

## **NORTHERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY 18 JULY 2023**

**Present:** Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Brian Heatley, Carole Jones and David Taylor

**Apologies:** Cllrs Stella Jones, Emma Parker and Belinda Ridout

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

Jim Bennett, Joshua Kennedy (Apprentice Democratic Services Officer), Emma MacDonald (Planning Officer), Hannah Massey (Lawyer - Regulatory), Alister Trendell (Project Engineer), Emma Ralphs (Planning Officer), Megan Rochester (Democratic Services Officer), Steve Savage (Transport Development Liaison Manager), Simon Sharp (Senior Planning Officer) and Hannah Smith (Development Management Area Manager (North))

**4. Declarations of Interest**

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

**5. Minutes**

The minutes of the meeting held on Tuesday 13<sup>th</sup> June were confirmed and signed.

**6. Public Speaking**

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.

**7. Planning Applications**

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

**8. P/VOC/2022/05646- Frogmore Lane, Sixpenny Handley, Dorset**

The Case Officer updated the committee on the following:

- Officers had received further representations regarding Policy Chase 7, non-consultation with AONB and concerns over groundwater.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed design of dwellings, the illustrative plan, and the indicative street scene. Members were also provided with details of the drainage strategy as well as the flood extent comparison. The Case Officer also discussed flooding on the lane and assured members that the site itself wasn't subject to flooding.

Alister Trendall, Project Engineer, reiterated to members that planning had been approved on a previous application. He assured members that the applicant had addressed concerns and that the proposal was on an area which had a low flooding risk. He also highlighted groundwater flooding to members and confirmed that an acceptable water surface management plan had been carried out.

### **Public Participation**

Residents made their representations to committee, objecting to the proposal. They raised their concerns regarding the current regular flooding of the site and felt that the flood risk assessment was subject to water runoff. Objectors felt as though the flood risk hadn't been considered as highly as it should've been and felt that the probability rate of flooding was much higher than presented in The Case Officer's report. They also felt that insufficient weight had been given regarding groundwater flooding and that an increase in discharges of groundwater would be detrimental. Mr Mereweather informed members that the site was a catchment area to flooding and felt that on this basis, building should not be permitted and should be considered on higher grounds.

Objectors also discussed the heavy impacts on screening and privacy. Mr Romiger felt that the scheme needed to enhance privacy as the proposed would result in heavy overlooking. In addition to this, boundary fences were also a cause for concern and objectors felt that the proposal was contrary to planning policies. Mr McLean also spoke against the proposal. He discussed how the volume of water would impact the dwellings and the risk that would occur. He felt that the site would not be able to cope with the groundwater flooding and drainage would result in water being directly discharged onto road surfaces, causing significant damage. Objectors urged the committee to reconsider the proposal.

The Agent and The Flood Risk Consultant spoke in support of the proposal. Mr Clare discussed the flood risk mitigation and informed members that any surface water would be redirected to the south. He also discussed the location of the dwellings and felt that it had been demonstrated that the dwellings were above the flood line. The agent also addressed the committee and discussed how the proposal improved the character of the area. Mr Moir also felt that there had been careful consideration undertaken regarding overlooking or loss of privacy. He highlighted to members that each dwelling proposed had a private garden and driveway. Mr Clare and Mr Moir hoped the committee would support the application.

The Paris Council and Local Ward Member also spoke in objection to the proposal. They strongly objected due to the development being situated on a flood zone and felt that the proposal should be on higher ground. Cllr Chick also

discussed concerns raised by the flood warden and didn't feel as though this should've been ignored. He felt that the application was unnecessary and was disappointed that there had been no solution to prevent surface water damage. Cllr Brown also discussed objections raised on behalf of residents and felt that planning shouldn't increase risk of flooding elsewhere. The Ward member felt that if approved, this development would do just that. He also highlighted that flooding can be on different scales due to its location and felt that this was an example of that. They hoped members would reconsider and refuse.

### **Members questions and comments**

- Prevention of overlooking.
- Clarification of policies from 2002
- Mitigation for safety of watercourse.
- Difference between groundwater and surface water flooding.
- Management and drainage of attenuation tanks.
- Clarification regarding flooding of the proposed development being worsened.
- Concerns that flooding would be worsened elsewhere if approved.
- Concerns around sewage and drainage
- Increases flood risk.
- A motion to refuse the officer's recommendation to grant planning permission as recommended, was proposed by Cllr Les Fry, and seconded by Cllr David Taylor. Members voted and the proposal fell.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Carole Jones, and seconded by Cllr Mary Penfold.

**Decision:** To grant the officer's recommendation for approval subject to additional conditions that:

- Prior to the commencement of development details of foul drainage for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the development will connect to the existing foul sewage system, without overloading capacity and to prevent surcharge of sewage to the public realm and dwellings during times of peak flow. The scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

- Prior to the commencement of any development hereby approved, above damp course level, details of the means of enclosure to the drainage features shall be submitted to, and approved in writing, by the Local

Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development, and thereafter retained.

Reason: In the interest of residential amenity.

In accordance with Procedural Rule 8.1 the committee voted to extend the duration of the meeting.

9. **P/OUT/2023/00627- Land at E 378776 N119064 Salisbury Street, Marnhull**

The Development Management Area Manager (N) presented the report for an application which was the subject of an appeal against non-determination (made under s78(2) of the Town & Country Planning Act 1990 (as amended)), the Council having failed to determine it within the statutory period. The report was brought before committee to seek their resolution as to how they would have determined the application if the power to do so still rested with them.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained relevant planning policies to members. Photographs of the proposed site, indicative site plans and public footpath locations from around the site were included. Members were also provided with details of nearby settlement boundaries as well as relevant constraints including nearby listed buildings. The key planning considerations, affordable housing contributions, drainage, and impacts on highways were also discussed. The Officer's comprehensive presentation also highlighted to members the setting of heritage assets, including the conservation area, and discussed visual impacts to the landscape.

Steve Savage, transport development manager, discussed the access to the development. He informed members that the site proposed was situated on a typical narrow country lane and lacked pedestrian connectivity. Mr Savage also discussed the priority junction and refuse vehicles. He highlighted to members that highways were unable to support the proposal.

Alister Trendell, Project Engineer, discussed the surface water drainage strategy and informed the members that there would be an increased flood risk from the development as the increased volume would be less than attenuated. Mr Trendell confirmed to members that the applicant has done extensive testing and confirmed the conclusion.

**Public Participation**

The Parish Council spoke in objection. Cllr Winder discussed the significant development and highlighted that it was outside the settlement boundary. He reiterated to members that there's no local need for Marnhull to have additional housing and that they didn't have the facilities to accommodate them. Cllr Winder also raised concerns regarding a lack of public transport or employment facilities, therefore, residents would be reliant on their own transport. He assured members that the Parish Council supports evolution of the village, however they have enough dwellings which exceed the local need.

The Local Ward Member also addressed the committee and felt that the applicant had made many propositions for Marnhull's future. However, he supported the views of the Parish Council and the officer's recommendation.

### **Members questions and comments**

- Concerns regarding access and pollution levels as a result of the development.
- Disappointed with the lack of connectivity
- Confirmation of figures set out in the officer's report.
- Clarification around the weight given to the Local Plan and settlement boundaries.
- Confirmation on the agricultural grade of the soil
- Sewage treatment nearing capacity
- Loss of agricultural use

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a proposal was made by Cllr Carole Jones, and seconded by Cllr Jon Andrews.

**Decision:** To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to refuse planning permission for the following reasons:

1. The site lies outside the settlement boundary for Marnhull contrary to the spatial strategy of Policies 2, 6 and 20 of the North Dorset Local Plan Part 1. The location of the site has inadequate and unacceptable accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull in terms of walking and cycling, with a lack of sustainable transport alternatives. For those with access to them, there would be reliance on the use of private motor vehicles, leading to harmful exhaust emissions. In the absence of any evidence of essential rural needs or any other 'overriding need' for this type of development, and given number of dwellings proposed, in this location the proposed development would lead to an unsustainable form of development, contrary to Policies 2, 6 and 20 of the North Dorset Local Plan Part 1 2016 and paragraphs 79, 105, 111 and 112 of the National Planning Policy Framework 2021.
2. The proposed drainage strategy fails to indicate the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. The drainage strategy also fails to indicate acceptable exceedance flow routes to demonstrate where surface water can be directed, should the designed system fail or exceed capacity. It therefore cannot be satisfied that the proposed development would avoid risk of flooding downstream from all sources or seek to mitigate it appropriately. The proposal is contrary to Policy 4 of the North Dorset Local

Plan Part 1 2016 and paragraphs 159, 167 and 169 of the National Planning Policy Framework 2021.

3. In absence of a completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 2016 and paragraph 54 National Planning Policy Framework.

10. **P/OUT/2022/07629- Musbury Lane, Marnhull**

The Case Officer presented the report for an application which was the subject of an appeal against non-determination (made under s78(2) of the Town & Country Planning Act 1990 (as amended)), the Council having failed to determine it within the statutory period. The report was brought before committee to seek their resolution as to how they would have determined the application if the power to do so still rested with them.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the site layout plan and views from the north, south, east, and western boundaries. Members were also shown the proposed site access, including a swept path analysis, and confirmed to members that all matters were reserved except for access. The Case Officer also provided members with details of public rights of way and nearby listed buildings.

Steve Savage, Transport development manager, discussed visibility splays as well as public rights of way and traffic movements. He highlighted to members that traffic and pedestrian movements are considered low. Mr Savage informed members that there were no objections from Highways, and therefore supported the application.

**Public Participation**

Residents spoke in objection. They felt as though the development would result in a loss of light and privacy. Visibility splays, listed buildings and impacts on the character and tranquillity of the area were discussed. The use of the lane which was predominantly used by walkers, runners, and cyclists was another topic and they urged members to consider the change of character that this would cause to the area and the dangers that would arise from a lack of passing places. Objectors did not feel as though the development was in a sustainable location and felt that it would cause significant issues with overlooking and overbearing on the existing dwellings. They did not feel as though it responded to the positive aspects of the character of the area and that it would have a detrimental impact on the village as residents did not see how additional homes would benefit the local area, nor could they be supported.

Objectors also felt that work needed to be done to preserve the view, additionally they discussed several tree species and how they felt biodiversity would be destroyed. Residents could not support the development.

The Parish Council and the Local Ward member spoke against the development. Cllr Winder requested several points of clarification on the four-year housing supply and expressed his concerns regarding the single carriageway which lacked passing places and streetlights. The Parish Council also felt that the development was out of character and had no benefits. The Local Ward member echoed the views of The Parish Council and discussed the impact of extra traffic on the road. He highlighted to members that he was aware that each application was judged on its own merits, however, he did not support this development.

#### **Members questions and comments**

- Flooding mitigation and attenuation
- Concerns regarding character of the area
- Members felt that the development had a negative impact on the listed building and the character of Musbury Lane.
- Lack of affordable housing
- Outside the settlement boundary
- Loss of character amenity
- Significant light pollution

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a proposal was made by Cllr Carole Jones, and seconded by Cllr Jon Andrews.

#### **Decision: To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to refuse planning permission for the following reasons:**

Pond Farmhouse is a grade II listed building. The setting contributes significantly to the significance of this designated heritage asset. The application site is an important element of this setting providing clear legibility to the historic use of the farmhouse, its link to farming the land. The importance is enhanced by the ability to experience this setting from the well-trodden public right of way that traverses the application site and the openness of the boundary between the site and the farmhouse's garden. The application fails to evidence how this setting will be preserved, the proposal resulting in the loss of the final undeveloped and farmed land within the building's setting. There will be less than substantial harm to the significance, this harm not outweighed by the public benefits from the proposal which are tempered by the fact that the number of dwellings proposed are modest in quantum and all for open market housing with no affordable units. The proposal would conflict with policy 4 of the North Dorset Local Plan Part 1 (2016) as a result.

The quantum of development proposed would necessitate a non-frontage development which would be discordant with the prevailing frontage development of vernacular cottages along Musbury Lane. The application would be contrary to policy 4 24 of the North Dorset Local Plan Part 1 (2016).

The proposal would lead to a significant adverse change to the character and appearance of the area, the adversity increased due to the elevation of the site, the existence of the public right of way and the proximity of it to dwellings of a traditional vernacular architecture at road level opposite the site. It would impact on public views of the countryside, and diminish the tranquillity of the lane, which would be contrary to policies 4, and 24 of the North Dorset Local Plan Part 1 (2016).

The adverse impacts would significantly and demonstrably outweigh the benefits of providing 7 dwellings when assessed against the National Planning Policy Framework (2021) taken as a whole.

#### 11. **P/FUL/2022/07513- Frog Lane, Motcombe**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the existing elevations, plans, public rights of way and southern views of the site were shown. In addition to this, members were also provided with detail of Frog Lane's single lane road as well as the junction and traffic movements. The Case Officer also highlighted to members an extract from the neighbourhood plan. The recommendation was to grant.

##### **Public Participation**

The Agent spoke in support of the proposal. He informed members that the site was low key and would be used for cutting local greenstone for restoration projects. Mr Pick also highlighted that the site had been operating since November 2022 and there had been no complaints. He also discussed minimal traffic movement and addressed committees' previous concerns regarding noise and traffic impacts. He hoped members would support the officer's recommendation.

The Parish Council spoke in objection to the proposal. Cllr Taylor discussed noise impacts and felt that the site was within the wrong location. He also raised his concerns regarding how noise mitigation would be carried out. The Parish Council did not support the application as they felt that it would increase the carbon footprint and would be visually damaging to the area. He also discussed vehicle movement and an increase in vehicle weight over time. Cllr Taylor felt as though the development would only result in noise and destruction.

##### **Members questions and comments**

- Good use of agricultural building and supports small businesses.
- Concerns regarding the development being in the wrong location.
- Noise has been minimised.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Carole Jones, and seconded by Cllr Les Fry.



**Decision:** To support the officer's recommendation for approval.

12. **P/FUL/2022/02397- Former Coop Store and Car Park, High Street, Gillingham, SP8 4AG**

The Case Officer gave an update.

Condition 17 needed updating in relation to the completion of the Biodiversity Plan and that an informative note could have been added in relation to Building Regulations Approved Documents on EV charging points.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the indicative layout plan, illustrative design of dwellings and street scene were shown. Members were provided with details of the existing site, parking, and proposed access. Biodiversity enhancement, neighbouring properties, and affordable housing were also discussed. On balance, The Case Officer felt as though the site had several benefits, including extra care units and felt that the benefits outweigh the potential harm.

Steve Savage, Transport Development Manager, discussed the main vehicular access. He highlighted to members that the proposal would only generate 3 or 4 vehicular traffic movements during the am and pm peaks. Mr Savage also highlighted refuse vehicles and substantial parking. The Transport Development Manager did raise concerns regarding visibility, however, supported the recommendation for approval.

**Public Participation**

The Town Council spoke in objection to the proposal. Cllr Walden discussed a lack of affordable housing and raised concerns regarding primary access to the site. He did not feel as though the proposal enhanced the viability of Gillingham Town Centre and felt as though it was contrary to key planning considerations. Cllr Walden also discussed the proposal creating a loss of immunity and hoped the committee would refuse.

**Members questions and comments**

- No affordable housing
- Significant loss of retail floor space
- Insufficient number of parking spaces
- Clarification regarding viability assessment
- Confirmation on developers profit level and marketing of the site.
- Clarification on contamination conditions and site access.
- Location of bin store.
- Maintenance and accessibility of roofs.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and

presentation; the written representatives; and what they had heard at the meeting, a motion to **refuse** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Valerie Pothecriy, and seconded by Cllr David Taylor.

**Decision: To refuse the proposal due to the following reasons:**

The proposal is for a major development which would fail to deliver any affordable housing. There is a high level of recorded need for affordable housing across Dorset and the failure to provide any would be contrary to Policy 8 of the North Dorset Local Plan and paragraph 65 of the National Planning Policy Framework.

The proposal would result in the loss of retail floorspace from the town centre to the detriment of its viability and vitality, contrary to Policy 12 of the North Dorset Local Plan, Policy 7 of the Gillingham Neighbourhood Plan and paragraph 86 of the National Planning Policy Framework. This demonstrable harm would not be outweighed by the benefits of the proposal.

**13. P/FUL/2022/06530- Middle Farm, Lurmer Street, Fontmell Magna**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed front, side and rear elevations were included. Members were provided with the history of the site and were shown the amended scheme as proposed. The presentation also showed images of views looking onto the site from the permissive paths and explained the site constraints which had no direct views or correlations to the proposed building. The Case Officer outlined to members details of nearby settlement boundaries and the revised garage elevation.

**Public Participation**

The agent spoke in support of the application. Mr Whitfield discussed the proposed materials which had been carefully considered to reference the site history. He also felt as though the proposal was in keeping with the conservation area and felt as though it was a sustainable development which enhanced biodiversity. Mr Whitfield did not feel as though the proposal negatively impacted the AONB or conservation area. In addition to this, he highlighted the proposal and the settlement boundary. He hoped members would support the officer's recommendation.

The Parish Council spoke in objection to the proposal. The impacts on the AONB and a lack of local need or public benefit for the development was discussed. The listed building and near land at risk of flooding was also a cause for concern. The Parish Council also felt as though the site was overdeveloped and highlighted to members that great weight should've been given to heritage assets. They did not feel as though the site was sustainable and did not feel as though planting was sufficient. Objectors were also concerned regarding light pollution and referred members to the dark skies policy. The Parish Council hoped members would refuse.

### **Members questions and comments**

- Confirmation on refusal from AONB
- Emergency vehicle access
- Confirmation on site access
- Clarification of view from AONB to the dwelling.
- Confirmation of materials used.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Carole Jones, and seconded by Cllr Mary Penfold.

**Decision:** To grant the officer's recommendation for approve.

14. **P/FUL/2023/029838- Cheselbourne Village School, Drakes Lane, Cheselbourne, Dorset, DT2 7NT**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the location of the site and explained the proposal and relevant planning policies to members. Photographs of the proposed layout, design of elevations and details of the existing building and nearby listed buildings were included. Members were informed that the proposal was situated behind the existing school building and the Case Officer confirmed the distances between the boundaries and assured members that the building was situated outside of the flood zones. The recommendation was to grant.

### **Public Participation**

There was no public participation.

### **Members questions and comments**

- Added condition of building materials
- Clarification as to how the site would be heated.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Les Fry, and seconded by Cllr Carole Jones.

**Decision:** To grant the officer's recommendation for approval subject to the additional condition that Prior to development above foundation level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter,

the development shall proceed in accordance with such materials as have been agreed.

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

15. **P/HOU/2023/02594- 35 Alexandra Road, Dorchester, DT1 2LZ**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the front and back elevations as well as street scenes were included. Members were also provided with details of the proposed floor plans and building materials. The Case Officer confirmed that the site was within the defined development boundary and conservation area of Dorchester, however, assured members that the design and scale was in keeping with the area and the proposal preserved the character and appearance of the conservation area.

**Public Participation**

There was no public participation.

**Members questions and comments**

- Praised the officer's comprehensive report and presentation.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Les Fry, and seconded by Cllr Valerie Pothecriy.

**Decision:** To grant the officer's recommendation for approval.

16. **Urgent items**

There were no urgent items.

17. **Exempt Business**

There was no exempt business.

**Decision Sheet**

**Duration of meeting:** 11.00 am - 6.05 pm

**Chairman**

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