

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

**MINUTES OF MEETING HELD ON THURSDAY 11 JUNE 2020**

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

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

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Chelsey Golledge (Technical Support Officer), Colin Graham (Engineer (Development Liaison) Highways), Carol McKay (Senior Definitive Map Technical Officer), Vanessa Penny (Definitive Map Team Manager), Darren Rogers (Enforcement Manager) and Denise Hunt (Democratic Services Officer)

**119. Apologies**

No apologies for absence were received at the meeting.

**120. Declarations of Interest**

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

**121. Minutes**

The minutes of the meeting held on 28 May 2020 were confirmed.

**122. 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.

**123. Planning Applications**

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

**124. WP/20/00027/FUL - 56 Preston Road, Weymouth, DT3 6QA**

The Committee considered an application to demolish an existing dwelling and erect 7 flats with associated access and parking.

An update sheet was circulated to members before the meeting which corrected an error in the report that referred to an incorrect number of flats, details of 2 further representations and a change to Condition 7.

Members were shown a site location plan which included the outline of a previous scheme in 2008 to redevelop No 58 Preston Road into 6 flats approved by the former Weymouth & Portland Borough Council that had now lapsed. The site of the application under consideration was to the south of that site.

Aerial photos were shown of previously approved flats at 12, 18, 42, 44, 46, 70 and 72 Preston Road on land formerly with detached properties within spacious grounds. No 66 remained a vacant plot with permission for 7 flats.

Another aerial photo showed Furzy Close wrapping around the site and the sloping nature of the application site.

A number of photos were shown of the existing access and dilapidated bungalow and its relationship with the neighbouring properties, including 4 Furzy Close.

The proposed site layout plan included a hardstanding for 10 parking spaces including 3 car port structures, bike spaces and bin storage.

There were a number of significant trees on the site protected by Tree Preservation Orders (TPOs) that had been subject to an arboricultural report. A material commensurate with root protection of the TPO trees would be used in place of tarmac for the hardstanding. It was confirmed that the Tree Officer was content with the protection measures subject to conditions.

Members were shown the proposed elevations which drew comparisons with a previous withdrawn scheme for 8 units which was unduly dominant due to its mass, scale and bulk. The proposed rear (east) and side (north) elevations were set into the slope of the site.

Floor plans, a roof plan, cross sections, landscaping plan and materials slide were also shown.

The key planning points were highlighted including:-

- principle of development - presumption in favour of sustainable development
- design and scale considered appropriate for the site
- no significant impact on amenity
- local urban character - previously developed land and viewed in relation to the neighbouring built form
- highway safety - highways authority raise no objection
- Nature conservation - Biodiversity Mitigation Plan considered acceptable subject to conditions
- Community Infrastructure Levy (CIL) liable.

A number of written representations were received that were read out by the Technical Support Officer and are attached to these minutes.

Responding to comments in the representations concerning road safety, the Engineer (Development Liaison) advised that widening of the carriageway along Preston Road took place in 1995 and the road had also been downgraded to a B road, with traffic signposted towards Littlemoor Road and the Weymouth relief road. The verge and footway along Preston Road were just under 4 metres wide. The tree near the access to the site was part of a wide footway with the ability to see behind the tree.

The proximity of the access to the bus stop was acceptable with the presence of buses considered to be a temporary feature. The presence of a bus route made the location more sustainable.

Cllr Shortell questioned obstruction of views by the large tree at the access to the site and from buses waiting at the bus stop as well as the provision of on-site parking for contractors. He noted that the new development would be closer to the rear bungalow and that permissions granted for similar developments in Preston Road had not yet been built. He considered the scheme to be cramped and overbearing and noted that the extant permission at No 58 Preston Road was for 6 units on a larger footprint when this application proposed 7 flats on a smaller footprint.

The Enforcement Manager stated that the permission for 6 flats at No 58 approved in 2008 had lapsed and should be disregarded. Parking would be covered under the Construction Environmental Management Plan and accommodated within the application site.

The Engineer (Development Liaison) noted that the highways tree outside of the application site had been retained as a result of the Preston Road widening scheme. Although it had some light growth around the trunk that could be improved, the application could not be refused on this basis as there was sufficient visibility behind the tree. Although a bus parked at the bus stop limited visibility temporarily in the other direction, there was sufficient clearance around the bus and for other road users to be able to react accordingly.

Members considered that, although part of Preston Road towards Overcombe had altered over time due to developments of flats, this was not the case in the area of this application which remained predominantly larger family homes with no flats. It was considered that the application would therefore change the character of this part of Preston Road. Members also questioned the demand for flatted developments in the area given that there were flats that had recently been built that remained for sale.

The Enforcement Manager suggested that the previous approval for 6 flats at No 58 Preston Road would have been the first of this type of development had the permission not lapsed. The NPPF referred to making best and efficient use of land and this application sat in the context of Preston Road as a whole, rather than individual parts of the road.

Members also raised concerns regarding the size of the development in relation to the plot as being too small to accommodate 7 flats; that the scheme was overbearing for the space available; the impact on neighbours in Nos 54 and 58 Preston Road and 4 Furzy Close including loss of light; the proximity of the proposed development to No 58 Preston Road and the need to reuse existing buildings supported in the NPPF.

The Enforcement Manager stated that the report detailed the impact on No 58, in particular, the side amenity garden that was not the sole area for amenity for No 58.

Some members felt that that a scheme of 5 flats over 2 storeys would reduce the impact of the development and lead to benefits without the negative aspects.

Members also asked about speed of traffic along Preston Road which was a police enforcement matter; the removal of largely ornamental trees that were not subject to a TPO and sewerage capacity, which was a utilities matter separate to this application. A request was made for the Construction Management Plan to forbid use of the bus stop by construction traffic.

Cllr David Shortell proposed that the application be refused for reasons of layout and density; loss of light and overshadowing and highway safety. This was seconded by Cllr Louie O'Leary.

The Solicitor advised that the committee was entitled to form its own judgement in relation to matters of layout, density and loss of light. However, refusal on the basis of highways safety could not be defended given that there was no objection by the Highways Authority.

*The Committee adjourned between 15:30 - 15:40 in order that officers could formulate the wording of the reason for refusal based on the comments made by members of the committee.*

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

**Decision:**

That the application be refused for the following reason:-

1) The proposed development by reason of its layout, mass, scale and bulk would have an unduly dominating and overbearing impact on each of the side neighbouring properties at nos 54, & 58 Preston Road and 4 Furzy Close at the rear, that as a result would sit uncomfortably in relation to those neighbouring occupiers and would be detrimental to their amenity in respect of overshadowing and loss of light. Its mass, scale and bulk would be detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10; ENV12 & ENV16 of the adopted Weymouth & Portland and West Dorset Local Plan (2015); and Section 12 of the National Planning Policy Framework (2019) and in particular paragraph 127 which states amongst other things that decisions

should ensure that developments provide a high standard of amenity for existing and future users.

**125. Application to divert part of bridleway - 39 Symondsburry at Lower Eype Farm**

The Committee considered an application to divert part of Bridleway 39, Symondsburry at Lower Eype Farm which was being made in the interest of the landowner. Planning permission had been granted for a new single storey dwelling to be occupied by the applicant and the diversion sought to improve privacy and security of the new property.

The application was presented by the Senior Definitive Map Technical Officer who showed a location plan and photographs of the existing and diverted routes as well as a computer-generated image of the new dwelling.

Members were informed that Symondsburry Parish Council had objected to the planning application for the new dwelling on the grounds that the bridleway would be affected.

An objection to this application had also been received from Symondsburry Parish Council which was outlined in the report.

Cllr Nick Ireland sought clarification on whether diversion of the route from a right of way onto a permissive path would result in a higher risk that it could be closed.

Members were informed that the diversion of the bridleway would mean that the whole route would become a definitive rather than a permissive route.

Proposed by Cllr Louie O'Leary, seconded by Cllr Peter Barrow.

**Decision**

That:

- a) The application to divert part of Bridleway 39, Symondsburry be accepted and an order made;
- b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and
- c) If the Order is unopposed, it be confirmed by the Council without further reference to the Committee.
- d) If objections are received to the Order which are of a similar nature to those already considered by the Committee, the Order should be submitted to the Secretary of State without further reference to the Committee.

Reasons for Decisions

- a) The proposed diversion meets the legal criteria set out in the Highways Act 1980.

- b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.
- c) This report considers the objection to the pre-order consultation and also the order confirmation tests. If the committee resolves to make an order and no objections are received there would be no further material for the committee to consider.
- d) In the event that objections of a similar nature to those already considered are received to the order, the committee will have already considered the objections in the light of the legal criteria and therefore Dorset Council can submit the Order to the Secretary of State for consideration without further reference to the Committee.

**126. Urgent items**

There were no urgent items

**127. Update Sheet**

Application Ref.	Address	Agenda ref.	Page no.
WP/20/00027/FUL	56 Preston Road, Weymouth, DT3 6QA	5a	7-32
<p><b>Officers report Update</b></p> <p><b>A</b> - Para 5.1 of the officers report makes reference to 8x2 bed flats.</p> <p>Para 5.4 refers to 8 units in total (2 on the ground floor with a further 3 flats on the respective 1st and 2nd floors).</p> <p>The revised 7unit scheme has 2 units on the ground floor, 3 on 1st floor and 2 on 2nd floor.</p> <p><b>B - 2 further representations - one in support stating</b></p> <p><i>“It has been broken into and is overgrown, it has the potential to be so much more and if nothing is done soon, I believe squatters are going to appear soon as well.”</i></p> <p><b>One objecting stating:</b></p> <p><i>To the planning committee,</i></p> <p><i>Destroying perfectly good desirable family homes is destroying what was once a beautiful tree lined entry into Weymouth.</i></p> <p><i>The committee is obviously aware that there are two current sites on Preston Road have gone back to the market due to the lack of interest in flats, although they previously had planning permission granted.</i></p> <p><i>One of the houses has been demolished and remains undeveloped for at least 5</i></p>			

*years, surely that must tell you there is not a need for more flats (Holiday Homes) in the area.*

*The proposal is grossly over development of a site which will impinge on close neighbours. Not only that, the road was reclassified as a 'B' road but the majority of drivers drive well in excess of the "30"mph limit.*

*The local services such as the Doctors and sewage system is grossly overloaded as stated by Wessex Water*

*The other main problem is that cyclist young and old use the pavement as a cycleway which it is not, as the cycle path officially detours into Wyke Oliver Road but the signage is not adequate.*

*I live on Preston Road, and because of the long drives and walls to the pavement I am unable to see cyclists come past, I have in the past narrowly missed a number of cyclist as they speed along the pavement no matter that I am creeping out. This applies to all the other properties along the road.*

*To sum it all up, we do not need an extra 7+ cars coming onto an already dangerous road.*

**C - Recommended Condition 7 to read as follows:**

Condition 7 Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway in accordance with details which shall have, prior to development above damp proof course level, been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and the approved drainage works shall be retained and maintained for the lifetime of the development.

Reason: To ensure that the site is properly drained and that surface water does not flow onto the highway.

**Duration of meeting:** 2.00 - 4.00 pm

**Chairman**

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