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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 7 DECEMBER 2022

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

Apologies: Cllrs Mike Barron, Barry Goringe and John Worth

Also present: Cllr David Walsh

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

Philip Crowther (Legal Business Partner - Regulatory), Kim Cowell (Development Management Team Leader), David Northover (Democratic Services Officer), Elizabeth Adams (The Development Management Team Leader), Cari Wooldridge (Planning Officer) and Susan Hetherington (Engineer (Development Liaison))

309. Declarations of Interest

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

310. Minutes

The minutes of the meeting held on 2 November 2022 were confirmed and signed as a correct record.

311. 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.

312. Planning Applications

Members considered written reports submitted on planning applications as set out below.

313. P/OUT/2021/04873 - Outline application for Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses 97 High Street, Sturminster Marshall

The Committee considered application P/OUT/2021/04873 for outline application for Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses 97 High Street, Sturminster Marshall.

With the aid of a visual presentation, the Development Management Team Leader detailed the main proposals, principles and planning issues of the development. 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.

The planning history of the site was drawn to the Committee's attention. Following previous refusal of the application, officers were now happy that the revised layout offered informality of street scene and would avoid the harm previously identified.

Plans and photographs gave detail of access and highway arrangements. Members were advised of the parking provision and a typo in para 15.26 of the report, which stated there would be 3 visitor car park spaces, when there were 4 proposed. This would accord with Policy KS12. At this was an outline application, at this stage there was no provision to show the potential appearance of the houses.

A Biodiversity plan had been provided which identified the need to compensate for the loss of grassland, space for brown eared bats and other mitigation measures. This would be dealt with via a financial planning obligation which was included in the officer recommendation to approve the application.

Oral representation was received from:-

Mr Paul Bennett in objection to the application.

Dr Marilyn Cash and Mr Neil McKeown, (the agent for the applicant) in support of the application.

Cllr Sonia Cade on behalf of Sturminster Marshall Parish Council in objection to the application.

The Development Management Team Leader was invited to respond to the comments made by the speakers, following which the committee members debated the application. Their debate and questioning focussed around the lack of a turning head, bin storage, management of the private road, flood risks, the possible materials used for the driveway and the emerging Neighbourhood Plan.

It was felt that the application before the committee had overcome the shortcomings of the previous scheme and was in accordance with the findings of the Planning Inspectorate.

Proposed by Cllr Mike Dyer, seconded by Cllr Shane Bartlett

Decision: That the application be delegated to the Head of Planning to grant subject to conditions outlined in the appendix to these minutes and the completion of a satisfactory planning obligation or Refuse if a satisfactory planning obligation was not provided.

314. **P/FUL/2022/02394 -Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers. Holton**

Heath Garage, Wareham

The application was being considered by the Planning Committee as Dorset Council owned part of the site.

The Planning Officer presented the report.

With the aid of a visual presentation, members were shown details of the site location, planning designations, and an aerial view of the site together with views from the Highway, which also detailed accesses to the site.

The new square canopy would allow fuelling for up to 8 vehicles at any one time from 4 fuel pumps. It would be raised slightly to allow HGV and delivery lorries access but would not adversely impact the area.

The Planning Officer responded to concerns from neighbours regarding petrol sales with an additional informative note which was provided as part of the presentation.

The application was recommended for approval subject to conditions.

A written representation was read on behalf of Cllr Beryl Ezzard in support of the application.

Committee members were given the opportunity to ask questions of the Planning and Highways Officers. In relation to advisory signs for traffic turning in and out of the garage the committee was advised that this was not enforceable. There was some member discomfort regarding the condition and age of the underground fuel storage tanks and the risk of land contamination. In response to a question asking if a full survey could take place on the condition of the fuel storage tanks before construction started the Planning Officer advised such a request was outside of the planning process which was why the additional informative note had been added in the report

Proposed by Cllr Bill Trite, seconded by Cllr David Morgan.

Decision: that the application be granted subject to the conditions outlined in the appendix to these minutes and the additional informative note.

315. Urgent items

There were no urgent items for consideration.

Appendix - Decision Sheet

Duration of meeting: 10.00 - 11.38 am

Chairman

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Eastern Area Planning Committee 7 December 2022 Decision List

Application Reference: P/OUT/2021/04873

Application Site: 97 High Street Sturminster Marshall Wimborne BH21 4AT

Proposal: Outline application for Access and Layout to demolish a pair of semi detached bungalows and replace with 5 x 3 bedroom dwellinghouses

Recommendation: Either

A. GRANT subject to conditions and the completion of a satisfactory planning obligation or

B. REFUSE if a satisfactory planning obligation is not provided.

Decision: A) **DELEGATED to the Head of Planning to GRANT 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: Contributions required for Biodiversity enhancement and gains And subject to the following conditions:**

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance, scale and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be carried out in accordance with the following approved plans: tbd-127 OU-02 Location Plan tbd-127 OU-04 Proposed Site plan

Reason: For the avoidance of doubt and in the interests of proper planning.

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 27/09/2022 must be completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. Thereafter the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

6. Before any ground works start on site a detailed surface water drainage scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the Council.

This must include: - the results of an assessment into the potential for disposing of surface water by means of a sustainable drainage system (SuDS) - details of a management and maintenance plan for the drainage scheme The appropriate design standard for the surface water drainage scheme must be the 1 in 100 year return period rainfall event with a 40% allowance for climate change. The approved drainage scheme must be implemented before the first occupation of the building/any of the buildings and thereafter maintained and managed in accordance with the agreed management plan.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to the site and elsewhere for the lifetime of the development.

7. Before the development hereby approved is first occupied the first 5m of the vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing- see Informative Note below) must be laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

8. Before the development hereby approved is occupied or utilised the turning and parking areas shown on Drawing Number 0U-04 must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for parking and turning.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

B) Refuse permission for the reasons set out below if the agreement is not completed by 7 March 2023 or such extended time as agreed by the Head of Planning.

1. The proposed development fails to appropriately mitigate or compensate for the loss of biodiversity on the site contrary to policy ME1 of the Christchurch and East Dorset Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.

Informative Notes:

1. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at

dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, DorsetCouncil, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

2. Informative: National Planning Policy Framework Statement In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by: - offering a pre-application advice service,

and - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case: - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

3. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

4. Informative: This permission is subject to a legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to contributions towards biodiversity enhancement and gains

Application Reference: P/FUL/2022/02394

Application Site: Holton Heath Garage, Wareham Road, Holton Heath, Poole, BH16 6JW

Proposal: Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers

Recommendation: GRANT planning permission subject to conditions.

Decision: GRANTED subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2022/290/014c, Block Plan 2022/290/013c, Proposed Site Plan – New canopy 2022/290/010a, Proposed North and South Elevations – New Canopy 2022/290/011a, Proposed East and West Elevations – New Canopy 2022/290/012a.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of any development hereby approved, full details of hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: means of boundary enclosures/treatments, hard surfacing materials, minor artefacts and structures (e.g. furniture, signs, refuse and other storage units), proposed and

existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), and a soft landscaping and planting scheme. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. Prior to the commencement of development, details and samples of all external facing materials and finishes shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with such materials and finishes as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

6. Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect water quality.

7. The premises shall only be used for the purposes hereby permitted between the hours of 6am and 11pm.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

8. Deliveries shall only be taken at the site between the hours of 6am to 11pm.

Reason: To protect nearby residential accommodation from excessive noise at night-time.

9. No flood lighting or security lighting shall be installed until details of a scheme

to control glare or stray lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include timings of use of the artificial lights, shielding and angle of the head to reduce glare and light intrusion on land that it is not owned by the development as appropriate, and must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities, avoid nuisance to adjoining properties and to ensure that drivers aren't dazzled or distracted by the light.

10. Before the development is utilised the turning/manoeuvring and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informative Notes:

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

2. A Petrol Vapour Recovery Permit may be required for the use of the site. A Part B Application – Petrol Station can be made via the following link: <https://www.gov.uk/government/publications/application-for-an-environmentalpermit-part-b1-standard-facilities-permit> - GOV.UK (www.gov.uk)

3. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

4. The application relates to above surface works only and any changes / replacement / new fuel tanks will require separate consent.

5. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.