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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 25 AUGUST 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: -

Also present: Cllr David Walsh – Portfolio Holder for Planning
Cllrs Beryl Ezzard and Ryan Holloway – Wareham Ward

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

Anna Lee Service Manager for Development Management and Enforcement), Naomi Shinkins Principal Planning Officer), Peter Walters (Senior Planning Officer), Steve Savage (Transport Development Liaison Officer), (Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

202. **Apologies**

No apologies for absence were received at the meeting.

203. **Declarations of Interest**

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

204. **Minutes**

The minutes of the meeting held on 28 July 2021 were noted.

205. **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.

206. **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.

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) made the decision to return this application to the Eastern Planning Committee for consideration. The Chairman of the Committee endorsed this. The officer report remained unaltered.

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 was 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 and a SANG would be provided for recreational needs.

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 written submissions 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.

The Local Ward member, Councillor Beryl Ezzard, took the opportunity to address the Committee, in objecting to the proposal on the grounds of the delivery of affordable housing being compromised at the expense of the provision of a footway; the considerations of a Rural Exception site; that the application did not necessarily accord with the Arne NP; the adverse effect it would have on the AONB; highway safety concerns and; particularly, concerns regarding flooding, given her experience of the sites conditions. Accordingly, she considered that at the very least the application should be deferred to provide for the necessary hydrological assessment being available. She was also disappointed at the absence of reference to Council's Climate Change emergency.

The other Ward member, Councillor Ryan Holloway, also addressed the Committee, 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.

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; flooding concerns; noise concerns; 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; - particularly flooding – amenity; traffic; and development concerns, as well as not being an allocated site and not being in accordance with the Arne Neighbourhood Plan.

The principal concern of Ward Members, the Parish Council, objectors and contained in those written submissions was about flooding and surface water runoff and containment and how this could adversely affect the residents in Hollow Oak Road.

Having heard all 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.

With regard to flooding officers confirmed that the Environment agency was satisfied that their assessments indicated that this would not be an issue, but that there would be provision for a detailed hydrological study to be made to confirm this assertion when a Reserved Matters application was submitted and could be considered in more detail by Committee at that time. There was also no reason to believe that surface water run off would affect Hollow Oak Road either, given the alignment and configuration of levels proposed within the site.

Officers also confirmed at a s106 would provide for the footway necessary to link the site with the village and that this application was not being made under the Rural Exception site criteria.

The application accorded with the Neighbourhood Plan which did not identify any particular site for development, this application being made on the basis of the availability of small sites for modest development.

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 could 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 and which they considered still required clarification 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 - and clarification needed - 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 Neighbourhood Plan (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 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 had 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 – and, 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 concerned at the risk that flooding might pose, particularly after what they had heard from the local members and in written representations. Moreover, they 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.

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 Robin Cook, on being put to the vote, the Committee agreed - by 7:4 - 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 S106 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 delegation to the Head of Planning to be authorised to grant permission be enacted, 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.

Reasons for Decisions

- 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

207. **Planning Appeals Summary**

A summary of recent planning appeal decisions were noted by the Committee.

208. **Urgent items**

There were no urgent items for consideration.

209. **Written Representations - 6/2019/0639**

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

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Jane Freeman

I strongly object to the Planning Application Numbered: 6/2019/0639.

I have lived in Hollow Oak Road for many years and have seen the field behind my house saturated most years. This flood plain between my house and the tidal River Frome prevents my land flooding. My fear is that if this field is displaced by the proposed materials for a large building site, the present safety of Hollow Oak Road will be lost. We already see the severe impact of flooding at the junction of West Lane with the A351. Sea levels are rising and the flood risk from the River Frome will increase. The International Panel on Climate Change Report (IPCC) this month reports weather patterns changing markedly.

Can Hollow Oak Road residents see the Hydrology Report on what will happen to our gardens and homes if the site is developed? How will surface water be disposed of? What will the effect of the existing watercourse, the soakaways and the main sewer be on our homes?

Dorset Council's Flood Risk Team said that the management of surface water runoff must demonstrate the proposed development is not to be placed at risk and that no off-site worsening is to result. There has been no assurance that

no off-site worsening is to result. The platforms may help the new development, but they will not help Hollow Oak Road. Having nowhere else to go, the water will flow down and into the gardens of Hollow Oak Road. The impervious surfaces on the proposed site and extensive concrete areas will not allow drainage and will push water elsewhere.

A Material Consideration is that the proposed platform will overlook our properties in Hollow Oak Road being above the hedge at the end of our gardens.

Will Hollow Oak residents receive an Assurance from the Council that Hollow Oak Road will not flood? What indemnity will the Council provide for existing properties in the event of them being affected in the future?

This site has no flood defences. We are told that Hollow Oak Road might flood. I fear that my home and those of my neighbours' will flood. The risk is too high, as is the risk to highway safety on West Lane.

I also have concerns about highway safety. Given the amount of traffic I see on West Lane, particularly on school days, a precedent to double it would be reckless given the proximity of the proposed site's main access to the A351. Will there be sufficient parking on the new site for two car households and their visitors? If not, even more people will try to park on West Lane. This already hampers visibility for motorists.

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Beatrice Smith

I Strongly Object to the above Outline Planning Application to build 15 homes on the field adjacent to Hollow Oak Rd.

- I have lived in Hollow Oak Rd. adjacent to the site for **fifty-seven** years and know that every winter season this field becomes very wet. The situation has worsened since the building of the A351 bypass. This has meant that water flowing from the Purbeck Hills which previously dispersed across fields and woodlands to the River Frome, is now restricted. Flooding regularly occurs at the junction of West Lane and the A351 bypass. This flooding increases the water level in Ryder's Field and if more hedgerows and trees are removed this will only add to the problem. With climate change, increased rainfall and an increase in sea levels this very low level site seems **entirely unsuitable** for development. Placing new houses on a platform may protect that development but will certainly increase the flood levels to our existing properties in Hollow Oak Rd.
- From a road safety point of view a fourth opening on to the narrow West Lane seems foolhardy. West Lane is often used as a 'rat run' between the A351 bypass and Corfe Rd. and vehicles frequently turn in at high speed. The proposed development site exit is very near to this turn-off making safe exiting risky.

- I understand that the proposed development is not required to meet any current unmet housing need. Arne Parish Council are opposed to any building on this site.
- The site is within open countryside outside the current **Stoborough Settlement Boundary**. It is an Area of Outstanding Natural Beauty at the gateway to the Isle of Purbeck. Tourism being one of Dorset's main industries a long acoustic fence and yet more houses as our visitors enter the Isle will not be a welcoming sight.
- How much more suitable to continue to see cows grazing and the wildlife flourishing.
- Government guidelines on carbon levels should surely be encouraging everyone to preserve as much of the natural habitat as possible. Cutting down trees and tearing up hedgerows plus pouring concrete into a green site defeats these aspirations.
- To conclude I feel that this site is entirely unsuitable for housing development. The site is too wet, low lying and liable to flooding.

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Miriam Abbott and Richard Holroyd

We would like to express our objection to Planning Application Number 6/2019/0639 due to interlinked concerns about flood risk, climate change and urbanisation of the water meadows.

1. The flood risk assessment is based on out-of-date sea level and peak river flow climate change allowances. Both higher central and upper end allowances should be calculated for both the sea level rise and the peak river flow as the field is vulnerable to flooding. Considering projected sea level rises, the still water tidal level is closer to 4 metres, whilst the level of the site and of Hollow Oak Road is *below* 4 metres. The national policy is not to develop new homes on land lower than this level, so this alone should rule out the field for development.
2. The drainage system proposed does not offer adequate flood protection. Any malfunction of the system, or a large storm which uses the whole field to channel rainwater to the Frome, or a higher tidal flood (set to increase 1.6m in the south-west over the next 100 years), risks flooding the site, Hollow Oak Road and/or the A351 bypass. In the long term, if the new and/or existing housing become untenable due to flooding, then there will be a loss rather than gain of housing provision.
3. The wider context for this is that the Intergovernmental Panel on Climate Change has just issued the starkest warning that we must act immediately to avoid catastrophic climate change: "we must treat climate change as an immediate threat, just as we must treat the connected crises of nature and biodiversity loss, waste and pollution as immediate threats

(...) ecosystem degradation damages nature's ability to reduce the force of climate change (...) every tonne of CO₂ adds to global warming, every citizen needs to play their part in making systemic changes to stop the current warming".

4. Consider your legacy. To approve this development runs counter to the need to mitigate climate change, protect and restore ecosystems and biodiversity. For future generations, consider a planning policy that involves the redevelopment/ repurposing of existing urban areas to lower their carbon impact, minimising embodied carbon through the reuse of existing structures and building materials. A policy of guaranteeing protection for all green spaces and wetlands and enhancing their ability to act as 'carbon sinks'. To prioritise development over climate change mitigation risks exceeding a 3°C global temperature rise - rendering many low-lying coastal cities and economic regions uninhabitable, leaving millions of people without homes.

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William Evans

I have previously stated in full my strongest possible objection to the planning application for 15 residential dwellings on West Lane in my letters to Dorset Council on 13 December 2019 and 11 May 2020. I hereby briefly list two very serious issues of concern raised to ensure that the Committee fully take account of the ramifications should permission be granted.

The proposed site is outside the existing defined settlement boundary,

High risk of flood within the development,

Increased risk of flooding adjacent to the development. **Please note that the road at the junction of West Lane and the bye-pass flooded again on 12 July 2021.** Events such as this are more likely to occur due to global warming. This matter alone should be sufficient to stop any development.

Loss of farmer's grazing for cattle.

Loss of farmer's hay crop and silage for winter feed.

Loss of farming heritage that currently form part of the tradition and character of the village.

Increased pressure on places at the local junior school.

Traffic risk to pedestrians on West Lane.

Increased risk of road traffic accidents at the junction with the bye-pass and the proposed new junction.

Increased traffic congestion.

Loss of rural culture and green space.

Increase likelihood of second home ownership.

The scheme goes against Arne Parish Neighbourhood Plan.

Too large a development for the location and village setting.

Density of the development is too high.

Proposed design not in keeping with rural aspects.

The overall design pushes too many boundaries.

High impact on wildlife. Green space, farmland watercourse, hedgerows and general wildlife habitat lost.

Encroachment into the AONB.

There is no drastic need as housing requirements will be met in other identified locations.

Finally, if this development were permitted it would be a mistake that could never be reversed. I request that the planning application be rejected.

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Shelley Cranshaw – Chair, Arne Parish Council

On behalf of Arne Parish Council and our parishioners, we put these objections to the Planning Committee.

1. This land will be increasingly vulnerable to flood risk from the River Frome due to sea level rise - the river is tidal up to Wareham and beyond. The EA anticipates this rise to be between 200-400mm by 2060, over 1990 levels. Higher sea levels combined with stormier conditions add to the risk. We are concerned that freshwater drainage at the site will in consequence be severely impaired. Already, significant rainfalls lead to surface water being unable to drain away at the junction of West Lane with the A351. Flood plain sites are not normally used for housing and this site has no flood defences. We acknowledge and applaud DC's targets to reduce greenhouse gases. In an effort to deal with the site's wet conditions, the applicant would introduce to the site a large amount of concrete. Not only would this add to our carbon problems, it would adversely affect the drainage of the neighbours' land in Hollow Oak Road.

2. We do not accept that this application meets the definition of a Rural Exception Site. It is not a small site to be " used for affordable housing in perpetuity".

8 of the 15 proposed properties are to be on the open market. Of the 7 affordable units, 4 are 1 bedroom flats.

3. We are concerned about Highway safety. West Lane is a short narrow curving country road. It has visibility problems and is largely without a pavement.

There is a primary school situated at its north end. The main access to the proposed site is close to the busy A351- the Wareham bypass with its 70 mph speed limit. Were this site to be built, the site's traffic on and off the lane would be at serious hazard from and to traffic leaving the bypass.

4. A noise monitoring survey was carried out at the site with its highest reading recorded at 89.9 decibels. We understand that the maximum permissible instantaneous noise levels in bedrooms should not exceed 45 decibels.

These are all Material Planning Considerations which the parish ask you to take into consideration when you make your decision.

For greater detail of our objections together with photographs locating the site in its landscape, please look at our Response dated January 2020 to planning application 6/2019/ 0639.

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Martin Miller - agent

Statement in support of planning application 6/2019/0639

Good morning Councillors.

The application has been made by the Trustees of the Stoborough Settlement who are part of the Rempstone Estate. The Estate is located in the Purbecks and its business interests include renting and managing a large number of residential, commercial and agricultural properties in the Wareham area to over

100 local people. The Estate has submitted this planning application in order to

increase the supply of housing available to local people and it wishes to retain the ownership of, and manage the 7 affordable housing units in perpetuity.

It is exactly five years since the Estate first held discussions with Arne Parish Council and Purbeck District Council officers about the potential of this site to accommodate housing for local people. The application before you today is the

culmination of five years of discussions, design iteration and assessment, and we are pleased that it is recommended for approval.

As highlighted in the officer report, the application accords with the policies of the Arne Parish Neighbourhood Plan which was made by Dorset Council just last

month following 93% public support in the May 2021 referendum. The proposed development will deliver 15 badly needed homes in the Purbecks of a

range of sizes, with 7 affordable housing units being provided for rent.

The application site does not flood and is not predicted to flood in the future.

All

the proposed houses will have decent sized gardens and parking and a footway

is to be provided linking the development site to the primary school and village centre. The proposed development connects to an existing SANG via an existing public footpath, it will deliver ecological mitigation measures and biodiversity net gain and will not give rise to unnecessary light pollution, overlooking or loss of privacy for adjoining residents.

Whilst the application accords with the neighbourhood plan, it also accords with

the small sites policy (policy H8) of the advanced Purbeck Local Plan and is specifically identified within Appendix 2 of this plan as a small development site

that Dorset Council wishes to see come forward for housing in the Purbeck area.

The development of this unconstrained site provides an excellent opportunity to

deliver badly needed housing for local people in the Purbecks in accordance with very recent adopted development plan policies. There are no substantive objections to the application from the Environment Agency, Natural England, the

Dorset AONB Partnership or Dorset Council Highways and we ask that you endorse the recommendation to approve before you today. If you do, the Estate

looks forward to working further with council officers and stakeholders to deliver

a small but sustainable development of the very highest quality.

Duration of meeting: 10.00 - 11.40 am

Chairman

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