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## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY 28 JULY 2021

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

**Apologies:** None

**Also present:** Cllr David Walsh

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

Anna Lee Service Manager for Development Management and Enforcement), Kim Cowell (Development Management Area Manager East), Peter Walters (Senior Planning Officer), Colin Graham (Engineer (Development Liaison)), Patrick Carpenter (Traffic Engineering technical Officer), Mike Potter ( Road safety Team Leader), (Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

#### 193. **Chairman's Introduction**

The Chairman explained that, whilst it had been intend to hold the meeting in person for the first time since the start of the Coronavirus pandemic, in the light of the increasing Covid-19 case rates and the projected increases through August and into September, in consultation with group leaders, the Chief Executive had exercised his emergency powers to revert to informal virtual meetings.

Accordingly, for this meeting - where a decision was required - it was delegated to the most appropriate officer to make the decision, having listened to and taken into account the views expressed by the wider Committee membership. Arrangements were in place on that basis.

The Chairman also 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 give gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

The Chairman also took the opportunity – on behalf of the Committee - to welcome Councillor Mike Barron to the Committee and to thank Councillor Brian Heatley for his valued contribution whilst he had served on the Committee.

As this would be the last meeting for both Colin Graham and Mike Potter she also extended sincere thanks to them for their valued contributions and advice in the past and wished them both well and for every success for the future.

194. **Apologies**

No apologies for absence were received at the meeting.

195. **Declarations of Interest**

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

196. **Minutes**

The minutes of the meeting of 7 April 2021 were noted and acknowledged.

197. **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.

198. **6/2019/0639 - Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane at land North of West Lane, Stoborough, Wareham**

The Committee considered an outline application - 6/2019/0639 - for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane at Land North of West Lane, Stoborough, Wareham

The Service Manager for Development Management and Enforcement considers that the concerns raised by the Parish Council warrant the application being considered by the planning committee.

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 effect it would have on residential amenity and the character the area, including the Dorset AONB and taking into account the policies against which this application was being assessed, with consideration also being given to the Arne Neighbourhood Plan.

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, with examples being given of how typical properties would 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 and screening and its setting within that part of Stoborough and the wider landscape - including the AONB the nearby heathland and its proximity to the River Frome.

Officers showed the development's relationship with other adjacent residential development and how the buildings were 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. As part of the scheme, a footway would be provided linking the development to the village

How the relationship between the proposal and the provisions of the Local Plan; the NPPF and the Arne NP were applied and what considerations needed to be given to each were explained, as well as the weight to be given to each.

In summary, officers planning assessment adjudged that the overall design of the development was considered to be largely acceptable, with all, significant, planning matters having been appropriately, or adequately, addressed. Having assessed the material considerations these were seen to be acceptable and sufficiently compliant with national and local planning, so the recommendation being made by officers to approve the application was based on this.

The Committee were notified of the written submission received – from the agent of the applicant - and officers read this 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.

Cllr Ryan Holloway took the opportunity to address the Committee, both in his own right and on behalf of his fellow Ward Member, Councillor Beryl Ezzard, in objecting to the proposal due to the amount of affordable housing provided, the location of the development flooding concerns, highway safety provision and environmental issues during construction He was also concerned that the adopted Arne NP did not accord with what was being proposed es not accord with it.

Formal consultation had seen an objection from Arne Parish Council in that the Neighbourhood Plan stated that site should not be used for development, this should not be considered as a Rural Exceptions site, as the proportion of open market housing was too high, a lack of pedestrian link to the village; and there would be an increase in traffic and impact upon highway safety.

In addition, 26 objections, and a petition with 35 signatures, were received citing environmental, amenity, traffic and development concerns, as well as not being an allocated site and not being in accordance with the Arne Neighbourhood Plan.

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.

The Committee were informed that in the light of the Housing Delivery test it has been necessary to consider this application against paragraph 11 of the National Planning Policy Framework (NPPF). 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 proposed erection of up to 15 residential dwellings made efficient use of land without harming the character of the area and would contribute to housing supply, including the provision of affordable housing which can be secured by a planning obligation. The proposed dwellings were considered to be of an appropriate scale, size and design and acceptable in terms of impact on the character and appearance of the local area. The impact on neighbouring amenity, highway safety, biodiversity and drainage were also considered to be acceptable, subject to conditions and securing appropriate heathland mitigation via a planning obligation. The proposal was therefore considered to be sustainable development for the purposes of NPPF paragraph 11. The application had been considered in the light of the presumption in favour of sustainable development so officer's view was that permission should be granted. It was now for the Committee to adjudge whether this was the case and whether the number of dwelling proposed was acceptable.

The opportunity was then 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.

Some important points raised were:-

- access arrangements
- footway needs and how these were to be accommodated.
- how flooding and drainage issues would be satisfactorily managed
- what Heathland mitigation there was to be
- The effect on the Dorset AONB
- how the number of buildings proposed; their affordability, allocation and where they were to be sited conformed with the provisions of the Neighbourhood Plan and what considerations should be taken in to account in how this might be satisfactorily addressed so as to provide what was necessary and, in doing so, maintain the affordable housing ratio
- the provision for green space/ recreation.

Officers addressed the questions raised, providing what they considered to be

satisfactory answers, which the Committee saw as generally acceptable.

Of importance was that officers did not consider that the proposal conflicted with the Arne NP for the following reasons:

- That although The NP formed part of the Development Plan documents that must be considered when assessing the application, it did not allocate any specific sites for development. Therefore, in the absence of a site allocation policy within the NP Arne neighbourhood Plan and taking into account the Housing Delivery Test results for the Isle of Purbeck, it was reasonable to conclude that there was a presumption in favour of sustainable development on the site.
- For the above reasons it has been found that, 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 of the provision of affordable and market housing. The proposal was therefore considered to be sustainable development for the purposes of NPPF paragraph 11 and approval was being recommended subject to conditions and a s106 legal agreement to secure the affordable housing and necessary highway improvements. Accordingly, the application relied on this policy to deliver small sites for housing need.
- Given that the site was in the Dorset AONB, some concerns had been raised as to the detrimental impact this development would have. However, officers had given great weight to the localised harm to the AONB - taking into account the AONB Management Team's views - officers considered that the substantial public benefits of providing 15 homes, including 7 affordable dwellings (plus an off site affordable housing contribution), were sufficient to outweigh any harm.

What was being proposed was designed to satisfy need as identified in the Arne Parish Housing Needs Survey - in terms of the provision of affordable housing, although being below the 50% proposed, a commuted sum would be required to redress this, equating to £82,500.

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 otherwise to demonstrably outweigh this - members considered that this development would significantly contribute to the housing supply in Dorset and meet the identified need and should be seen to be an asset. Moreover the SANG being provided was within reasonable distance, there would be an improvement for the village with the provision of a pavement, ensuring a safer route to school, meets need in Purbeck fallen below housing provision delivering. A balanced judgement had to be made on what number of dwellings was acceptable but, given the officer's recommendation and the basis for this; that this was an acceptable small development which would make the best use of the land available - with affordable housing being guaranteed – and in the absence of any other

development land being identified in the Arne NP, then they considered the proposal to be acceptable, as proposed.

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 Arne NP and what this was designed to achieve – through a democratic process – in terms of housing allocation and location, and that its provisions should be upheld. They also were concerned about the adverse effect the development would have on the Dorset AONB, nearby Heathland, the effect of flooding and highway safety provision and concern over second homes.

The Solicitor clarified that any planning judgement made should not assess what was before members with any future applications in terms of numbers which would be assessed against the Arne NP at that time.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Mike Barron, on being put to the vote, the Committee agreed - by 9:2 - to be **minded to** grant permission, subject to the conditions set out in paragraph 17 of the officer's report, with the enactment of their minded to decision being made by the Service Manager for Development Management and Enforcement

### **Resolved**

1) That planning permission be **minded to** be **granted** subject to conditions and the completion of a S 106 Legal agreement – to provide (summary) affordable housing provision of 7 dwellings plus financial contribution of £82,500.

**or**

**refuse** permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within 6 months from the date of committee or such extended time as agreed by the Head of Planning.

2) Having taken into consideration the Committee's minded to decision, the delegate to the Head of Planning be authorised to grant permission 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 following:  
Affordable housing provision of 7 dwellings in accordance with the mix set out above plus financial contribution of £82,500.

### **Reason for Decision**

- As set out in paragraphs 17 in the report
- The proposal is compliant with the Arne Neighbourhood Plan
- 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

- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

**NOTE :- RECONSIDERATION OF 6/2019/0639 - OUTLINE APPLICATION FOR UP TO 15 RESIDENTIAL DWELLINGS, SITE RE-PROFILING AND ASSOCIATED INFRASTRUCTURE, WITH ALL MATTERS RESERVED APART FROM VEHICULAR ACCESS FROM WEST LANE AT LAND NORTH OF WEST LANE, STOBOROUGH, WAREHAM**

Note:

Due to unforeseen technical issues which meant letters e-mailed to consultees in advance of the 28th July 2021 Eastern Planning Committee meeting had not been sent, officers (in consultation with the Eastern Planning Committee Chairman) have made the decision to **return application 6/2019/0639 - Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane at land North of West Lane, Stoborough, Wareham** - to the Eastern Planning Committee for consideration at the meeting on 25 August 2021.

The Service Manager for Development Management and Enforcement considers that the concerns raised by the Parish Council warrant the application being considered again by the Planning committee. The Chairman of the Committee endorsed this.

199. **Proposed Traffic Regulation Order – Waiting Restrictions on Pony Drive, Upton**

The Committee considered a report by the Director of Place which explained that, following the advertising of proposed implementation of parking restrictions in Pony Drive in Upton, objections had been received to the proposals. Consequently, the Committee was now being asked to give consideration to those objections and decide whether the proposals should be implemented as advertised. The waiting restrictions on Pony Drive, Upton were seen to be necessary as a result of unregulated parking that was causing congestion and safety issues.

With the aid of a visual presentation, officers explained the reasoning behind the need to impose the waiting restrictions and the basis on which the

objections received had been made. Photographs and plans were shown to the Committee by way of illustration. These showed where the proposals would be situated, the character of the roads and their setting within the town in that Pony Drive lead to a residential area, situated opposite a free car park that was used predominantly for walkers using Upton Country Park, there being another pay and display car park in an easterly direction approximately three hundred metres from Pony Drive.

What was being proposed was designed to improve the safety situation and congestion being caused by unregulated parking on or near the junction of Pony Drive and Poole Road.

Objections received considered that the new proposals would serve to disenfranchise those residents who wished to, or needed to, park on street or visitors to them and the inconvenient this would cause.

When the public consultation completed, those objections raised enabled Dorset Council to consider a revised proposal which could well better accommodate residents and visitors – this being ‘No Waiting Between the Hours Of 9.00am and 5:00pm’ The views of Lytchett Minster & Upton Town Council and Local Councillors were sought on this. However, they confirmed their decision to continue to support the original proposal.

Two of the local Ward Members for Lytchett Matravers and Upton – Councillors Alex Brenton and Bill Pipe - supported the proposals, as did the Town Council, as mentioned previously

Officers acknowledged that whilst the changes would not necessarily be universally welcomed, on balance, they were considered to be beneficial and, on that basis, were now being recommended for approval as advertised.

Notwithstanding the objections received, the wider community had seemingly accepted the proposals, so they were now being recommended to be implemented on that basis.

Of some consideration was that the Upton House, BCP managed car park had recently started charging for its use that this had seemingly coincided with and exacerbated the issues being seen on Pony Drive, with displaced parking needs being met there instead. It was felt that the Upton House car park could be better utilised with improved signage, its proximity to the house and in being more convenient.

The implementation of a ‘No Waiting at any Time’ restriction along sections of Pony Drive would address the issue of inconsiderate and potentially dangerous parking whilst improving access at junctions for large vehicles including refuse vehicles, delivery vehicles and emergency service vehicles. The downside to this proposal was that, during non-peak hours, the restriction would still be active thus restricting residents possible parking opportunity.

The revised proposal after the public consultation for the implementation of the ‘No Waiting between 9am and 5pm’ restriction along sections of Pony



Drive, would also address the issue of inconsiderate and potentially dangerous parking whilst improving access at junctions for large vehicles including refuse vehicles, delivery vehicles and emergency service vehicles.

The limited time restriction might well ensure that availability for residents to park in the evening and overnight on the road was available, if required. The downside to this proposal was that after 5pm, when the restriction ended, the junctions and areas where parking would cause visibility and traffic flow issues would be unprotected.

Officers considered that the Implementation of yellow lines would help enforce no parking around junctions or opposite junctions and increase visibility when emerging from Pony Drive. The revised proposal was put forward for consideration after feedback was received from residents during the public consultation stage. The proposed single yellow line could enable residents parking options if required between the hours of 5pm until 9am thus addressing concerns raised about safety and opportunity to park on the highway if required by visitors and residents. This would however leave the identified disruptive and possibly dangerous areas exposed when the restriction ends.

Having considered all the responses received and proposed an alternative restriction to Local members and Lytchett Minister and Upton Parish Council, officers conclude that both proposals had equally balanced advantages and disadvantages. As a result, officers considered it appropriate to recommend proceeding with the proposal as originally supported by the Parish Council and local members rather than leave the situation as existing.

The majority of the Committee supported this stance, however a minority of members asked what prospect there was of some sort of hybrid measures being implemented that would both satisfy the issue of the congestion being experienced and the residents' parking needs and concerns. The solicitor explained that such provision would require a readvertisement of measures from scratch - as it had not be proposed or considered before – and, in that event, might not necessarily progress given the need for the support of the Town Council in its advancement. Even if this was to be the case, then local public opinion might well again be divided, all of this taking some considerable months to progress, whereas what was being proposed was seen to be necessary to be implemented now to address the issues identified.

Having had the opportunity to discuss the merits of the proposal and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Alex Brenton and seconded by Councillor Mike Dyer, on being put to the vote, the Committee agreed - by 9:2 - to be **minded to** accept the recommendation as set out in the officer's report.

### **Resolved**

1) That the waiting restrictions proposed for Pony Drive Upton be implemented as advertised and that a TRO be made to that effect

2)That the Cabinet and/or the Portfolio Holder for Highways, Travel and Environment - be authorised to endorse this decision.

Reason for Decision

To regulate parking in the interests of road safety and the free flow and passage of vehicles.

200. **Planning Appeals Summary**

A planning appeals summary was presented to Committee for its information and consideration.

201. **Urgent items**

There were no urgent items for consideration.

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

**Chairman**

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