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## **DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY 10 MARCH 2021**

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

**Apologies:** Cllr David Morgan

**Officers present (for all or part of the meeting):** Kim Cowell (Development Management Area Manager East), Elizabeth Adams (Development Management Team Leader), James Lytton-Trevers (Senior Planning Officer), Colin Graham (Engineer (Development Liaison)), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

#### **Public Participation**

##### Written submissions

##### Minute180

Chris Kwantes

Gillian & Rod Evans

Henry & Anna Staveley-Hill

Alan Davies of Chapman Lily Planning (Agents)

##### Minute 181

Richard Cosker - RCC Town Planning Consultancy

#### **176. Apologies**

An apology for absence was received from Councillor David Morgan.

#### **177. Declarations of Interest**

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

#### **178. Minutes**

The minutes of the meeting held on 10 February 2021 were confirmed - with the exception of minute 173 - which the Committee – instigated by Councillor Bill Trite, one of the Ward Members for the application - considered needed revising to better reflect the decision made and what reasoning there was for this. Consequently, Minute 173 would be revised and resubmitted for acceptance and confirmation at the next meeting.

179. **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.

180. **6/2019/0656 - Development on a rural exception site for 8 dwellings (6 affordable & 2 open market) together with details of access - with all other matters reserved - at Crack Lane, Langton Matravers**

The Committee considered an outline application - 6/2019/0656 - for development on a rural exception site for 8 dwellings (6 affordable & 2 open market) together with details of access - with all other matters reserved - at Crack Lane, Langton Matravers.

Consideration of the application had been deferred on 10 February 2021 to allow officers time to consider of the latest results of the Housing Delivery Test and implications of this on Housing Land Supply. The application was now being considered on that basis.

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; what the proposal was designed to do; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what benefits it would bring and the effect it would have on residential amenity 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 and of the individual properties and how they were to be designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; access and highway considerations; environmental considerations; the means of landscaping, screening and tree cover, and its setting within that part of Langton Matravers and the wider landscape – particularly within the Dorset Area of Outstanding Natural Beauty (AONB) and what considerations needed to be made and criteria to be met for such a development being outlined.

Officers showed the development's relationship with other adjacent residential development and how the buildings would be designed to be in keeping with the characteristics of the established local environment. The characteristics and topography of the site was shown and its relationship with the highway network. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

How the relationship between the provisions of the Local Plan and the NPPF were applied and what considerations needed to be given to each were explained as well as the weight to be given to each, As each proposal must be determined on its merits in accordance with the development plan, unless

material considerations indicated otherwise, how this was to be applied in practice and what this meant for this application was explained.

Officers took the opportunity to emphasise how their assessment had been made and their reasoning for coming to that view, this being that on 19 January 2021, the Housing Delivery Test: 2020 measurement results were published with the Purbeck Local Plan area being found to have delivered only 74% of the total number of homes required. Therefore, in accordance with National Planning Policy Framework (NPPF) footnote 7, it was adjudged that the Purbeck housing policies were out of date. Accordingly, as housing policies were the most important for determining the application, permission should be granted unless:

- The application of policies in the NPPF that protect areas or assets of particular importance provided a clear reason for refusing the development proposed; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Under the 'tilted balance' definition, the presumption in favour of sustainable development could be displaced on the grounds that the 'adverse impacts' of the proposal 'significantly and demonstrably outweighed the benefits' of the scheme when assessed against Local Plan policies and policies in the NPPF. In cases where the 'tilted balance' was applied, consideration should be given to the extent to which the weight given to any restrictive Local Plan policy (whether out of date or not) should be reduced.

Despite the housing land supply position and having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Plan policies CO, SD and LD would carry substantial weight. Conversely, the limited environmental harm identified would significantly and demonstrably be outweighed by the socio-economic benefits of the proposed affordable housing when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the NPPF did apply in this instance. Therefore, in this case, the NPPF policies did not provide any clear reasons for refusing the development proposed and no adverse impacts had been identified that would outweigh the benefits. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11.

Having taken all this into account and assessed the material considerations, officers considered there not to be any matters which would warrant a refusal of planning permission, the application being seen to be acceptable and, accordingly, the officer's recommendation was being made on that basis.

The Committee were notified of the written submissions received and officers read these direct to the Committee. 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.

Formal consultation had seen no objection from Langton Matravers Parish Council, other than they considered the access issue should be a Reserved Matter and that particular conditions should apply. Dorset AONB had some concerns relating to landscape impact, but did not formally object, with the Transport Development Management raising no objection, subject to provision of a footway and conditional of turning and parking construction. A Highways Officer confirmed this position at the meeting, clarifying and emphasising particular issues: in that what was being proposed in term of highways was seen as adequate in meeting the needs.

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 mention was made about highway issues - access to Crack Lane and its safety, how to accommodate turning in the road, the footway, and traffic to and from site during construction. Officers suggested that this last point could be addressed by a construction management condition if necessary. However, it was noted that the objections from neighbours concerned the traffic associated with the lifetime of development, rather than solely being with the construction period.

Whilst members were pleased to see that 75% of housing would be affordable, they asked how this sat with the incursion into the countryside. Officers confirmed that as each application was determined on its own merit, no precedent would be set by this. Accordingly, officers addressed what questions were raised, providing what they considered to be satisfactory answers.

Whilst the majority of the Committee considered the proposal to be acceptable – understanding the fundamental issue of housing land supply and the delivery of the necessary number of houses in Purbeck, given it had failed the housing delivery test, there was a presumption to grant unless there was clear reason the AONB would be adversely affected which would demonstrably outweigh this - they asked for an assurance that when Reserved Matters was considered, the houses should be constructed of Purbeck Stone to be in keeping with the characteristics of the village. Officers confirmed that any grant could be conditioned to this effect but that, in any event, the Committee would be given the opportunity to consider this when any application for Reserved Matters was submitted.

However other members were of the view that whilst affordable housing should be welcomed, in their view this didn't override the provisions of the Local Plan and what it was designed to achieve or the effect this development would have on the AONB and were unable to support it for those reasons.

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, what they had heard at the meeting, the views of the local ward Member and having received

satisfactory answers to questions raised, the Committee were satisfied in its understanding of what the proposal entailed and the reasoning for this and, on that basis - in being proposed by Councillor Shane Bartlett and seconded by Councillor Brian Heatley - on being put to the vote, the Committee agreed – 8:2 - that the application should be approved, subject to the conditions set out in paragraph 16 of the report and the inclusion of a condition regarding the use of Purbeck Stone building materials; and to refuse permission for the reasons set out in B) at paragraph 18 of the report if the agreement is not completed by September 2021 or such extended time as agreed by the Head of Planning.

### **Resolved**

1) That permission be granted for application 6/2019/0656 subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the provision of 6 units of affordable housing and to the conditions set out in paragraph 18 of the report and the inclusion of Condition 19 :-

- The reserved matters shall be for dwellings erected in Purbeck stone only.

Reason: To safeguard the character and appearance of the Dorset Area of Outstanding Natural Beauty and setting of the Langton Matravers Conservation Area.

2) Refuse permission for the reasons set out in B) at paragraph 18 of the report if the agreement was not completed by September 2021 or such extended time as agreed by the Head of Planning.

### **Reason for Decisions**

- The proposal had the potential to deliver affordable dwellings in a sustainable rural location and where there was a demonstrated need, but the site lay outside of Langton Matravers settlement. Securing 2 market units on the site would weigh favourably in the balance given the current lack of housing land supply.
- Limited weight could be given to the emerging Rural Exceptions Sites policy H12 which remains subject to potential modification.
- Purbeck Local Plan Rural Exceptions Site Policy RES remained relevant and supports the provision of affordable housing.
- The proposal would not bring with it harm to the character and appearance of the area and landscape and it would meet highway requirements.
- The proposal would result in less than substantial harm to designated heritage assets which was justified by the public benefit of affordable housing provision.

181. **6/2020/0154 - Proposed erection of three dwellings and associated parking - land at Priests Road, Swanage**

The Committee considered application 6/2020/0154 to erect of three dwellings and associated parking at land at Priests Road, Swanage.

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 contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what benefits it would bring and the effect it would have on residential amenity 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 and of the individual properties and how they were to be designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; access and highway considerations; environmental considerations; the means of landscaping, screening and tree cover, and its setting within that part of Swanage and the wider landscape – particularly within the Dorset Area of Outstanding Natural Beauty (AONB) and what considerations needed to be given and criteria met for such a development being outlined.

Officers showed the development's relationship with other adjacent residential development and how the buildings would be designed to be in keeping with the characteristics of the established local environment. The characteristics and topography of the site was shown and its relationship with the highway network. Views into the site - a triangular parcel of land - and around it were shown, which provided a satisfactory understanding of all that was necessary.

In coming to their balanced judgement, officers considered that as the Purbeck area had not provided the necessary housing delivery over the past three years, current housing policies were out of date and there was a presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework. The development would not result in harm to the Area of Outstanding Natural Beauty nor any other protected area. The development was considered to be acceptable in principle, of an appropriate scale, size and design and the impact on neighbouring amenity, highway safety and drainage are also considered to be acceptable.

Whilst the proposal was seen to result in an adverse impact arising from the loss of green infrastructure and loss of potential for tree planting improvements, this was not adjudged to significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the National Planning Policy Framework taken as a whole. In these circumstances, and in accordance with the provisions of the NPPF paragraph 11, approval was being recommended.

The Committee were notified of a written submission received and officers read these direct to the Committee.

Formal consultation had seen Swanage Town Council object on the grounds that there would be a loss of important historic green space, adverse impact on nature conservation interests and biodiversity opportunities, was contrary to Swanage Green Infrastructure Strategy (SGIS) SPD Overdevelopment/layout and density of building design, visual appearance and materials to be used and potentially detrimental impact on the street scene; a potential adverse impact on the Herston Conservation Area (HCA) and on neighbouring amenity, and highway and flooding issues. Forty-five letters of objection from neighbours had been received - including one from Ward Councillor, Gary Suttle, on behalf of the local residents - on the grounds of amenity; highway issues; how the application had been advertised; environmental concerns; overdevelopment; absence of affordable housing; noise; flooding and drainage; and in being out of keeping with the characteristics of the area.

Local ward member, Bill Trite, speaking as a Committee member, was of a similar view to the Town Council and the other Ward Member in that he considered this proposal would compromise the environment, particularly the availability of green space and natural habitat and the biodiversity this afforded within the open character of the Herston Conservation Area. He also felt that the scale and design was not in keeping with the area; the adverse effect it would have on neighbouring amenity; concerns at parking and other highway issues and flooding.

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. Officers sought to address the issues raised by the Town Council, local members and residents and what questions members had raised, providing what they considered to be satisfactory answers. It was clarified that as Herston Conservation Area was not in the immediate vicinity of the development, Conservation Officers had considered there would be no demonstrable harm. In clarifying what use had previously been made of this informal green space, officers confirmed that it had been assessed to have limited value in terms of what it had to offer and was not considered to be ecologically important, not being covered by any policy on open space.

Whilst some members shared the view of the local members, the majority of the Committee considered the proposal to be a modest scheme serving a practical means of making use of a site with limited value which could make a useful contribution to meeting housing delivery and need in the town, in being part of the townscape with other neighbouring residential properties. They noted that the properties would have sufficient garden space too and understood that the development was not large enough to necessitate affordable housing provision.

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, what they had heard at the meeting, the views of the local Ward Members 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 - in being proposed by Councillor Shane Bartlett and seconded by Councillor John Worth - on being put to the vote, the Committee agreed - 6:4 - that the application should be approved, subject to the conditions set out in paragraph 17 of the report.

**Resolved**

That planning permission be granted for application 6/2020/0154 subject to the conditions set out in paragraph 17 of the report.

**Reasons for Decision**

- Para 11 of the National Planning Policy Framework (NPPF) set out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposal would contribute to local housing supply where there had been an undersupply of housing delivery.
- The location was considered to be sustainable and the proposal was acceptable in its design and general visual impact.
- There was not considered to be any significant harm to neighbouring residential amenity.
- The loss of a green space did not significantly and demonstrably outweighed the benefits of the proposal.
- There were no material considerations which would warrant refusal of this application.

**182. Planning Appeals Summary**

For its information, the Committee received a summary of recent appeals – and their outcomes - to planning decisions made by the Council.

**183. Urgent items**

There were no urgent items for consideration.

**Duration of meeting:** 10.00 am - 12.40 pm

**Chairman**

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