

DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 9 JULY 2020

A recording of the meeting can be found on the committee page by using the following link:- [Link to committee page](#)

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

Also present: Cllr David Walsh (Portfolio Holder – Planning)

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

Bob Burden (Senior Planning Officer), Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Colin Graham (Engineer (Development Liaison) Highways), Darren Rogers (Enforcement Manager), Guy Tetley (Engineer (Development Liaison)) and Denise Hunt (Democratic Services Officer).

128. Apologies

An apology for absence was received from Cllr Louie O'Leary.

129. Declarations of Interest

Cllr Jean Dunseith declared that she had predetermined Application No WP/17/00836/FUL - Land NW side of Wessex Roundabout, Radipole Lane, Weymouth and would not take part in the debate or vote on this application.

Cllr David Shortell declared that he had predetermined Application No WP/17/00836/FUL - Land NW side of Wessex Roundabout, Radipole Lane, Weymouth and would not take part in debate or vote on this application.

130. Minutes

The minutes of the meeting held on 11 June 2020 were confirmed and signed.

131. 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.

132. **Planning Applications**

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

133. **WD/D/20/000583 - 82 East Street, Beaminster, DT8 3DT**

The Committee considered an application for the demolition of a bungalow and erection of 5 dwellings.

Two further representations were received following publication of the report that had been included in an update sheet circulated to the committee the day before the meeting.

Members were shown site location plans showing the existing bungalow and large rear garden, properties along East Street, allotments to the south of the site; the relationship of the site to the town centre showing the site outside, but adjoining the Defined Development Boundary (DDB) and Conservation Area (CA).

The proposed site plan showed the vehicular access was via the existing access, however, the boundary walls would be removed in order to improve visibility. This access followed the rear of 64-80 East Street. The hatched areas in the site plan were as a result of comments made by the Conservation Officer to provide some glimpses towards the allotments and countryside beyond the garages in that location. Trees along the site boundary of Nos 54 and 56 were to be retained.

An aerial photograph of the site showed the existing bungalow and wider garden area of the site as well as the extensive garden area of the neighbouring property at 92 East Street. Representations had been received in relation to the impact of amenity due to overlooking from plot 1 on this property that was addressed in the report.

The proposal included land controlled by the applicant for a secondary pedestrian access onto the site (between 62 and 64 East Street) and highways required details to be submitted should permission of this application be granted.

Photographs were shown that included the access off East Street, showing the narrowness of East Street itself with many parked cars on one side of the highway; the large garden area of the application site; looking towards the side of the existing bungalow and rear of properties in East Street, including the proposed pedestrian access.

A plan was also shown that included a bin storage area at the rear of No 86; the provision of 14 car parking spaces and 2 garages; proposed rear and front elevations; ground floor & first floor plans; side elevations; cross sections of the existing, withdrawn and proposed scheme; and details of materials. The key planning points were highlighted.

A comparison with a scheme on Portland for 3 backland dwellings with a single narrow access where the planning inspector concluded the risk to be low had been outlined in the report.

A number of written representations in objection to the proposal were received from members of the public and Beaminster Town Council that were read out at the meeting and are attached to these minutes.

Cllr Rebecca Knox - Dorset Council - Beaminster, addressed the Committee, saying that in order to satisfy the greenfield status of the application site, that proposals should be for affordable housing and come with evidence of unmet housing need. However, Beaminster Town Council had outlined other significant opportunities for housing in that area and the proposal included no affordable housing.

She drew attention to the undulating elevation of the site with the houses along East Street sitting at the bottom of an incline meaning that the field would need to be dug out in order to sink the elevation of the new properties into the field. She considered that this would give rise to a flooding issue and identified flood zones 1, 2 and 3 in the immediate vicinity and that soakaways would not work in clay soil and serve as mitigation. The report did not include the view of the Environment Agency or Wessex water. She also questioned the comparison made with the application in Easton Street, Portland given the difference in the width of this street when compared to East Street and that other applications in the area had been refused on highways grounds.

The committee adjourned at 10:33am for 5 minutes and reconvened at 10.38am.

In response to comments made during public participation, the Enforcement Manager confirmed that consultation with the Environment Agency had not been a requirement of this application and that a condition included finished floor levels. The comparison with a scheme on Portland was made due to a single access with vehicles emerging between a terrace of properties which the Planning Inspector had concluded was low risk, rather than the width of the streets in either case.

Members asked about the definitive status of the site and the impact on the application and were advised that there was no lawful development certificate to state that the garden land was associated with this property, but was an open field owned by the owner of the property. In terms of the site being outside the DDB, members needed to determine whether there were significant adverse effects that outweighed the presumption in favour of development.

Further to questions it was confirmed that bins would be collected from the bin storage rather than being collected from the individual properties, meaning that the refuse lorry would need to park at the site access for a short period in order to collect the bins. It was also confirmed that a condition of the recommendation required details of the pedestrian link between 62 and 64 East Street needed

to be submitted, approved and carried out prior to occupation of the new houses.

The Highways Engineer outlined some previous applications in the area that had been allowed or refused on appeal. He stated that the development would create approximately 18-20 trips a day which was not considered to be so severe as to warrant refusal on highways grounds.

The width of the access would enable emergency vehicles to access the site and there were several similar accesses in the vicinity. The access complied with guidance in terms of the low speed approach due to the reduced vehicle speeds through this area as a result of the narrowness and parked cars in East Street.

Members remained concerned about the vehicular access and safety of exiting the site despite removal of the existing walls, fence and pillars on either side to improve visibility. The view was also expressed that removal of the walls could remove a degree of protection for the boundary properties.

Members also highlighted that sites outside the DDB were outlined in the Local Plan as exception sites used for affordable housing and that this proposal went against that policy.

The Enforcement Manager referred to the position with regards to the housing land supply and advised that the Council had granted a number of permissions on land outside the DDB.

Further comment was made that photographs viewed as part of the presentation had been pieced together to form a panoramic view, in such a way that it was difficult to gauge the size of the site.

Throughout the debate, the question of undertaking a site visit was raised on a number of occasions. The Solicitor drew attention to the practicalities of arranging a site visit having regard to social distancing rules and its impact on the length of time taken to determine the application.

Proposed by Cllr David Gray, seconded by Cllr Kate Wheller.

Decision: That the application be deferred for a site visit.

Following consideration of this application, the committee adjourned at 11:35am for a short comfort break and reconvened at 11.40am.

134. **WD/D/20/001014 - Creek Caravan Park, Fishers Place, Ringstead, Dorchester, DT2 8NG**

The Committee considered an application to vary planning conditions 1 and 2 and the removal of conditions 3 and 4 of planning permission 207358 granted on 13 December 1962 as the application wished to operate the site with 30 static caravans for a longer season in line with the operation of other sites in the area.

The Enforcement Manager presented the application for a variation of conditions on previous planning conditions in the 1960s that sought to extend the season for the occupancy of the caravans from 9 February to 10 January to include Christmas and February school half term periods each year. An anomaly caused in the original permission with regard to the stationing of 40 caravans with permission for 30 had also been addressed.

An update sheet circulated to members before the meeting included additional representations, including some in support. A further letter had also been received the previous day objecting to the extension of the season beyond the current 7month period of April-October.

Members were shown a site location plan, aerial photos showing the 30 caravans and wider context of the site as well as photos taken by a neighbour showing access to the dwellings, the coastline to the east of the site and stepped access beyond the site to the east.

The Enforcement Officer outlined the key planning points and advised that the issues raised as a result of the consultation including the impact on the character of the area and on amenity needed to be balanced against the benefit to the local economy.

A number of written representations were received that were read out by an officer at the meeting and are attached to these minutes.

Cllr Nick Ireland, the ward member for the area, highlighted that Osmington Parish Council had not been consulted and that the notice had been erected on private land. He proposed that the application be amended so that the site was closed between 15th January and 15th March each year in line with other caravan parks in the area. He highlighted that many sites were becoming residential which was against the spirit of the restrictions.

The Enforcement Manager stated that as a result of the Covid 19 pandemic, planning officers relied on applicants and agents to erect notices where they could be seen by the public. This notice had been placed on the caravan notice board and people were able to walk onto the land to see it. The neighbour immediately adjacent to the site was notified by letter, however, this was a holiday home.

The Vice-Chairman stated that ensuring that notices were accessible to the public rather than on private land and informing neighbouring Parish Councils should be investigated and this would be discussed with the Planning Portfolio Holder.

Proposed by Cllr Nick Ireland, seconded by Cllr Peter Barrow.

Decision: That the application be approved and that the description of development be altered to “Station caravans” and subject to the conditions outlined in the appendix to these minutes.

135. **WP/17/00836/FUL - Land NW Side of Wessex Roundabout, Radipole Lane, Weymouth - Appeal against non-determination**

The report was introduced by the Area Manager - Western & Southern who explained that the applicant had lodged an appeal against non-determination of this application that would now be determined by the Planning Inspectorate. The report sought an indication from members on its decision had it determined the application in February 2020. It was confirmed that no additional information had been provided by the applicant since that time.

Members were shown a plan of the application site that included the area of the reserved matters application and the access, ponds and landscaping that was the subject of this application. Both applications had been submitted separately due to the former council areas covered by Weymouth & Portland Borough Council (access) and West Dorset District Council (residential). A softworks plan showed a pavement on the south of the access with no continuation on the south into the site. This meant that people would have to cross the road to the north to continue into the site. A plan of the proposed relocated access demonstrated that it would not impact on existing parking alongside football stadium should the reserve matters application for the residential development not come to fruition. Google map views were also shown of Wessex roundabout and the existing access from different directions. The key planning issues were outlined.

The Solicitor provided advice to members in relation to pre-determination due to prior consideration of the application by the Committee in February 2020.

Cllr Nick Ireland stated that there was no access for cycles due to the narrow footpath and that the current design required anyone on foot or cycle to cross the access to continue the pavement on the northern side. He proposed that the application be refused under the NPPF and Local Plan ENV 11.

Members expressed further concerns in relation to the single access onto a busy roundabout along a school route, all of which became relevant should the residential development go ahead.

Proposed by Cllr Nick Ireland, seconded by Cllr Peter Barrow.

Decision:

That the application would have been refused for the reason outlined in the appendix to these minutes if an appeal against non-determination had not been submitted.

136. **WP/19/01016/FUL - St Nicholas Church, Buxton Road, Weymouth**

The Committee considered an application to demolish an existing church and erect 18 affordable flats with external amenity space and parking spaces.

The Senior Planning Officer made reference to a letter of objection that had been received from a neighbouring property stating the proposed building

would block their TV reception. However, this was a private matter and if the proposal went ahead was quite doubtful

Following the circulation of the update sheet prior to the meeting comments on the proposal had been received from Cllr Clare Sutton, one of the Local Members. She felt whilst it was important to protect the character of the area the ability to provide affordable housing was paramount and she was content with the application.

The Senior Planning Officer gave members a presentation on the proposal highlighting the building in situ at the present time along with the bungalow which was situated at the rear of the church. Members were also shown the height of the proposed building which was below the height of the neighbouring Victorian villas. He advised there would be 16 car spaces underground with a further 2 spaces at the front of the property in readiness for the 18 units. Each unit would be 2 bedrooms, 67 square metres in area.

The Senior Planning Officer had met with the bungalow owner and some amendments had been made to the proposal following that visit. Pop out windows with obscure glazing were highlighted in order to protect the secluded part of the garden of the bungalow.

The main planning issues were highlighted to members, these included:-

- Principle
- Residential development within defined development boundary
- 100% affordable housing,
- Contribution towards 5 year housing land supply
- Effect on conservation area
- Effect on residential amenity and;
- Highway safety.

A number of written representations objecting to the proposal were read out by the Technical Officer and are attached to these minutes.

The Senior Planning Officer made reference to comments made regarding over development of the site and noted that the amenity space would be over 200 square metres for community use.

There had been a number of comments about the units starting off as affordable homes and then being secured as second homes. There would be legal constraints in place to ensure these units could only be used for affordable housing.

With regards to some lack of communication with certain properties, the Senior Planning Officer noted this was possibly as those properties were not adjacent to the red line of the application site. Properties higher up the slope had made comments about possible overshadowing and overlooking but these properties were about 46 metres away so it was felt there was no issue with this.

In respect of 'the decision already had been made' comment, the Senior Planning Officer explained that the case officers made the recommendations and elected members made the decisions.

The Senior Planning Officer felt that the issue about drainage had been addressed. A report had been issued to the Flood Risk Manager who was content and had recommended appropriate conditions which had been included.

The Highways Officer made reference to comments made about the increase of vehicles and appreciated that the current building had been underused in recent years but in the past it would have been quite a busy area. He would expect there to be a lower number of vehicles with the proposed flats. Accessibility via the highway was good and there was no recorded accident history within 110 metres of the property. However, the intention was to make it even safer.

In respect of the quantity of car parking, the Officer advised there were no minimum standards only guidance. However, the proposed building was on a bus route and was near a cycle route.

Cllr Brian Heatley spoke in support of the proposal, which is also attached to the minutes.

Cllr Ireland noted that there were not many opportunities in Weymouth for affordable housing but asked for confirmation if the units would be for rent or sale. The Senior Planning office confirmed the units would be for rent and that the Housing Enabling Officer was content with the application. Cllr Ireland highlighted the access to the Rodwell Trail for cycling and was happy to propose the recommendation.

Cllr Wheller made reference to comments that the proposal was not in keeping for the area but felt that it did reflect other architecture in the area. She felt the developers had been very imaginative and considerate with the proposed building. She was very pleased to see the building was 100% affordable housing. She made reference to a pedestrian crossing on Wyke Road where problems with a new building were now being mitigated but felt it would be better to sort any potential issues beforehand.

Cllr Dunseith was generally in favour of the development but had concerns about the car parking and questioned where other cars would go as nearby streets were quite busy. She felt the entry to the flats off the road might be a bit small. The Highways Officer advised the width of the access would be 4.5 metres and that the current standard width was 5 metres. The Senior Planning Officer advised that an amended plan could be sought to increase the driveway entrance width to 5 metres.

There was a concern regarding the amenity space, with 18x2 bedroom flats there would be a number of children and it would be important for residents to have somewhere outside to go.

Cllr Cocking felt that the housing was desperately needed for the area and was happy to second the proposal, as long as condition included to state it was not for holiday home use.

Following a question whether the sub-station referenced in the presentation would be removed or incorporated, the Senior Planning Officer advised that his understanding from the applicant was there was no problem for it to be removed.

Proposed by Cllr Nick Ireland, seconded by Cllr Susan Cocking

Decision:

(A): That authority be delegated to grant to the Head of Planning, subject to completion of a S106 agreement to secure provision of 100% affordable housing, and subject to the receipt of a satisfactorily amended plan in respect of the width of the vehicular access (to be increased to 5m), and the planning conditions outlined in the appendix to these minutes.

(B) Refuse permission for the reasons set out below if the legal agreement under Section 106 of the town and country Planning Act 1990 (as amended) is not completed within 6 months of the date of the committee resolution or such extended time as is agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of units as affordable housing and in the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted West Dorset Weymouth and Portland Local Plan. Furthermore the community-related benefits inherent in the scheme would not be achieved. Hence the scheme would be contrary to the objectives of paragraph 92 of the National Planning Policy Framework (2019).

137. Urgent items

There were no urgent items.

138. Update Sheet

The update sheet is attached to these minutes.

Appendix - Decision List

Duration of meeting: 9.30 am - 3.30 pm

Chairman

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