



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

### **MINUTES OF MEETING HELD ON THURSDAY 10 SEPTEMBER 2020**

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

**Present:** Cllrs Mike Barron, Dave Bolwell, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell (Chairman), Sarah Williams, Kate Wheller and John Worth.

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

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

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Lindsay Fiello (Planning Officer), Colin Graham (Engineer (Development Liaison) Highways), Jo Riley (Senior Planning Officer), Allison Sharpe (Business Support Officer), Emma Telford (Senior Planning Officer) and Denise Hunt (Democratic Services Officer).

#### **1. Apologies**

An apology for absence was received from Cllr Bill Pipe.

#### **2. Declarations of Interest**

The following declarations were made at the meeting:-

Councillor Kate Wheller declared a non-pecuniary interest in Application WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis as she was Chairman of the Harbours Committee at the time the application was made. She confirmed that she had not been involved with or predetermined this application.

Councillor Louie O'Leary declared an interest in Application WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis as a member of the Harbours Committee. He confirmed that he had no prior involvement with this application.

Councillor Sarah Williams declared an interest in Application WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis as a member of the Harbours Committee. She confirmed that she had not been involved with or predetermined this application.

Councillor Susan Cocking declared that she had objected to Application WP/20/00306/OBL - Redundant Buildings, Broadcroft, Quarry, Bumpers Lane, Portland, DT5 1HY Portland when it was considered by Portland Town Council Planning Committee and had therefore predetermined the application. She would therefore not take part in the debate or vote on this application.

Councillor Kate Wheller declared that she had been a member of the former Weymouth & Portland Borough Council Planning Committee when Application WP/20/00306/OBL - Redundant Buildings, Broadcroft, Quarry, Bumpers Lane, Portland, DT5 1HY Portland had been discussed and that she would consider the application with an open mind.

### **3. Minutes**

The minutes of the meetings held on 12 and 13 August 2020 were confirmed and signed subject to the deletion of an apology by Councillor Louie O'Leary at the meeting on 12 August 2020. Councillor O'Leary confirmed that he had been present at the start of the meeting, but had to leave due to technical difficulties.

### **4. 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.

### **5. Planning Applications**

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

#### **6. WD/D/20/01009 - Harbourmaster Compound, Harbourmaster's Yard, Ozone Terrace, Lyme Regis**

The Committee considered a Dorset Council application for the erection of a Harbourmaster and fisherman's store.

The Senior Planning Officer presented the application that included a location plan, site plan, aerial photo and photos of the yard in relation to the surrounding buildings as well as separation from the properties in Ozone Terrace by the road.

The proposed building was just inside the Conservation Area boundary that included Ozone Terrace. Comments had been received from the Conservation Officer in relation to the impact of the proposal on the surrounding area.

Materials had been changed to natural slate, cedarwood boarding, Portland stone plinth, timber side doors and metal roller shutter doors in order to house equipment such as the JCB.

The key planning points were highlighted including:-

- within DDB
- need for Harbour Master - economy
- support for fisherman and leisure
- visual impact
- impact on listed building and Conservation Area
- neighbouring amenity

It was considered that the application was in the public interest as providing storage for the Harbour Master, fishermen and visitors.

There were no impacts on neighbouring amenity in terms of loss of outlook or light and the Committee was reminded that protection of views towards the harbour was not a material planning consideration.

Three written representations were received in objection to the application that were read out at the meeting and are attached as an appendix to these minutes.

In response to the comments, the Senior Planning Officer stated that no objection had been received from the Town Council and that locating the store on limited nearby land in the ownership of the Harbour Authority could be more prominent and harmful to that proposed. Furthermore, there was separation of the proposed building (which would be lower in height) from Ozone Terrace by the gardens of the dwellings, a brick wall, public toilets and electricity sub-station.

The Highways Officer outlined the reasons why there had been no objection on highways grounds, highlighting that pedestrians already used Ozone Terrace, a public right of way, due to the presence of the public toilets in the vicinity.

Prior to commencement of the debate by the Committee, Councillor David Shortell proposed that Councillor Louie O'Leary be elected as Vice-Chairman for the remainder of the meeting which was seconded by Councillor Jean Dunseith.

**Decision:** That Councillor Louie O'Leary be elected as Vice-Chairman for the remainder of the meeting.

Returning to the debate, Councillor Kelvin Clayton highlighted the concerns of the Conservation Officer set against the need for the building. He asked whether a full options appraisal had been undertaken for alternative sites and the extent to which those sites been appraised.

Members were informed that the report relied upon additional information that the applicant had provided in response to comments by the Conservation Officer which essentially prohibited alternative sites on the grounds of unsuitability and the costs involved. It seemed logical to put a store on a site

that was ordinarily used for storage purposes as being the most cost effective and practical option.

Other members of the committee were mindful that the right facilities were needed for a commercial working harbour to be viable and for expensive equipment to be stored and that this was an available site in the Dorset Council's ownership.

A question was also asked in relation to noise, but it was felt that an indoor storage facility would be quieter.

Proposed by Councillor Kate Wheller, seconded by Councillor John Worth.

**Decision**

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

*Councillors Jean Dunseith and Nick Ireland did not take part in the vote on this application as they had been unable to listen to the whole of the officer presentation of the application due to technical difficulties.*

7. **WD/D/19/001514 - West Combe, Smishops Lane, Loders, Bridport, DT6 3SA**

This application was deferred.

8. **WD/D/20/001326 - Brewery Bridge, Skilling Hill Road, Bridport**

The Committee considered a Listed Building application by Dorset Council for steelwork repairs and maintenance painting, provision of anti-bird perching coils and associated works to Brewery Bridge, a Grade II listed structure.

Members were shown a number of photos of the bridge as well as a plan of the listed brewery buildings surrounding the bridge which was outside the Conservation Area.

The Committee was informed that work had already commenced meaning that some of the conditions outlined in the report were no longer relevant. The updated conditions had been included in an update sheet circulated to members before the meeting and were also included as part of the presentation.

Proposed by Councillor Sarah Williams, seconded by Councillor Kate Wheller.

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

9. **WP/20/00307/ADV - Victoria Square Roundabout, Portland**

The Committee considered a retrospective application by Dorset Council for the display of a non-illuminated sign on the Victoria Square Roundabout.

Members were informed the location was just outside the Conservation Area and that Portland Town Council had objected on the grounds that it cluttered the roundabout, causing distraction and impeding ground works.

It was confirmed that the proposal was acceptable in terms of highways safety and did not have cumulative negative impact on the area due to the large size of the roundabout.

A written representation was received in support of the application that was read out at the meeting and is attached as an appendix to these minutes.

Proposed by Councillor Susan Cocking, seconded by Councillor Nick Ireland.

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

**10. WP/20/00306/OBL - Redundant Buildings, Broadcroft Quarry, Bumpers Lane, Portland, DT5 1HY**

*Councillor Susan Cocking did not take part in the debate and vote on this application.*

The Committee considered an application for the modification of planning obligations in the Section 106 Agreement dated 24 June 2015 on original planning approval WP/14/00330/OUT.

The Senior Planning Officer presented the application, advising that the development had commenced with some dwellings already being marketed on the site.

The Section 106 Agreement required 25% as affordable housing which amounted to 17.75 affordable units and this application sought to remove that obligation due to some abnormal costs not anticipated in relation to contaminated soil and asbestos remediation work that has already been incurred. The District Valuer Service had independently assessed the viability of the scheme and had also agreed that it was not financially viable.

Although the scheme did not provide affordable homes, it provided a mix of properties that included smaller units.

The Committee expressed concern and a degree of disbelief that professional builders had been surprised by unexpected costs on the site and that allowances should have been made for this in the original proposal. They considered that the open market value of the properties was not affordable when taking into account the average salary of people living in the area.

Councillor Kate Wheller proposed that the application be refused on the basis that contaminated soils could have been predicted by the developer and that the open market value prices listed in the table were not affordable given

salaries of those living on Portland. Councillor Kelvin Clayton seconded the proposal.

The Solicitor stated that if the application was refused the applicant had a right of appeal to the Secretary of State through the Planning Inspectorate with the usual cost consequences if the reasons for refusal were not justified. He advised members that the report from the District Valuer Service, which was independent from both the developer and Council, had reached a conclusion on viability.

The consideration should be that this proposal delivered housing, including a number of units towards the lower end of market housing and that there should be sound reasons for refusing this application.

A vote was taken to refuse the application which was lost.

Councillor John Worth proposed that the application be approved which was seconded by Councillor David Shortell.

**Decision:** That authority be delegated to the nominated officer to modify the S106 agreement dated 24 June 2015, as varied by deeds of modification dated 28 November 2016 to:

- Remove affordable housing obligations

*Councillor Jean Dunseith did not vote on this application as she had been unable to listen to the whole of the officer's presentation due to technical difficulties.*

## 11. **Urgent items**

There were no urgent items.

## 12. **Update Sheet**

Application Ref.	Address	Agenda ref.	Page no.
WD/D/20/001009	Harbour Masers Open compound, Harbour Masers Yard, Ozone Terrace, Lyme Regis	5a	49-58
Update(s): It has been brought to the attention of the case officer that the reference number at the top of the report is incorrect. It should read WD/D/20/01009.			
WD/D/20/001326	BREWERY BRIDGE, SKILLING HILL ROAD, BRIDPORT	5c	77-84
Update(s): It has been brought to the attention of the case officer that the proposed work has in fact been started, therefore some of the recommended planning conditions are now not relevant, therefore it is recommended that the proposed conditions are as follows;			

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Drawing Number BS0035\_606\_1, received 03<sup>rd</sup> June 2020  
Surface Preparation & Painting, Drawing Number BS0035\_609, received 03<sup>rd</sup> June 2020  
Steelwork repairs (Listed Building Consent), Drawing Number BS0035\_608, received 03<sup>rd</sup> June 2020.

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

2. The historic metal balustrading shall be painted using the following colours;

Green (BS4800 14 C 39) for the Girders  
Black (BS4800 00 E 53) for the Parapets  
Red (BS4800 04 E 53) for the Parapet roundels

REASON: To safeguard the significance of the heritage asset

3. All top coat paint shall be of a semi-gloss or matt finish.

REASON: To safeguard the significance of the heritage asset.

4. The proposed Anti-bird perching coils hereby approved shall in appearance accord with those shown in the photographs submitted via email dated 7th September 2020 unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To safeguard the significance of the heritage asset.

**Duration of meeting:** 10.00 am - 12.15 pm

**Chairman**

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