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DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 30 SEPTEMBER 2020

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, Brian Heatley, David Morgan, Julie Robinson, David Tooke and Bill Trite

Apologies: Cllrs John Worth

Also present: Councillors Cherry Brooks, Simon Gibson and David Walsh

Officers attending: Kim Cowell, Elizabeth Adams, Naomi Shinkins, Chelsey Golledge, Colin Graham, Peter Walters, Phil Crowther and David Northover

130. **Chairman's Introductions**

Given that the meeting was being held as a MS Team Live Event virtual meeting owing to the need to do so during the coronavirus/Covid -19 pandemic, the Chairman took the opportunity to explain how the meeting would take place, the way this would be done and the reason for this. She explained the protocols and processes to be followed and that doing so gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

The opportunity was also taken to thank Councillors Brooks and Ezzard for their previously valued contribution they had both made to the work of the Committee and welcomed Councillors Heatley and Robinson to the Committee.

131. **Apologies**

Apologies for absence were received from Councilor John Worth – for the whole meeting – and from Councillor Juile Robinson for the morning session, and Councilor Bill Trite for the afternoon session.

132. **Declarations of Interest**

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

Cllr ??? declared a disclosable pecuniary interest in minute ??? because ???.
Cllr ??? withdrew from the meeting during consideration of the item.

133. **Minutes**

The minutes of the meeting held on 26 August 2020 were confirmed.

134. **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.

135. **6/2019/0604 - Redevelopment of site including demolition of several school buildings, conversion and construction of new buildings to provide 19 dwellings with vehicular access, off street parking, gardens & landscaping - The Old Malthouse, High Street, Langton Matravers**

The Committee considered an application 6/2019/0604 for the proposed redevelopment of a site - including the demolition of several school buildings – and the conversion and construction of new buildings to provide 19 dwellings with vehicular access, off street parking, gardens and landscaping at The Old Malthouse, High Street, Langton Matravers.

The relevant planning history of the site was outlined, having previously been the site of an independent girl's school and, prior to that, a brewery, (as the name inferred) - with this proposed development being sympathetic and in keeping with the retention of that which preceded it. The development was now being seen as a means of making practical use of this brownfield site and going some way to providing for, and meeting, the housing need of Langton Matravers and that area of Purbeck which had been identified. What original features could be retained, would be, including the distinctive diamond shaped window fronting Old Malthouse Lane.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how this were to be progressed; how the development would address housing need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Langton Matravers village and the character the area.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; car parking arrangements; where bin storage would be; access and highway considerations; the means of landscaping; where pedestrian accesses would be situated; its relationship with the Dorset AONB and the Langton Matravers Conservation Area; and its setting within Langton Matravers and the characteristics and topography of that part of the village.

Officers showed the development's relationship with the neighbouring residential areas. For context, views into the site, and around it, were shown, as well as along the High Street and Old Malthouse Lane, which provided a satisfactory understanding of all that was necessary.

The development was to be of contemporary design – built around a courtyard - but sympathetic to the natural and historic appearance of the village, with local materials – Purbeck Stone amongst them - to be used throughout, there being a combination of dwelling types proposed: ranging from flats/apartments through to a bungalow; semi-detached and detached properties. How the guttering would complement that which could be found elsewhere in the village and examples of how roof windows would look, were all described.

Members noted that before any development commenced, a Construction Environmental Management Plan (CEMP) and Transport Plan were necessary and should be applied, this being accounted for in the conditions.

Given all this, officers considered that all material planning considerations had been addressed - with the development being acceptable in principle, of an appropriate layout, scale and design, and also in terms of impacts on the Langton Matravers Conservation Area and the Dorset AONB and accorded with local and national planning policy. The impact on neighbouring amenity and highways impacts were considered to have neutral impacts, given the previous uses of the site, and impacts such as flood risk, biodiversity and trees were all considered to be acceptable. The proposed dwellings would make a positive contribution to the local housing supply with the development making best use of previously developed, brownfield land which would result in a positive contribution to the village. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Langton Matravers Parish Council maintaining their objection to the application on the grounds that they considered the Purbeck Local Plan second homes policy should be applied; the Vacant Buildings Credit should necessitate affordable housing, the adverse effect on neighbouring residential amenity; access and traffic concerns; the impact of Langton Matravers Conservation Area and the Dorset AONB; environmental considerations; the arrangements for the bin store; and the affect a development of this size would have on amenity in a small village like this. whilst recognising that some initial concerns had been addressed to an extent this was still insufficient to satisfy any objections they had.

In response, officers clarified what had now been addressed to recognise those initial concerns and considered that these were sufficiently satisfactory for them to be recommending approval.

Natural England, Historic England, the Dorset AONB and the Highways Advisor all raised no objection to the application. Moreover, St Georges Primary School welcomed in principle any development that would attract more children to the village and, therefore, more pupils to the school to maintain its viability and vitality.

Moreover, the relationship with neighbouring properties on Old Malthouse Lane had been considered following concerns raised by residents and the Parish Council. Accordingly, given the previous commercial use of the site,

officers considered that the proposed residential use would be no worse in terms of loss of amenity.

In considering the representations received in response to the advertisement of the application, concerns raised largely echoed those of the Parish Council. The Committee were 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, where applicable, each one could be addressed by the provisions of the application.

The Committee were joined by local Ward Councillor Cherry Brooks who supported the development, in principle, but asked for clarification on the bin store arrangements and how these would be applied in practice, so as to ensure these were satisfactory. Officers confirmed that there would be a dedicated, purpose built communal storage area which would not only be secure and of sufficient capacity, but be seen to be in keeping with the appearance of the development itself and satisfied Dorset Council Waste Partnership guidance and standards.

Moreover, access to it would be from the courtyard site access, as opposed to Old Malthouse Lane, to address neighbour concerns about this and the containment in a purpose built unit would address concerns about any adverse noise, smell and visual impacts.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to the arrangements for the bin store; surface water drainage; pedestrian access, parking arrangements and highway issues and how these would be managed; and what provision was being made for environmental energy efficiency.

Of importance to members was their understanding of what ability there was to apply the Vacant Building Credit provision and the Purbeck Local Plan second homes policy, and how this might be able to be done

Officers addressed the questions raised providing what they considered to be satisfactory answers. As well as clarifying the practical aspects of the development itself, especially the bin store and energy arrangements – for which satisfactory provision had been made - the Highways Advisor explained how the access arrangements were designed to operate and the road safety issues that had been considered and, where necessary, addressed in doing this.

Officers considered it necessary to take the opportunity to explain how, and why, the principles of the second homes policy and the Vacant Building Credit were being applied to this particular development. Whilst the Parish Council and local representations had emphasised the perceived need for a condition to be imposed to prevent the future occupation of the proposed dwellings as second homes – so as to accord with policy H14 of the emerging Purbeck Local Plan - the recent appeal decision against the Council's imposition of a

second homes restrictive condition and award of costs against the Council had now meant that no weight could currently be given to that policy: so a condition preventing the future occupation of the dwellings as second homes would not accord with the Local Plan in force; would not be reasonable or necessary as required by NPPF para 55; and could not be applied.

As to the application of the Vacant Building Credit (VBC), assessments had been made in accordance with NPPF and NPPG policy and guidance and it had been established that the provision of no affordable housing acceptable. In calculating the provision for the VBC, it was established that it did not apply in these circumstances as it did not meet the necessary criteria as the site was previously developed land and that it contained substantial vacant - not abandoned - buildings, with an overall reduction in the built development proposed, by the ability to readily renovate and reuse these as a means of complementing the overall development.

Whilst some members maintained some reservations at certain aspects of the detail - in particular the principle of second homes and the Vacant Building Credit - they accepted this was the case and, the general view of the Committee, was that the development was seen to be acceptable, concerns had been largely addressed and what was being proposed would go some considerable way to meeting the housing needs of the village to ensure its viability and vitality was maintained. However, one member considered that they were still unable to support the application on the basis that the Parish Council's concerns were not being addressed; there was a critical need for affordable housing and the density of the development was unacceptable in this rural setting.

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 having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor Mike Dyer - on being put to the vote, the Committee agreed - by 9:1 - that the application should be approved, subject to the conditions set out in paragraph 17 of the report.

Resolved

That planning permission, in respect of application 6/2019/0604, be granted subject to the conditions contained in paragraph 17 of the report.

Reasons for Decision

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact in terms of the Langton Matravers Conservation Area and the Dorset AONB.

- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no objections on highway safety, traffic or parking grounds.
- There are no other material considerations which would warrant refusal of this application.

136. **3/20/0499/FUL - Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m lighting columns (additional and amended documents - 6/7/20) at St Ives Primary and Nursery School, Sandy Lane, St Leonards and St Ives**

With the agreement of the Chairman and Vice-Chairman - and in being endorsed by the Committee - application 3/20/0499/FUL- Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m lighting columns (additional and amended documents - 6/7/20) at St Ives Primary and Nursery School was deferred, to be considered at a future date.

This was to enable a late comment received from the Council's Tree Officers on the management of the trees on the site to be considered and assessed by officers, as necessary.

137. **3/ 19/1767 - Demolish existing dwellings and erect a food store - Lidl - with associated access, parking and landscaping at 76-78 Ringwood Road, Verwood**

The Committee considered an application by Lidl – 3/19/1767/FUL - which proposed the demolition of two existing dwellings and the redevelopment of the site through the construction of a Lidl supermarket and associated development, including parking – for 79 vehicles - manoeuvring, and loading areas, plant, boundary treatment, lighting, and landscaping at 76-78 Ringwood Road, Verwood.

Officers explained that the proposed retail building would be a detached structure occupying the southern half of the site and the parking area would be located at the northern end. Access was proposed from Ringwood Road through the existing site entrance, with the building having a gross internal area of 1700sqm in area, of which 1170sqm would be given over to sales space. The remaining internal area would accommodate, amongst other things, storage, staff facilities, a chiller and freezer areas.

Officers clarified that there were to be 12 cycle parking spaces provided, with 6 Sheffield bike stands; that 64 letters of objection had been received from neighbouring addresses and 3 received with no address; and that a Statement of Community Involvement was also submitted with the application which included 3648 consultation responses - with there being a large majority in favour of the application.

As to the relevant planning history of the site, whilst the land had been recently used for the display and sale of caravans - as well as accommodating the two residential properties, 76-78 Ringwood Road - an application previously had been refused to build a 64 bed, care home on the basis of its scale, style and bulk, impact on the character of the area, impact on neighbouring amenity, impact on trees. However, the application now being considered had addressed such issues satisfactorily so that this development was now seen to be a means of making best use of this brownfield site and going some way to providing for and meeting the retail need in Verwood which had been identified.

Officers clarified that whilst the category of A1 - shops - was now class E (commercial business and service), as amended 1 September 2020 under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, there was a material transitional period until 31 July 2021 where the former use class was still referred to and valid.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would address retail need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Verwood town centre and the character of the area. Officers were obliged to consider whether there were any alternative, suitable sites and whether the development would be harmful to the viability of Verwood town centre. Analysis of evidence had indicated that, in both cases, it was their view that this would not be the case. If the proposal had been considered to be harmful to the viability and vitality of Verwood, the creation of 40 full time and part time jobs would not have been considered to carry significant weight to overcome the harm that would be caused. As the proposal was considered not to be harmful to the viability and vitality of Upton town centre, this was one of the reasons for what was being recommended. Overall, the modest economic benefits were seen to be acceptable and should be seen to be beneficial in contributing to economic growth in that part of Dorset in particular and the county in general.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; the layout of the car park and where trolley parks would be located; access and highway considerations; the means of landscaping; where any pedestrian access would be situated; how Ringwood Road could be crossed safely and where the best places to do this would be; the relationship with Verwood Heath; and its setting within Verwood and the characteristics of that part of the town. How deliveries would be achieved was also described. The retention of a mature oak tree to the northwest of the site was also critical in being able to now make the recommendation members were being asked to consider.

Officers showed the development's relationship with the neighbouring residential estates and views into the site and around it, as well as along

Ringwood Road, which provided a satisfactory understanding of all that was necessary.

In particular concern had been raised as to the impact the development could have on the neighbouring residential properties and amenity - particularly those in Crescent Road - in terms of noise disturbance from intensified use, plant, traffic movements and hours of operation; loss of light; loss of privacy; air pollution and light pollution. This had been reflected in the objections received.

Officers considered that the proposed development would provide a clear economic benefit to Verwood and its surrounding area. The development would generate 40 jobs in the store. This was considered to be a positive benefit to the area. Moreover, a Community Infrastructure Levy (CIL) would be applied to this development so as to provide for enhancements and improvements being made to benefit the community as per the applicant's obligations in being able to proceed with the development.

Given all this, officers considered that all material planning considerations had been addressed and were acceptable, with the development making best use of previously developed – brownfield - land and would result in a positive contribution to the townscape. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Verwood Town Council not objecting to, and accepting, the principle of the development so as to benefit the viability and vitality of the town. Dorset Council Highways Team raised no objections to the proposal, considering the relevant highway conditions covered all that was necessary. Advertisement of the application had generated both support for and opposition to the proposal: with the considerable majority of representations made being in favour of the provision of the store.

Officers considered that it was appropriate to condition any approval to ensure that, should the company's business model alter in the future, it would not be in a position to sell goods that would have a harmful impact on the viability of other stores within the town centre (condition 3). How convenience and comparison goods available in the store were categorised and what these entailed - in terms of what proportions there would be and what arrangements would apply for their accessibility - so as to be acceptable in any direct competition to that provide in the town centre, was clarified. Members appreciated this better understanding.

The Committee were 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, where applicable, each one could be addressed by the provisions of the application.

The Committee were joined by one of the three local Ward Members, Councillor Simon Gibson, who welcomed what he considered to be a much needed development to serve the needs of the local population with any effect

on local established convenience stores being minimal. This store would offer the opportunity for residents to be able to do a weekly sized shop in close proximity to their homes and would attract shoppers from neighbouring rural villages and settlements. He was also supportive of the benefits for employment and the economy in Verwood.

The Chairman, as another of the Ward Members, was also supportive of the application and what it would bring to Verwood.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to how the store would be constructed; the design and location of the external plant store and what nuisance this might cause; access arrangements; traffic management, speed limit provision and pedestrian safety; how the landscaping would be achieved; and what impact the development would have on neighbouring residential amenity. So as to prevent unauthorised use of the site after hours, they asked officers to consider the application of a barrier at the entrance to the car park to restrict use of the site outside store operating hours and so as to deter such use.

Officers addressed the questions raised, providing what they considered to be satisfactory answers. As well as clarifying aspects of the development of the store itself and the site as a whole, the Highways Advisor explained how the access arrangements were designed to operate and the safety issues that had been considered and, where necessary, addressed in doing this.

Officers considered that the request for a barrier was acceptable and could be accommodated – by condition - to address any potential unauthorised activity in addressing those concerns Members raised.

Whilst some members maintained their reservations at what access arrangements were being proposed - particularly with an operational garage opposite the entrance - and how, seemingly, these could not necessarily be enhanced at this stage, the general view was that the development was acceptable and an investment, in contributing quite significantly to both employment opportunities and economic growth in the area and would be an asset in meeting local retail needs.

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 in taking account of the views of the two Ward members and the Town Council, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis – being proposed by Councillor David Morgan and seconded by Councillor Robin Cook - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 9 of the report and taking into account the addition of a condition to provide for a vehicle height barrier upon entry to the site.

Resolved

That planning permission, in respect of application 3/19/1767/FUL, be granted subject to the conditions contained in paragraph 9 of the report, with an additional condition being provided for in respect of:-

“Site security

- details of a vehicle barrier to be installed at the entrance must be submitted to the Local Planning Authority prior to the store opening to the public. The barrier must be installed before the store is opened to the public and permanently retained in accordance with the details. The barrier must be closed when the store is not open to members of the public.

Reason: In the interests of security and anti-social behaviour.”

Reasons for Decision

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The proposal is not considered to harm the viability or vitality of Verwood Town Centre
- The location is considered acceptable and the proposal is considered acceptable in its design and general visual impact.
- There is not considered to be detrimental harm to neighbouring residential amenity that would warrant refusal
- There are no other material considerations which would warrant refusal of this application

138. Planning Appeals Summary

Members noted a planning appeals summary in relation to an appeal allowed by the planning inspector in respect of the removal of condition 13 of Planning permission 6/2018/0653 (Change of use of existing buildings, conversion of existing school building, demolition of extensions and erection of 1 1/2 storey extension to form 3 dwelling houses and erection of 6 dwelling houses with associated parking and landscaping) to allow unrestricted occupation of the dwellings at the former West Lulworth Primary School, School Lane, West Lulworth - and the reasons for this - with full costs being awarded by decision letter dated 11 September 2020.

139. Urgent items

There were no urgent items for consideration at the meeting.

Duration of meeting: 10.00 am - 4.00 pm

Chairman

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