BH21 4JR.

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 change of use entailed. The presentation focused on not only what the development entailed, but what effect it would have on residential amenity, the highway network 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 storage units were to be developed and how they would make use of the existing building there as a basis for what was to be developed, how it would look like and its dimensions – those specifications to be finalised at a later stage in liaison with officers; access and highway considerations; environmental and land management considerations – taking account of the Grade II Listed Building – Little Thatch, the site was adjacent to ancient woodland and to Holt and West Moors Heaths SSSI and was within the Green Belt; drainage and water management considerations, the means of landscaping and screening and the development's setting within that part of Gaunt's Common.

Officers showed the development's relationship with other adjacent residential development, with the characteristics, topography and elevations of the site being shown. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary to assess the application. The site had previously been used as a poultry farm and what buildings were currently there and how they would be transformed and renovated to provide for the storage units was explained.

The previous planning history of the site was outlined explaining in what way a previous application refusal had now been addressed to make this application acceptable.

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 previous issues now being addressed and that, although industrial estates were preferred locations for storage and distribution uses, there was satisfaction that the proposed re-use of existing buildings for 8 self-storage units could, in principle, be acceptable in this location provided that the requirements of policy PC4 'The Rural Economy' were met.

Moreover, the Highway Authority considered there to be no adverse highway implications given that there were currently no restrictions on the agricultural use of the site; the removal of movements associated with the existing agricultural use would be a general highway benefit; individual storage units were typically accessed by cars and light vans so the use by HGVs was anticipated to reduce and that a condition to secure the manoeuvring, parking and loading areas be applied.

Officers judged that the benefits associated with the reuse of existing buildings for economic purposes, the reduction in ammonia and nitrogen emissions in close proximity to the SSSI, the removal of slow-moving farm traffic from the highways and the ability to control future use by the imposition of conditions weighed in favour of the application and that any permission could be satisfactorily controlled by condition so as to overcome the previous reasons for refusal and that, on balance, the application accorded with Local Plan and national planning policies when considered as a whole. Those assessments formed the basis of the officer's recommendation to refuse the application.

From formal consultation, Holt Parish Council had objected on the grounds that the enterprise was not appropriate for the rural parish and given the site constraints, there would be inappropriate commercial activity due to HGV movements, increased traffic, noise and local disruption; there was a lack of suitable infrastructure and highways to support the use and road safety concerns and would have an adverse effect on residential amenity. The adjoining Parish Council of Hinton were concerned about traffic management in Gaunt's area.

The local Ward Member for Stour and Allen Vale, Cllr Robin Cook, considered that the proposal could have a considerable negative effect on the village and asked that it be refused.

Adam Bennett, agent representing local residents, considered the application to be unacceptable given the highway considerations in such a constrained rural area considering it to be an unsustainable enterprise in such a rural location and one that did not meet local need. There were currently no clear details of how the development would look or its size, layout or what parking arrangements there were to be. Given all this he considered the application should be refused.

Brett Spiller, for applicant, considered that the low impact use of redundant buildings to be of economic benefit with traffic issues not being a concern and outstanding issues having been addressed. The previous unfettered use had not given cause for concern and what was being proposed would be better regulated. In providing for improved amenity, he asked for the application to be approved.

Simon McCorkle, local resident, expressed concern at the highway and access issues he considered would be generated by this proposal and contended that, on that basis, the application should be refused.

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:-

- for what purposes would the units be used
- how frequently they would be used
- by whom would they be used – public or commercial
- what could and could not be stored there – a need for an informative note to account for this.
- how what was being stored there would be managed, monitored and regulated
- how traffic would be managed and the access and parking arrangements

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood. As to what could and could not be stored there, including potentially hazardous substances, other agencies would regulate this, under licence and their own prescriptions.

From debate, the majority of the Committee considered the recommendation to not be acceptable on the grounds pertaining to the previous refusal - as set out in paragraph 15.1.1, 15.1.2 and 15.1.3 of the officers report : -

- being in an unsustainable location,
- insufficient information about the number and nature of future users or any way to reasonable way to control trip rates.
- notwithstanding the opportunity to control the hours of operation, the proposal is anticipated to result in harm to neighbouring amenity from increased vehicular trip rates associated with multiple storage units along the narrow access.

However, some members considered the application to be acceptable as it would make best use of the existing buildings there and in light of no objection from the Highway's Officer.

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 David Tooke and seconded by Councillor Mike Barron, on being put to the vote, the Committee agreed - by 5:2 (with 1 abstention) - to refuse permission.

Resolved

That application P/FUL/2022/03143 be refused.

Reasons for Decision

That the proposal failed to overcome previous reasons for refusal at set out in paragraphs 15.1.1, 15.1.2 and 15.1.3 of the officer's report.

1. The application site is an unsustainable location for a storage use of the scale proposed, which is inconsistent with the accessibility of the rural location contrary to policy KS2 Settlement Hierarchy and KS11 Transport and

Development of the Christchurch and East Dorset Local Plan Part 1 Core Strategy.

2. Due to the scale of the proposal and without information about the nature of future users or any reasonable way to control trip rates, the proposal is likely to result in a significantly more intensive use than the existing single holding poultry farm use. The noise and vehicle movements generated will result in harm to the character and tranquillity of the countryside and this harm is judged to outweigh the benefits of the scheme, contrary to policies HE3 Landscape Quality and policy PC4 The Rural Economy of the Christchurch and East Dorset Local Plan Part 1 Core Strategy and paragraph 174 of the National Planning Policy Framework.

3. Notwithstanding the opportunity to control the hours of operation, the proposal is anticipated to result in harm to neighbouring amenity from vehicular trip rates associated with multiple storage units along the narrow access in close proximity to The Olde Oak and Little Thatch contrary to policy HE2 Design of New Development of the Christchurch and East Dorset Local Plan Part 1 Core Strategy and paragraph 130 of the National Planning Policy Framework.

287. P/FUL/2022/01864 - Kimmeridge Car Park, Kimmeridge Bay

The Committee considered application P/FUL/2002/01864 for a seasonal change of use for parking of catering vehicles, providing a dining area and siting of associated temporary at Kimmeridge Car Park, Kimmeridge Bay.

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, 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; the characteristics of the locality; access, rights of way and highway considerations; environmental and land management considerations; landscaping and screening issues; and the development's setting within that part of Kimmeridge. The development would create 15 seasonal jobs and make a valued contribution to the local economy. Contrasting and comparative photographs showed the site, and its use, both inside and outside of the holiday/tourist summer season.

Officers showed the development's relationship with Kimmeridge village, the coast, shoreline and countryside, with the characteristics and topography of the site being shown, particularly the openness and isolation of the site and its relatively pristine state. Views around the site – and from where the development could and could not be seen - were shown, which provided a satisfactory understanding of all that was necessary. The site had previously

been used for such purposes as being proposed but only on a temporary and largely informal basis, under permitted development rights.

Particular environmental considerations and constraints were that the site was within the Purbeck Heritage Coast; near Grade II listed buildings; adjacent to UNESCO World Heritage Site; within the Dorset AONB; within a Minerals and Waste Safeguarding Area and had a series of Public Rights of Way across the site. These considerations about a locally and nationally important natural landscape, were integral to the recommendation being made by officers.

The Council's Landscape Architect explained that the scale of the development and its duration would materially impact on how the landscape was experienced: in seriously compromising the openness and isolation of this environmentally sensitive and distinctive, yet popular, area the proposal would adversely affect its natural attractiveness. Moreover, there were no readily available screening measures which could be used to diminish its visual impact. On that basis there was an objection to the proposal due to the reduced tranquillity and formalisation of the area; that it failed to maintain the character of the undeveloped coast and failed to protect a valued landscape.

The assessment made by officers in coming to their recommendation – and in taking into account the County Landscape Officer's views - 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 was considered to result in harm to the local character of the site and the character of the Area of Outstanding Natural Beauty by virtue of developing a piece of land in a sensitive location that was otherwise characterised by its isolation and openness. The benefit arising from the creation of part-time seasonal employment was not seen to be sufficient to outweigh the harm. These assessments formed the basis of the officer's recommendation to refuse the application.

The opportunity was provided for speakers to address the Committee. Emma Vearncombe, owner and operator of Clavell Restaurant, who made the case for the application being approved in that it would create jobs and benefit the local economy – not only by those using the facility but in that the produce supplied would be locally sourced and produced. It was designed to enhance the experience of those visiting the bay in providing what they might well expect from a venue such as that.

A statement by the Chairman of Kimmeridge Parish Council was drawn to the attention of the Committee extolling the virtues of the proposal in the same terms as the applicant had described. It considered that an amenity such as this would be welcomed and appreciated by those visiting and meet a need that was readily acknowledged.

Brett Spiller, the agent, reinforced what the applicant had said in that the development would provide a much needed facility at this busy and popular area.

The local Ward member, Councillor Cherry Brooks, was supportive of the application too in its benefits to the local economy, had the necessary facilities nearby and had the support of the Parish council and the Estate landowner. On that basis, she asked that the application be approved.

Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each could be addressed accordingly. Members were reminded that beyond the physical arrangements, the nature of the operation, such as the provenance of produce, could not reasonably be controlled.

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 of the important points raised and what conditions should be imposed in any grant of permission, the majority of which they considered still required clarification, were:-

- the need for such a facility and how it was to be managed
- how visible would it be from various viewpoints
- what would be the configuration of the site
- what would its footprint be
- whether there would be a need for a service column on site

- what landscaping and screening could be achieved and what were the limitations of this
- what nuisance or disturbance impact there could be
- what would be the colour of the canopy
- how traffic would be managed, access and parking arrangements and how the car park would be used
- what arrangements there were for the erection and dismantling of any fencing so that the site was returned to its pristine state between seasonal use
- how long any permission would be limited to, so as to be able to assess how it was being managed
- what the period would be in which activities were able to take place i.e 1st May to 30th September each year.
- what the hours would be in limiting the serving of food or drink i.e between 10.00am to 6.00pm.
- how power to the facility would be provided and that there should be no generators permitted
- what facilities would be on site - in that this should be limited to no more than 4 no. service trailers, one service box and one toilet structure on site – and the materials used i.e. all structures should be clad in wood.
- what the positioning of the structures and covers for the restaurant should be and the numbers anticipated
- confirmation that only one canopy should be erected on the site with its size and positioning within the site being determined.

- what the use of the site should be limited to i.e. use as a restaurant within Class E(b) only and for no other purposes – with no takeaway provision permitted.
- confirmation that no music should be performed or broadcast on the site
- what provision there was for the disposal of waste and foul water
- what provision there was of facilities for the storage and removal of refuse.

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which gave the Committee a clear understanding of what this entailed.

Whilst acknowledging the officer's recommendation and the input from the Landscaping officer and the reasoning for this, from debate, the majority of the Committee considered the proposal would provide an economic benefit to the locality, provide employment opportunities and would provide a facility that those visiting the bay might well appreciate and would naturally come to expect, as was the case elsewhere. Members considered that the cumulative effect of these benefits outweighed the seasonal harm to the landscape quality which had been identified by officers.

The Committee also agreed the general conditions which they considered would make the proposal acceptable, with the precise wording of these being delegated to officers – after consultation with the Chairman and Vice-Chairman – to formalise and finalise. The temporary nature of the permission- for two years- was judged necessary to allow the Council, as the Local Planning Authority, to further assess the visual impact on the AONB, noise impacts and traffic displacement following the commencement of the business in the form proposed. An informative note would cover signage and the assurance that the footpaths and road to the oilwell remained unobstructed.

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 David Morgan on being put to the vote, the Committee agreed – unanimously - to grant temporary permission subject to appropriate conditions - to be assessed, determined and agreed by officers after consultation with the Chairman and Vice-Chairman.

Resolved

That planning application P/FUL/2022/01864 be granted permission subject to appropriate conditions – assessed, determined and agreed by officers after consultation with the Chairman and Vice-Chairman – these being:-

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: 3180_L_LP_0_01, 3180_L_SLO_02, 3180_L_ELE_0_01 rev B, 3180_L_ELE_0_01 rev C and 3180_L_SL_0_01 rev C

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

3. Within four weeks of commencement, the applicants shall provide written notice to the Local Planning Authority of the date that the operation commenced.

Reason: To enable the use to be controlled in the interests of the Dorset Area of Outstanding Natural Beauty.

4. This permission is limited to a period of 2 years from the date of commencement of the approved development after which the use hereby permitted shall cease and the land reinstated to grassland.

Reason: To reserve to the Local Planning Authority control over the long term use of the land in the interests of the Dorset Area of Outstanding Natural Beauty and to monitor the noise impact and the impact of the displacement of traffic.

5. This use hereby granted shall only take place from 1st May to 30th September each year. Outside of this period the use shall cease and all associated structures and vehicles shall be removed from the site. Sufficient fencing will be removed to allow the land to be used as a car park. The land shall be reinstated to its previous condition by means of seeding any areas damaged by the structures and vehicles.

Reason: To protect the character of a sensitive landscape and ensure that it is restored at the end of each season

6. The premises shall not serve food or drink outside the hours of 10.00am to 6.00pm.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

7. No generators shall be installed on the site in connection with the approved development at any time.

Reason: To protect the character and amenity of the area and to safeguard the amenity of neighbouring residents.

8. There shall be no more than 4 no. service trailers, one service box and one toilet structure on site. All these structures shall be clad in wood. All structures and covers for the restaurant shall be positioned within the area shown in drawing ref. 3180_L_SL_0_01 rev C, demarcated by the post and rope fencing and shall not be placed anywhere else within the application site.

Reason: In the interests of protecting the character of a sensitive landscape.

9. Only one canopy shall be erected on the site. Its size and positioning within the site shall be in accordance with the details provided in drawing

3180_L_SL_0_01 rev C. The colour and material shall be in accordance with the details submitted with the application.

Reason: To safeguard the character of the site, which is in a sensitive location.

10. The use of the site hereby approved shall be limited to use as a restaurant within Class E(b) only and for no other purposes. The restaurant must not offer a takeaway service.

Reason: To protect the character of the sensitive landscape and to prevent litter from a takeaway use damaging the surrounding environment.

11. No music shall be performed on the site, nor shall an amplified sound system be used within the site.

Reason: In order to protect the living conditions of surrounding residential properties.

12. Prior to the first use of the restaurant details of the disposal of waste and foul water for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the first use of the development and thereafter maintained.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

13. Prior to the first use of the restaurant details of facilities to be provided for the storage and removal of refuse from the premises shall be submitted to and approved by the Local Planning Authority. These facilities shall be provided before the restaurant is first open and shall be provided whenever the restaurant is in operation thereafter.

Reason: In the interests of the amenities of the area

Reasons for the Decision

1) The development proposal, subject to appropriate conditions, would provide a seasonal catering facility improving visitors' experience and contributing to the local economy. These benefits outweigh the limited harm that is anticipated to landscape quality. 2) A temporary permission for two years will provide the necessary control to enable the Local Planning Authority to assess the impacts of the proposal on the AONB, any noise impacts and issues with parking displacement should the applicants wish to continue their operations.

288. **P/FUL/2021/05633 - Sever land and erect a detached 3 bedroom chalet bungalow with associated vehicular access and parking at Old Oaks, Verwood**

The Committee considered application P/FUL/2021/05633 to sever land and erect a detached 3 bedroom chalet bungalow with associated vehicular access and parking at Old Oaks, Verwood.

What the proposal entailed and how this would be achieved was explained. The development's appearance and dimensions were detailed and how it would sit within the site. Access arrangements were explained and how these would be proved for. What impact it would have on residential amenity was also taken into consideration. There was considered to be no adverse impact on the oak tree on site – or on an adjacent one - with construction work having mitigation measures to that effect. Moreover, the trees' location, size and spread were all taken into consideration in any effect it would have on the development and its ability to access natural light. Given all this, the officer's recommendation was to approve the application.

Darryl Howells, the agent, explained the benefits of the development which accorded with planning policy and asked that it be approved.

A statement received from one of the local Ward Members, Councillor Spencer Flower, was read to Committee. Whilst accepting the principle of the development, he expressed concern about the longer-term pressure on the two mature oak trees, which will cause significant overshadowing, shadowing and dominance of the land which will become the garden. He wanted to ensure the preservation of the trees and felt this could not be guaranteed. On that basis he asked for the application to be rejected.

The Council's Tree Officer, Andrew Douglas, reaffirmed officer's view that the development could be satisfactorily achieved without any detriment to either of the trees, and whilst there would undoubtedly be shading of the garden of the property – particularly during summer months - this would be known and accepted and account should be taken of this by any potential owners. However, there would still be sufficient access to light in and around the development in any event.

From debate, the majority of the Committee considered the proposal to be acceptable.

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 David Morgan, on being put to the vote, the Committee agreed – by 6:2 to grant permission subject to appropriate conditions set out in the report. One of those to reject the application was the Chairman who was also one of the other local ward Members - Councillor Toni Coombs.

Resolved

That application P/FUL/2021/05633 be granted permission, subject to appropriate conditions set out in paragraph 16 of the report.

Reasons for Decision

- 1) The development proposal would provide an additional dwelling in the built up area of an appropriate layout and design that would not have an adverse impact on the character and appearance of the area or the surrounding landscape.
- 2) The development would not result in any significant harm to neighbouring residential amenity and the occupants of the proposed dwellings would enjoy an acceptable standard of amenity in accordance with Policy HE2 of the Local Plan.
- 3) With the amendments secured the proposal would not have an adverse impact on road safety and would provide an acceptable level of on-site parking provision.
- 4) The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be secured.

289. **P/FUL/2021/05535 - Change of use of verge to form part of residential curtilage. Erect detached carport and vehicular access between carport and adopted highway at Old Oaks, Verwood**

The Committee considered application P/FUL/2021/05535 for a change of use of verge to form part of residential curtilage and to erect a detached carport and vehicular access between carport and adopted highway at Old Oaks, Verwood.

What the proposal entailed and how this would be achieved was explained. A description of the development's appearance and dimensions was given and what impact it would have on residential amenity was also taken into consideration. What provision would be made for the access was explained and what was necessary to achieve this. Landscaping, boundary, land-ownership and environmental issues were highlighted and, as with the previous application, there was considered to be no adverse impact on any trees on site, with construction work having mitigation measures to that effect.

What highway rights were to be taken into consideration was explained and what provision would be made for these in legal terms.

The Highways Officer considered that sight lines would not be compromised by the proposal, which he considered to be acceptable.

Darryl Howells, agent, considered the application to address all material planning considerations and was acceptable and hoped the Committee could agree to this.

In a statement read to Committee from one of the Ward Councillors, Spencer Flower, who had originally objected to the application on the grounds that there would be a loss of the safe route to school, in now understanding that a formal footpath had been installed on the other side of the road as a result of the nearby Pennyfarthing housing development, now considered that this adequately dealt with his concerns regarding the safe route to school, so formally withdraw his objection.

Verwood Town Council had raised an objection based on Councillor Flower's original submission.

Clarification was provided in response to members questioning and, from debate, the majority of the Committee considered the proposal to be acceptable.

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, being proposed by Councillor Shane Bartlett and seconded by Councillor Mike Dyer, on being put to the vote, the Committee agreed - by 6:1 - to grant permission subject to appropriate conditions set out in the report.

Resolved

That application P/FUL/2021/05535 be granted permission, subject to appropriate conditions set out in the report in paragraph 16.

Reasons for Decision

1) The development proposal with appropriate conditions requiring further details of landscape planting would ensure that the change of use of the verge and the erection of carport and highway access would not have an adverse impact on the character and appearance of the area or the surrounding landscape.

2) The development would not result in any significant harm to neighbouring residential amenity in accordance with Policy HE2 of the Local Plan.

3) With the amendments secured the proposal would not have an adverse impact on users of the highway network and would provide an acceptable level of on-site parking provision.

4) The proposal could be implemented without detriment to protected trees and would accord with the aims of Policy of the Local Plan.

290. Urgent items

There were no urgent items.

291. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 am - 2.00 pm

Chairman

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