

DORSET COUNCIL - NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 23 JUNE 2020

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Carole Jones, Bill Pipe, Val Pothecary, Belinda Ridout and David Taylor

Apologies: Cllrs Robin Legg

Also present: Cllr David Walsh

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

Andrew Collins (Principal Planning Officer), Philip Crowther (Legal Business Partner - Regulatory), Charlotte Haines (Senior Planning Officer), Robert Lennis (Area Lead (Major Projects) Eastern), Carol McKay (Senior Definitive Map Technical Officer), Steve Savage (Transport Development Manager), Vanessa Penny (Definitive Map Team Manager), Hannah Smith (Planning Area Manager), Frances Summers (Senior Planning Policy Officer), Neil Turner (Development Team Leader, Highways) and Fiona King (Democratic Services Officer)

105. Apologies

An apology for absence was received from Cllr Robin Legg.

106. Declarations of Interest

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

However, in respect of Minute 109 Cllr Jon Andrews advised that he had been a member of the Regulatory Committee back in 2018, and would not take part in the debate or vote.

Cllr Mary Penfold declared a non-pecuniary interest in the Traffic Regulation Order at Sheeplands, Sherborne (Minute 110) because as a former district councillor she had previous involvement in the Barton Farm Development Site. Cllr Penfold undertook to withdraw from the meeting during consideration of the item. Cllr Matt Hall also declared an interest in this item, in respect of pre-determination. Cllr Hall advised he would speak as the Local Member but not take part in the debate or vote.

In respect of Minutes 112 and 113 Cllr Val Pothecary advised that although she chaired the Planning Committee at Gillingham Town Council she had not pre-determined on either of the Gillingham applications being determined on this agenda.

107. Minutes

The minutes of the meeting held on 14 May 2020 were confirmed and signed.

108. **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.

109. **P186 Application to divert part of Footpath 6, Gussage St Michael**

Cllr Jon Andrews withdrew from the meeting for this item.

The Committee received a report which considered representations received to the Dorset Council (Part of Footpath 6, Gussage St Michael at Ryalls) Public Path Diversion Order 2020, whether or not to submit it to the Secretary of State for confirmation and the stance that the Council should take if submitted.

The Senior Definitive Map Technical Officer explained that as objections had been received the Order the Council could not confirm, the Order itself and had to come before the Committee. A presentation was given to members showing the current and the proposed new route of the Path. 16 objections to the Order had been received. The majority of the objectors felt there would be a negative impact on the enjoyment of the Path. Those in support of the Path felt the new proposed route was a more enjoyable and accessible route. Members would need to decide if the application should be submitted to the Secretary of State, either supporting the Order or taking a neutral stance. The Senior Solicitor explained to members the reason for the Council taking a neutral stance instead of supporting the Order would mean the Council would not take an active part in any Public Inquiry that may arise and therefore reduce the burden of resources on the Council.

A number of written submissions in support and one objection of the proposal and a statement by the applicant were read out at the meeting and are attached to these minutes.

The Senior Definitive Map Technical Officer felt that the points raised by members of the public had all been covered in the report. There were a couple of suggestions that the Path was being altered to go over the packhorse bridge which was not the case as the current route already ran over it. The safety of the bridge was mentioned in some statements and paragraphs 5.5 and 5.6 in the report clarified that the accessibility of the structure should be balanced against the enjoyment that it brings to those who have objected to the Order. The use and availability of the current footpath was also raised in some statements which was dealt with in paragraphs 4.22 to 4.33 of the report which stressed that the use of the current footpath was not a pre-requisite for diverting a path and any obstructions should be disregarded. The issue regarding incorrect search information being provided to the applicant by East Dorset District Council when he bought the property was dealt with in the report at paragraphs 6.1 to 6.4 which stated that these circumstances could not be taken into account.

Members comments and questions

Cllr Taylor sought clarification on the view being maintained with the path going past the packhorse bridge. The Senior Definitive Map Technical Officer advised that it was not possible to protect the view but those in support of the Order preferred to see the packhorse bridge from the new path whilst those opposing the Order preferred to walk over it on the definitive route, but if in the future the landowner wanted to put in a hedge or something to obscure the bridge the Council could not do anything about that.

Cllr Les Fry asked if there was any compromise on the routes of the 2 paths. The Officer advised that with a diversion order there was no scope to recommend that a permitted path be created and conditions could not be put in place. The current position was that this was a legal Order that had been made and that was what had to be worked with. The Secretary of State would review the Order and consider whether to confirm or not should members decide this course of action. Following a question about responsibility for any injury on the bridge, the officer advised that it would be either the Council or the landowner. Accessibility was more of a secondary issue.

Cllr Bill Pipe queried that if Dorset County Council had agreed this Order 3 years ago, why does it still not stand. The Officer advised that Order making was a 2 part process, and the Council is unable to confirm an Order when there are objections. The delay had been due to a backlog of Orders. Cllr pipe felt that the new route protected the privacy of the landowner.

Cllr Belinda Ridout advised that she was aware that there would be some impact on the public but felt that the Order should be submitted to the Secretary of State on a neutral stance.

Cllr Cook felt that what was being proposed was a safe and sensible solution and hoped that property owners in the future would have regard for looking at historic monuments.

Proposed: Cllr Ridout

Seconded: Cllr Fry

Decision

That:

The Order be submitted to the Secretary of State for determination; and

The Council take a neutral stance in the proceedings.

Reasons for Decision

As there have been objections to the Order Dorset Council cannot confirm it itself but may submit it to the Secretary of State for an Inspector to be appointed to consider confirmation; and

The representations received to the Order challenge its compliance with the legal tests for the confirmation of a diversion order under the Highways Act. If the Council takes a neutral stance in the matter, the burden on the resources of the Council is substantially reduced and the matter could be progressed more swiftly.

110. Traffic Regulation Order

One-Way System for Vehicular Traffic at Sheeplands Lane, Sherborne

- a) Cllr Penfold withdrew from the meeting for this item.
Cllr Matt Hall spoke as the Local Member and did not participate in the vote.
The Committee received a report which considered the objections made in relation to a Traffic Regulation Order which was required in to give effect to the one-way system for vehicular traffic at Sheeplands Lane, Sherborne.

The Development Team Leader for Highways explained this Order had been brought forward as a condition in relation to a recent planning application. The Order had been advertised in the Western Gazette and notices had been erected on Sheeplands Lane. Members were advised that 12 responses had been received in support of the Order. 3 objections had been received, 2 of which were from the same household and were therefore counted as 1.

Local Members Cllr Matt Hall and Cllr Jon Andrews

Cllr Hall made reference to the planning permission for the Barton Farm development and the Order that had been made as a result. The road was very narrow and was not suitable for 2 way traffic. The residents on the new estate were effectively turning on a blind bend. Part of the new estate was employment land and therefore there was an increase in HGVs using the road. He felt this was an excellent scheme which would improve safety and was much needed.

Cllr Andrews agreed with the previous comments that had been made. He made reference to the climate impact slide from the presentation and noted that the new road did actually go a bit further. This scheme was part of planning permission that had been granted and the visibility of junction was dangerous. Following a question about Give Way signs, the Development Team Leader advised that there would not be a Give Way sign itself but there would be road markings to show this. Other signage had been detailed in the officer's report and presentation.

Following discussion members could see the benefits and the need for this Order.

Proposed: Cllr Andrews

Seconded: Cllr Fry

Decision

That having considered the representations received in response to public advertisement and the officers report, that the Portfolio Holder be recommended to implement the Traffic Regulation Order as advertised.

111. Planning Applications

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

112. 2/2019/1649/REM, Land East of Barnaby Mead, Gillingham

The Area Manager for Planning and Community Services introduced the application to erect 50 No. dwellings, form vehicular and pedestrian access. (Reserved matters application to determine access, appearance, landscaping, layout and scale; following grant of Outline Planning Permission No. 2/2016/0149/OUT).

The Area Manager explained the reasons for the previous refusals and described the revised plans. The proposed layout was highlighted and explained to members.

The proposal was considered to protect the amenity of the neighbours to the site. The proposed bungalows would have no permitted development rights for roof alterations. No harm was identified in relation to heritage assets.

The Transport Development Liaison Manager advised members that the outline application had fully considered the traffic impact and highways were content with it. The road layout had been restricted to a 20mph speed limit. The application was fully compliant with the guidance provided and car parking had also been provided within the plans. A refuse vehicle could drive around the site with ease, therefore there were no objections from the Highways department.

A number of written submissions objecting to the proposal and a statement by the applicant were read out at the meeting and are attached to these minutes.

The Area Manager for Planning and Community Services responded to comments from members of the public in respect of drainage which had been dealt with in the outline consent, so therefore had been addressed. In respect of access, highways safety was looked at during the outline stage and no objections had been raised.

In respect of the solar panel, some harm was identified as there would be partial shading. However, the weight attached to this was for members to decide, and officers did not consider it would amount to demonstrable harm that would outweigh the benefits in terms of housing provision against the current shortfall.

In respect of a question raised by an objector relating to the low traffic levels identified by the outline application's transport assessment, the Transport Development Liaison Manager advised that the assessment had provided a future year scenario for 2020 which predicted a realistic traffic level.

Local Members for Gillingham

Cllr David Walsh supported the application and believed that the applicant had worked hard to mitigate measures. This was the first time bungalows had been incorporated into a development to alleviate concerns by local residents.

Cllr Belinda Ridout had followed this application for a long time and was satisfied that material concerns had been addressed. She felt that the impact on the character of Bay had also been addressed. This was a highly sustainable location with a good mix of housing.

Cllr Val Potheary noted that although objectors felt there was overdevelopment of the site she felt the scheme was far improved from the last one with the inclusion of bungalows. She recognised that the addition of flats was not welcomed by everyone. However, she was concerned about the planting and the solar array. The Area Manager felt that these concerns had been addressed with Condition 14. Cllr Potheary felt that the developer had done their best to address the concerns of the people in the town.

Members comments and questions:

Cllr Tim Cook was concerned about the solar array and asked if a condition could be included that certain properties of the development had an equivalent number of solar panels to bring back the power that would be lost. The Area Manager advised that officers were restricted by council policies and although officers had tried to mitigate harm arising from schemes, the report sought to address the harm that would be caused. There has to be demonstrable harm to refuse a scheme so it was felt officers were unable to add a condition about the solar panels and extra solar panels were not part of this application. The Chairman added that there were no planning policies available to enable members to insist on solar panels on other buildings. In respect of measures to mitigate the loss, the Area Manager advised that a condition had been put in place to ensure no planting was undertaken that would hinder the panels.

Cllr Jon Andrews was in favour of supporting the application and was pleased to see the inclusion of flats. The Area Manager confirmed the configuration of the flats were for smaller 2 bedroom properties.

Cllr Les Fry felt that council policies were not quite in step in respect of climate change and this was a missed opportunity. Following a question about the existing trees the Area Manager advised that Condition 14 sought to ensure there was a planting schedule that would not lead to tall trees that would not overshadow the solar panels more.

Cllr Carole Jones felt the layout looked very well throughout. She asked about the density in the local area. The Area Manager advised that this scheme was slightly lower than 25%, officers would usually expect to see 35%. Bayfields reflected the more house type density of 35% per hectare but there were a transition of densities across Bay. Cllr Jones felt that the environmental concerns could be taken forward through the Local Plan.

Cllr David Taylor asked if the drainage problems raised by the objectors had this been accounted for. The Area Manager confirmed they had been addressed and this scheme should increase the robustness of drainage going forward.

Cllr Bill Pipe felt this was a more realistic application. He was concerned about sewage and drainage services and asked if there would be new provision. The Area Manager confirmed the development would be connected to the existing infrastructure and there was a condition in place to cover this.

Cllr Matt Hall made reference to trees and shrubs having a positive effect and asked who would be looking after all the green space. The Area Manager confirmed that Condition 14 was looking for more shrub based plants with less maintenance. The usual 5 year maintenance was included in Condition 7, but this could be extended if members felt this was appropriate.

Following a discussion, members agreed to extend Condition 7 to 15 years.

Proposed: Cllr Ridout

Seconded: Cllr Potheary

Decision

That the application be approved subject to the amended conditions outlined in the appendix to these minutes.

113. **2/2019/1554/FUL, Bleet Farm, Bleet Lane, Gillingham**

The Planning Officer introduced the application to erect a replacement dwelling and retain 3 No. parking spaces.

This application followed a previous application which had been refused and was then dismissed at appeal. This revised scheme now proposed a 2 storey element but with a reduction in width and was set back further from the edge of the field. The Planning Officer highlighted a full landscaping plan which was also available on the website

The Transport Development Liaison Manager advised that there was no objection from highways as the application was a like for like replacement dwelling.

A statement from the applicant was read out at the meeting and is attached to these minutes.

Local Members for Gillingham

Cllr Val Potheary made reference to the objections and noted that there seemed to be some confusion of existing farmhouse in comparison with the new development. The Planning Officer explained that the 50% increase was not a policy requirement but assists in the assessment of the application, this was not a key policy requirement. The Inspector in the appeal decision advised that the outbuilding could be deemed part of the dwelling. Following a question about whether the enclosed covered balcony had been included in the calculations, the Planning Officer advised it had not, only the external habitable floor space was calculated. Cllr Potheary felt that any large building on the ridgeline was bound to be controversial and feared there would be light pollution. Her main concern was the increase in scale on the existing farmhouse and was unable to support application.

Cllr Belinda Ridout noted that this proposed dwelling was in a very elevated position overlooking the Stour Valley and was a contemporary design which would not suit everyone. She had a few concerns:

- Landscaping a good mix listed but in respect of a future maintenance scheme (Condition 5) could this be made more robust, maybe protect the planting and number of years for maintenance. The Area Manager advised that the standard condition was for 5 years but this could be extended to 15 years.
- Glazing, concerned about glare. The Area Manager advised that this would need to be amended on the Plan but a condition for anti glare glazing could be included. A condition could be added to require submission of detail of automatic blinds to come down outside of daylight hours.
- Future maintenance of exterior cladding, can a condition be added to this effect. With reference to the materials there was a need to ensure the property was nestled into the hills and this would need to be a neutral palette. The Planning Officer advised that Condition 8 could be amended to remove permitted development rights by stating this would include any rendering or cladding of the walls to address any long term concerns.

Members comments and questions:

Cllr David Taylor asked where the balcony would look over to and that it could be rather imposing if it looked over the village. The Planning Officer advised that the views were looking over the valley and the roof would overhang. The property was a significant distance from the village and was not looming over any other properties.

Cllr Matt Hall made reference to the trees listed in the landscape plan and was concerned they were not the appropriate types and that there were better alternatives that could be used. He felt the whole application seemed to be about blending the building in using the planting. The Planning Officer advised that the Tree Officer had been consulted on the mix of species and supported the proposal. Cllr Hall felt that any tree planting must be of a minimum size when planted to ensure coverage. The Planning Officer undertook to look to amend the condition to address this. The Area Manager added that Condition 5 supplied the exact landscaping element and species could perhaps be dealt with by conditions. A paragraph could be added to say all planting shall be and then specify the size, minimum of 3 metres. The number of years was part of the maintenance condition and could be extended to 15 years.

Cllr Bill Pipe felt that this was a right and proper application and members' should move to the vote. He was not convinced the Committee should be putting stipulations on planning applications with regard to the height of trees.

Cllr Carole Jones was very pleased with the design but despaired of people who were afraid of a contemporary new look. She also felt the owner's views should not be obstructed.

Cllr Jon Andrews, feel contemporary plan complements the views and would like to approve the application.

Cllr Tim Cook, supported the proposals submitted. He felt the view should not be obstructed for the householders and that members needed to be bold in allowing this type of development.

Following discussion and confirmation of the amendments members wished to make to the Conditions, the proposal with amended Conditions was put to the vote:-

- Additional condition – non reflective glazing
- Additional condition – automated blackout blinds on NW elevation
- Amended Condition 5 – soft landscaping
- Amended Condition 6 – extend maintenance period to 15 years
- Amended Condition 8 – removal of PD rights to include any changes to the external finishes of the dwelling house.

The proposal to include the amended conditions was carried, 6 members for and 4 members against.

Proposed: Cllr Ridout

Seconded: Cllr Andrews

Decision

That the application be approved subject to the amended conditions outlined in the appendix to these minutes.

114. **2/2018/0372/OUT, Land at E373160 N117864, Pond Walk, Stalbridge**

The Area Manager for Planning and Community Services introduced the application to develop land by the erection of 9 No. dwellings. (Outline application with all matters reserved). Looking at the principle of development. Members were advised there was no affordable housing requirements with this application due to the number of units reducing to 9, and that no Neighbourhood Plan had been developed for this area.

The Transport Development Liaison Manager advised that the existing section of Pond Walk was adopted for the majority of its length. Final remedial works were being carried out on last piece in readiness for adoption. In principle Highways were supportive of the application.

An objection to the proposal was read out at the meeting along with a statement from the applicant, both are attached to these minutes.

Following discussion members were content with the proposal.

Proposed: Cllr Andrews

Seconded: Cllr Taylor

Decision

That the application be approved subject to the amended conditions outlined in the appendix to these minutes.

115. 2/2019/1678/FUL, Yewstock College, Sturminster Newton

The Area Manager for Planning and Community Services introduced the application to erect a perimeter security fence and matching gates, 2.33 metres high with Exempla welded steel wire mesh panels.

Members were advised that the purpose of the fence mainly was to keep the children safe and to keep intruders out.

Cllr Les Fry, was content to propose the recommendation. He advised members that in his previous occupation he had on numerous occasions had to recommend such a fence and felt this application was both sensible and practical.

Proposed: Cllr Fry
Seconded: Cllr Taylor

Decision

That the application be approved subject to the conditions outlined in the appendix to these minutes.

116. Urgent items

There were no urgent items of business.

Duration of meeting: 10.00 am - 3.51 pm

Chairman

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