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DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 26 AUGUST 2020

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Cherry Brooks, Mike Dyer, Beryl Ezzard, Barry Goringe, David Morgan, David Tooke, Bill Trite and John Worth

Apologies: Cllrs Robin Cook

Officers present (for all or part of the meeting): Kim Cowell, Naomi Shinkins, Chelsey Golledge, Phil Crowther and David Northover

122. Apologies

An apology for absence was received from Councillor Robin Cook.

123. Declarations of Interest

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

124. Minutes

125. 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.

126. 3/20/0657/CONDR - Land North of Casa Velha, Ringwood Road, Three Legged Cross,

The Committee considered application 3/20/0657/CONDR to vary Condition 18 (hours of operation) of PA 3/19/1365/FUL (Erection of 14 commercial units for

B1(b), B1(c) and B8 use together with access and associated parking) to vary the hours of operation Land North of Casa Velha, Ringwood Road, Three Legged Cross, Wimborne so as to provide for operations during the hours of 10:00 to 16:00 on Sundays or public holidays, including deliveries to site. The development currently provided capacity for light industrial and storage businesses to complement the principle of new employment development to

meet economic need and this variation was designed to benefit this still further.

With the aid of a visual presentation, officers explained what the main proposals and planning issues of the variation were; why these were considered necessary; the reasoning for this and what benefits these would bring – in furthering the capacity of the site and providing the opportunity for flexibility in how the operations were able to be undertaken.

Plans and photographs provided an illustration of the location, dimensions, configuration and design of the development, with the presentation also confirming what the highways and access arrangements were; landscaping characteristics; noise assessments made; the development's relationship with neighbouring amenity and particularly the Oakdene Nursing Home, and set the development in context with the characteristics of the surrounding area.

The Planning Officer had also sought additional clarification regarding specific Sunday background noise levels not included in the Noise Impact Assessment and, following a series of assessments made, consideration given to the LOAEL – Lowest Observed Adverse Effect Level - above which adverse effects on health and quality of life could be detected.

Consequently the noise impact assessment satisfactorily demonstrated that the impact of site operations for the B1 and B8 during the daytime period, including on Sundays, would have the Lowest Observed Adverse Effect Level (LOAEL) adverse impact on the dwellings in the vicinity of the site and was therefore considered acceptable in terms of planning and noise.

As such, having assessed the material considerations as outlined within the report, and with the conditions set out, there were not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions is therefore recommended.

Formal consultation had generated an objection from Verwood Town Council – on the basis that given the site's relationship to nearby properties it would adversely affect amenity by general disturbance, which should be minimised. Comments from the Environmental Health officer were that although the applicant had demonstrated through noise modelling that there was unlikely to be a statutory nuisance, there would undoubtedly be some noise created by the new development, which bordered residential properties. In extending operating hours and deliveries to include Sundays and bank holidays when residents were likely to be using their gardens could give rise to complaints of disturbance in the future.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. 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 and the assessments made.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of certain points. Officers addressed the questions raised, providing what they considered to be satisfactory answers based on the assessments made, the material planning considerations applicable and for the reasons set out in their report and presentation.

Whilst the Vice-Chairman was of the view that the officer's recommendation should be supported for the reasons given – in being reasonable acceptable and beneficial - the majority of members considered that, in affirming their view in considering this very point at their meeting in March 2020 – *“in recognising that operations should be prevented on Sundays and bank holidays in the interests of neighbouring amenity and particularly Oakdene Nursing home and the adverse effect this would have if allowed”* – saw that nothing material had changed since then for them to come to a different opinion now. On that basis, they remained reluctant to see the changes recommended being made. Moreover conditions and monitoring were designed to address any concerns about nuisance or disturbance to residents of Oakdene Nursing Home and that these would be quite satisfactory in remaining in place for that reason.

Councillor David Shortell - one of the two local members for West Moors and Three Legged Cross - objected to what was being proposed, considering that such a variation would compromise the measures which had purposely been put in place to reduce the adverse impact on the tranquillity of Oakdene Nursing Home and its residents and local amenity in general. On that basis, he asked the Committee to refuse the application. This view was shared by the other Ward member, Councillor Mike Dyer.

Moreover, whilst having no direct bearing on the application, mention was made that the nearby Longmeadow industrial estate - which was very similar in nature - remained closed on Sundays and Bank Holidays, so there was no real reason why the case could be made for this being any different.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Ward Councillors David Shortell and Mike Dyer, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the variation should be granted permission, they could not agree to what was being recommended on the basis that given the proximity of the authorised employment use to neighbouring properties - in particular Oakdene Nursing Home to the application site, the proposed variation of the hours of operation, and associated traffic generation would result in an unacceptable risk of noise pollution and disturbance, which would impact negatively on neighbouring amenity. On that basis and on being put to the vote, the Committee agreed, 9:1, that the application should be refused.

Resolved

That the application 3/20/0657/CONDR be refused.

Reason for Decision

Given the proximity of the authorised employment use to neighbouring properties (in particular Oakdene Nursing Home) to the east of the application site, it is considered that the proposed hours of operation, and associated traffic generation; which includes deliveries to and from the site from 10:00 to 16:00 hours on Sundays and Public Holidays, will result in an unacceptable risk of noise pollution and disturbance, which would impact negatively on neighbouring amenity. For this reason the development is considered to be contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 170 (e) and 180 (a) of the National Planning Policy Framework 2019, which require the mitigation and minimisation of noise and disturbance from new development on neighbouring amenity.

127. Statement of Decision Appeals

Consideration was given to the statement of decision appeals and the Committee noted these and what they entailed.

128. Urgent items

There were no urgent items for consideration at the meeting.

Duration of meeting: 10.00 - 11.15 am

Chairman

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