

NORTH DORSET DISTRICT COUNCIL

MINUTES OF THE DEVELOPMENT CONTROL COMMITTEE MEETING HELD ON TUESDAY 18 JANUARY 2011 AT 10.00 AM IN THE COUNCIL CHAMBER, NORDON, SALISBURY ROAD, BLANDFORD FORUM, DORSET

Present:

Committee Members:

Bill Batty-Smith MBE (Chairman)

Mervyn Jeffery (Vice Chairman)

Nigel Cook

Charles Dowden

Vic Fox

Joe Hickish

Su Hunt

Trish Lever

Geoffrey Miller

David Milsted

Val Pothercary

Deirdre Skipwith

Officers, North Dorset District Council:

Nick Fagan, *Development Control Manager*

John Hammond, *Development Control Team Leader*

Jacqui Andrews, *Democratic Services*

Case Officer:

John Hammond

Sam Harper

James Lytton Trevers

David Randles

Hannah Smith

Andrew Williams

Officers, Dorset County Council

S Savage, *Senior Engineer, Development Liaison, Dorset County Council*

34. DECLARATIONS OF INTEREST

Cllr Mervyn Jeffery declared a personal and prejudicial interest in application number 2/2010/1323 as a Member of Dorset County Council's Planning Committee that will make the decision on the application.

Cllr Trish Lever declared a personal interest in application number 2/2010/1002 as she lives close to the premises and also declared a personal and prejudicial interest in application number 2/2010/1101 as a Director of a Company carrying out works under a Paragraph 9 exemption with the Environment Agency for Wessex Water. Soil from land East of Shaftesbury is used on this project.

Cllr David Milsted declared a personal and prejudicial interest in application number 2/2010/1323 as a Member of Dorset County Council's Planning Committee that will make the decision on the application.

35. **MINUTES**

Resolved

That the minutes of the meeting of the Committee held on 23 November 2010 be confirmed as a correct record and signed by the Chairman.

36. **PLANNING APPLICATIONS**

Resolved

i. With regard to applications for permission to develop, to make the decisions as set out in **Appendix A** to these minutes;

ii. In respect of the above applications, where the 21 day consultation period has not yet elapsed, where approval is given, it is given subject to no adverse comments being received;

iii. In respect of the above applications, where a developer is required to make a contribution towards community infrastructure, that contribution shall be received by the Local Planning Authority within eight weeks (minor and 'other' applications) or 13 weeks (major applications) of the application being submitted;

iv. To delegate authority to the Development Control Manager to refuse the application if a contribution is not received in accordance with (iii) above.

37. **2/2010/1323 - PLANNING APPLICATION FOR TEMPORARY PLANNING PERMISSION FOR 8 RESIDENTIAL TRAVELLER PITCHES, SITE MANAGERS OFFICE, 2 AMENITY BUILDINGS AND LANDSCAPING, PARKING AND ACCESS TO FORM NEW TRAVELLERS SITE ON LAND SOUTH OF THE A.30, SALISBURY ROAD, SHAFTESBURY**

The Chairman reminded Members that Committee was merely a consultee in respect of the application by Dorset County Council which would be determined by the County Council.

The Development Control Team Leader presented his report setting out the detail of the application and showed the Committee relevant plans and drawings. He said that the site was close to land with an employment allocation, the existing gypsy site and there was a separation of 20m between the site boundary and the nearest property. The Team Leader indicated the location of an access through the employment site and also showed the position within which the permanent access may follow. He said that buildings on the site would be single storey and well screened. The Team Leader went through the response that Officers recommend was given to the County Council.

The Team Leader said that the Council had accepted the need for more sites in the North of the District and he pointed out the necessity to provide this as a priority as it had become very difficult to resist retrospective applications to make unauthorised encampments permanent. Part of the site proposed formed part of the bypass corridor which the Council had a policy to protect. However, as this was not likely to be realised in the foreseeable future the County Council were seeking a temporary permission.

The Officer said that traveller sites did not have to be located in towns or villages, and whilst the proposed site was outside of Shaftesbury it was considered to be sustainable as there was a demonstrated need for pitches and it was close to facilities that the traveller community would need.

An existing cottage was situated within 20m of the site but there would be a further 20m of planting separating the cottage from the nearest part of any pitch. There had been no visual harm demonstrated and whilst there would be noise for example from additional traffic there would be a bund that would mitigate this. Noise on existing sites had been shown in studies to be within reasonable levels.

The Team Leader didn't think there were any sustainable grounds to object to the proposal but recommended that the County Council should require conditions if minded to approve the application, including further contaminated land surveys.

Mr Ayres spoke for the applicant, Dorset County Council. He said that need had been assessed and there was currently an unfulfilled requirement. There were 9 unauthorised encampments in the County with 5 in the North Dorset area with 30 vehicles. The development had been sited in the proposed location to move it further from the nearest resident's garden. Although the bypass corridor was now affected, the County Council's transport section said that it was a long-term aspiration and was unlikely to get funding before 2026 so the land could be used in the short term. The conditions proposed for the site reflected those on existing sites managed by the County Council.

Mr Hill, North Dorset General Manager, said that it was recognised that this was a contentious application and had received intense public interest and also interest from the town and parish councils and there would be continued consultation with all the interested parties. Issues had been raised about perceived flaws in the consultation process, pre-determination, the selection of only one site, the affect on the bypass corridor and land contamination, radon and ragwort. Mr Hill said it was clear that full consultation must continue.

Mr Thomas spoke as Town Council Ward Member and also as a Member of the Joint Committee of the Town Council with Melbury Abbas and Cann Parish Council. He urged the Committee to oppose the site. He said that the Town and Parish Councils recognised the need for sites but said these should be in the right place at the right time. Mr Thomas advised the Committee that local residents had been told that there was likely to be a 35-40% devaluation of their properties if the site was developed as a gypsy and traveller site. Mr Thomas also suggested that the proposal contravened policy, was not an exception site and affected the bypass corridor. He also didn't believe any investigation had

been undertaken with regard to land contamination, the affect on residents, and adequate protection against radon. Mr Thomas also questioned whether there was anyone who would qualify to live on the site who would want to do so.

Mr Thomas then referred to the Dorset Compact Protocol and suggested that this had not been followed, so thought any decision would be open to legal challenge. Mr Thomas said that in June 2010 a statement was made that the Dorset Councils had jointly appointed consultants to develop a DPD for consultation, and that the public would be invited to comment on this document. It was also said that landowners would be invited to come forward with potential sites and the public would then be consulted on these in early 2011. Mr Thomas said that as far as he was aware this process had not been followed. He felt that the application was too premature and had been made for expediency and not because it was the right site.

Mrs Brooks spoke on behalf of the residents of New Lane and was the person living closest to the proposed site. Mrs Brookes commented on previous Council meetings that she had attended and that Members had been very proactive and helpful in respect of this issue. She advised the Committee that there was no garden to the west of her property so the bund was only 20m from her cottage, whereas the original site location was 100m from her property and barely visible and well screened by trees which also helped to minimise noise disturbance.

Mrs Brookes believed that the matter of the preferred site had been pre-determined and referred to agendas that gave details of a bid for funding that had been made to finance a gypsy and traveller site, quoting the site at Shaftesbury as the preferred site. Mrs Brookes also referred to the presence of a contractor on site in August 2009 who had a plan with a Council logo but at this time the residents did not know about the proposals. She advised that residents were not informed of the proposed site until September 2009 and she believed at this stage the site had already been pre-determined. Mrs Brookes referred to other sites that had been suggested and asked why the farm tenancy at old Brickyard Farm could not have been terminated to make this site available. She suggested that the planning process was based on a flawed process.

Mr Dibben referred to the affect of the proposal on the bypass corridor and was concerned whether the families on the site could be moved quickly if the funding for the bypass came through. He also questioned whether the provision of a traveller site formed part of the Gypsy/Traveller DPD. Mr Dibben questioned the provision of infrastructure and suggested that there was no capital funds available to provide any additional facilities. He felt that there had been a lack of community involvement in the project and said that it was unclear why the District Council had done so much work on the project and then residents were told it was the County Council's application. Mr Dibben recognised the award that had been given to the Council as being the best in the Country for its community involvement but felt that this had not been the case with regard to the gypsy and traveller site proposals.

In response to the issues raised by the public, the Team Leader said that this proposal did not form part of the DPD which was a longer-term document

looking at a Site Allocation Policy and the likely long-term need for sites. He reminded Committee that there was a recognised immediate un-met demand which had to be fulfilled outside of the DPD consultation process. He advised that people would be on the site on licence with no security of tenure so could be asked to leave relatively quickly if the need arose. With regard to the bypass, the Highway Authority said that this would not be promoted prior to 2026, and a temporary consent for the traveller sites was proposed to enable a review as and when necessary. With regard to the application site, the Team Leader felt there was adequate protection with fencing and landscaping, and the site would be managed by the County Council who had considerable experience. He said that it would be the County Council that might in future develop the site for the bypass and it was therefore that authority that made the application.

The General Manager confirmed that the District Council had owned the site for many years and in 2006 Persimmon agreed an option to buy the employment site. He referred to a bid in 2007 for HCA funding which was unsuccessful. In 2009 a further bid was made on the basis that Shaftesbury was the appropriate site following consideration by the Policy Review Committee and Cabinet of a site options appraisal. All statutory agencies were consulted at this point including town and parish councils. Residents were also involved and attended these Committees. Cabinet resolved that the Shaftesbury site should proceed to planning application stage. Brickyard Farm was rejected as the County Council wouldn't define the route of the proposed Enmore Green highway link identified, in planning policy terms, as needed in the short-term. Mr Hill also advised Committee that both Wiltshire and Dorset County Councils had called for sites as part of their DPDs but no local Shaftesbury interest had been received. Mr Hill also advised that in October 2009 Cabinet approved a consultation schedule provided to all stakeholders, that had been followed and involved all stakeholders.

Mr Ayres of the County Council said that as experienced managers of gypsy and traveller sites they had often had to move families quickly and were also the authority that had to respond initially to any unauthorised encampments. Mr Ayres said that there are currently no authorised encampments for New Travellers and it was provision for these people that was needed immediately.

In response to a question from Cllr Cook, Mr Hill confirmed that the Option Agreement with Persimmon enabled them to purchase "pockets" of land as they became vacant and this could happen with the existing gypsy residents on site, though it would be preferable if they were moved.

Members felt that the proposal before them was an improvement on previous schemes and it was

RESOLVED

To support the application subject to the application of conditions to secure:

1. a whole site operational management scheme,
2. details of foul drainage,
3. details of surface drainage solutions,

4. landscape planting & ongoing management,
5. details of the section through and formation of the landscape bund,
6. habitat management and enhancement scheme,
7. lighting proposals
8. sample materials for amenity blocks & managers building
9. details of the possible allotments, their management and means of access,
10. attenuation measures to ensure residents are not adversely impacted by the subsequent development of employment allocation SB12,
11. proposals for a permanent means of access into the travellers site that generally accords with the master plan layout submitted in support of application 2/2006/1022 (together with the provisions of the relevant option agreement) to include measures to re-locate if necessary existing plots.
12. Submission of a contamination management scheme.

38. PLANNING APPEALS

The Committee noted the report of the Development Control Manager for the period between 13 December 2010 and 7 January 2011.

The meeting closed at 3.35 pm.

CHAIRMAN

NEW APPLICATIONS

APPLICATION:	2/2010/1126 Part garden of 6 Stour Road, BLANDFORD FORUM Outline Planning (Minor)
Proposal:	Develop land by the erection of 1 No. dwelling (outline application with all matters reserved)
Applicant:	Mr & Mrs C Crocker
Case Officer:	Andrew Williams

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings and advised that objections had been received from the Town Council and the Civic Society. Officers were of the view that it was not a backland site as it had 2 road frontages and was in a sustainable location with a high density of housing. The Officer said that the garden had no special characteristics that required safeguarding and the illustrative drawing that had been submitted caused no harm to the character of the area, no over-looking and no unreasonable detriment to the residential amenity of neighbouring properties. The Officer referred to the conclusions set out in his report that the site was within a sustainable location, did not offer any special character or amenity to the public and resulted in no unacceptable detriment to the amenities of existing dwellings.

The Highways Officer confirmed that he recommended conditional approval of the application.

Public Participation

Mr Bagnall, the applicants' agent, agreed with the Officer's comments whilst acknowledging the concerns of the Town Council. He felt that the changes to PPS3 meant that applications now received more scrutiny. Mr Bagnall said that the garden was currently surrounded by a high fence so didn't add to the character of the area and the site was not backland having its own frontage in an area with a mix of styles of houses. He felt that the principle of a small scale development added to the character of the area leading to a sense of enclosure. Mr Bagnall didn't feel that this application would set a precedent as each application would be considered on its own merits and the proposals before Members wouldn't detract from the residential amenity of existing properties.

Members' questions and debate

Cllr Milsted felt that the application before Members was just acceptable as the site was in an unusually large garden and he didn't feel that granting approval would set a precedent.

RESOLVED: To **APPROVE** planning permission subject to the payment of required development contribution and also subject to the following conditions:

1. FR71 - Commencement (Outline)
2. FR04 - Reserved matters (Need to apply)
3. FR05 - Reserved matters (Application within 3 years)
4. FR07 - Reserved matters (All detailed excluded)
5. Notwithstanding the illustrative details accompanying this application, this permission shall be construed as being in outline only. No details submitted with this application are approved by this permission.
Reason: To give the Local Planning Authority adequate control over the detailed proposals yet to be considered in accordance with Implementation Policies A, B, C, D and E of the Bournemouth, Dorset and Poole Structure Plan and Policies in the North Dorset District Wide Local Plan (First Revision)
6. AC01 - Vehicular Access - Scheme
7. AC05 - Access crossing construction
8. PK01 - Access, turning, garaging, parking scheme (Outline)

NOTE IF12 - (Vehicle crossings)

Reason for Decision:

1. In reaching this decision the policies in the Development Plan for the area, which currently comprises the Bournemouth, Dorset and Poole Structure Plan 2000 and the North Dorset District Wide Local Plan (First Revision) 2003, were taken into account.

This includes specifically the following policies:
Local Plan policies 1.1, 1.8, 2.6

2. The Local Planning Authority is satisfied that a dwelling could be erected on this site, which is in a sustainable location, would not result in the loss of an important open site and where a dwelling could appear of appropriate form and appearance within the context of existing residential development.

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

APPLICATION:	2/2010/1073 4 Oakwood Drive, IWERNE MINSTER Householder
Proposal:	Erect single storey extension, timber shed and construct new driveway access.
Applicant:	Mr & Mrs Gibbons
Case Officer:	David Randles

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings. He advised Committee that this was a 2nd application for the site, the earlier application

having been refused due to the size of the proposals. The Officer explained that the application was for a single storey extension to the front of the property, a shed/workshop to the side and a 2nd driveway onto Oakwood Drive. The conservatory to the rear of the property would be constructed under permitted development and didn't require a formal planning application.

The Officer said that the site was a reasonable size plot, and was sufficiently large for the proposals which would be in accordance with Council policies. The site was within a Conservation Area but the Conservation Officer had no objections. The Officer referred to objections that had been received from both the Parish Council and local residents which were set out in his report.

He confirmed that permission was only required for the new driveway as the site fell within an Article 4 Direction which removed permitted development rights. He didn't feel its construction would unreasonably affect anyone else. The proposed single storey extension to the front of the dwelling was below the height of the main building and Officers believed it would not unreasonably affect the amenity of buildings either side, nor would it result in a loss of privacy. The Officer said that a neighbour to the north had expressed concerns about the use of the workshop but if Members felt it was appropriate they could condition the use of this to be only for ancillary domestic purposes. In summary the Officer felt that the reduced size and scale was not unacceptable and the design was complimentary.

Public Participation

Mr Winterbone, a neighbour to the proposed development site, suggested that the driveway had already been constructed to hardcore standard and wanted to see a finished surface on this. He also expressed concern about the construction of the workshop that would be against his boundary as he felt it was likely to cut light to his sunroom and bathroom. He was also concerned about the potential for noise and fire hazard from its use. He suggested that the workshop should be erected to the rear of the property, and not against his wooden boundary fence. Mr Winterbone suggested Members undertook a site visit.

Local Member

Cllr Croney felt that the proposed overall increase in the footprint of the existing building was excessive on the site. Cllr Croney described the character of Oakwood Drive and felt that, although technically the proposed extension to the front of the building was single storey, it would be rather prominent in a street of bungalows, and she was concerned it would have a significant impact on the amenity of neighbouring properties.

Members' questions and debate

Cllr Fox asked for confirmation of the land ownership of the drive and it was confirmed by the Officer that this was entirely within the site owned by the applicants. The Highway Officer confirmed that it was not public highway and any works carried out to the public highway verge would be dealt with by the Highway Authority and was not relevant to the application before the Committee.

RESOLVED: To DEFER determination of the application to enable a **SITE VISIT** to take place.

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

APPLICATION:	2/2010/0909 Land adjacent to Criden House, Sackmore Lane, MARNHULL Full Planning (Minor)
Proposal:	Erect 3 No. dwellings, carports and form vehicle and pedestrian access.
Applicant:	Mr & Mrs J Butler
Case Officer:	Sam Harper

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings and explained that the site was within the settlement boundary and was currently scrubland though there was evidence it had been used to accommodate pigs. The track to the side of the site had been created to gain access to properties to the north. He said that the Highway Officer had required certain works to the access to the site, including the removal of some of the hedge, to achieve adequate visibility. The Officer referred to the letters of objection that had been received in respect of the proposals including objections from the Parish Council on the principle of development in this location. Concerns were also expressed about over-development, the need for affordable housing in the village, parking and highways issues, flooding and the protection of wildlife and the affect on the amenity of the area.

The Officer said that Marnhull was seen as a sustainable location. With regard to affordable housing, the scheme would be considered suitable to secure the provision of affordable housing in some form. In this case it was considered that an off-site contribution would be beneficial and this would be secured via a s.106 Agreement. The Officer expressed the view that the design of the properties was appropriate, there would be no windows on the north side of the properties preventing overlooking of the existing property and the density was considered appropriate for the size of the site. He confirmed that the Highways Officer had raised no objection subject to conditions and that removal of some of the hedge would improve the existing access onto a busy bend. There was also the provision of adequate parking on-site with 4 spaces per dwelling.

Objectors had raised the issue of flooding of the site but the Officer confirmed that this was not within any flood zones. However, because of local concerns the Officer sought advice from Technical Services who had no objection to the application but suggested conditions regarding drainage and floor levels.

With regard to the objections about the wildlife habitat the Officer suggested that a condition could be added requiring a reptile survey prior to commencement of development and a stipulation that works should be carried out outside of the bird nesting season.

The Highways Officer confirmed that Sackmore Lane was a narrow hedge-lined road and that the existing access was sub-standard. He said that there would be no objection to the proposals provided that the visibility splay was improved as indicated on the submitted plans. The Highways Officer said that the developer would need to put a hard surface on the first 10m of the track and he was satisfied that there was adequate parking on site.

Public Participation

The Case Officer read from a statement received from an objector that re-iterated the objections previously received and set out in the report which the Officer had responded to in his presentation.

Local Member

Cllr Dowden expressed a number of concerns in respect of the application. He felt that the proposal was over-development of the site with approximately 80% of the land being built on. He suggested that the style and type of houses proposed did not reflect any existing properties in the village and did not reflect or enhance the character of the area. Although he recognised that there wouldn't be any windows to the north side of the properties to prevent over-looking, there clearly would be a view into the neighbour's garden from other parts of the house. He was also concerned about the proposal to remove part of the ancient hedgerow.

The issue of flooding was a major concern to Cllr Dowden. He referred to a brook that ran along Sackmore Lane and then along the field boundary. There appeared to be a balancing pond on the site and there were times when water could gush through this resulting in flooding on Sackmore Lane. It hadn't been possible to ascertain if this site was the source of the brook and he suggested that further investigation should be carried out into this matter before any application was determined. He proposed that Members should undertake a site visit to familiarise themselves with the site and to understand the issues raised.

Members' questions and debate

Cllr Cook expressed concern about the size of the proposed dwellings and felt that it was over-development in a rural area. He said that the amount of hard surface would be too great on this site.

Cllr Milsted was concerned about the potential for flooding and asked if the Environment Agency had been consulted. He was advised that they were only consulted for sites falling within Flood Zones 2 or 3 which this isn't. It was confirmed that the Technical Service Section had no record of flooding but had required a levels condition as a precaution.

Cllr Dowden said that the character of the area was that properties had large gardens. He felt that the proposals did not fit in with or enhance this character. With

regard to flooding, he confirmed that Sackmore Lane always had running water across it and although this might not constitute a “flood” the brook came close to the surface of the site even if it was not the source of the brook. He felt that this issue needed further investigation.

RESOLVED: To **DEFER** determination of the application to enable a **SITE VISIT** to take place.

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

APPLICATION:	2/2010/1157 Steeptonbill Farm, Catherines Well, MILTON ABBAS Full Planning (Minor)
Proposal:	Erect 1 No. agricultural building to store hay/straw/animal feed and carry out lambing (part retrospective)
Applicant:	Mr S Gould
Case Officer:	David Randles

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings. He confirmed that the site was within the conservation area but outside the settlement boundary, all trees in the area were covered by tree preservation orders, the site was near to a historic national park and was in an AONB.

The Officer said that the barn on site had been erected under permitted agricultural development in 1986 and planning permission was not required. Some 20 years ago applications had been refused to convert this barn to residential accommodation. The Conservation Officer had no objection to the application and felt that it made a positive contribution to farm diversity without causing a detrimental impact to the area. The Council’s agricultural consultant, Mr Sewell, had also stated that the application was satisfactory in agricultural terms, there was demonstrated need, and he stated that the applicant had confirmed that he had no intention to live on the site.

The Case Officer said that the proposed barn would sit behind the existing barn which is currently fully utilised. He said that there was no spare capacity and there was a desperate need for additional storage and also shelter for livestock during the lambing period. He advised that the land had already been excavated and levelled as the applicant was not aware planning permission was needed and he was apologetic for this error. The Officer confirmed that the proposal was relatively small, being approximately 20% smaller than the existing barn. Soil that had been excavated had been used to form a bund, although Officers were recommending a condition requiring this to be levelled and softened. He confirmed that there were no dwellings particularly close to the site that would be adversely affected.

The Officer then spoke about the landscape impact of the proposal and said that it wouldn't be seen from the East. There would be views from the South on the Hilton Road and tree planting was proposed along the road to strengthen the bank and provide additional screening. Whilst recognising that this was a sensitive site in an attractive landscape, Officers did not agree that it would be prominent and felt that it could be inconspicuous with planting and attention to the bund.

The Officer went through the recommendations set out in his report and concluded that there were no material planning grounds on which to refuse the application.

Public Participation

Mr Chance spoke on behalf of the CPRE reminding Committee that the site fell within an AONB and conservation area which he felt needed to be protected. He read from the Bournemouth, Dorset and Poole Structure Plan which said that development should only be allowed if the benefits outweighed the landscape value and whilst Mr Chance recognised the agricultural advantage he didn't feel it was beneficial to the landscape. Mr Chance didn't feel that there was a need for an additional barn which would only be required for high performing breeds of sheep which the applicant was not intending to breed. Mr Chance didn't feel that the proposals were for a long-term project and questioned the need for the additional development.

Mrs Robinson spoke on behalf of the Parish Council who recognised the need to balance the preservation of the landscape with the agricultural needs. The Parish Council were divided in their deliberations and generally felt that the amount of existing storage should be adequate to meet the applicant's needs. There was also concern about the affect on the landscape and also the potential for run-off as a greater area would be covered in concrete. The applicant had explained his need for the additional barn to Members and they were supportive of local businesses but on balance the majority of the Parish objected to the application.

Mrs Oliver expressed concern that the site was very visible and at the moment the existing barn could be seen. The ground to be used was relatively small and she felt that there was already adequate provision on the land. Mrs Oliver was concerned that it was an inappropriate site for an additional barn and it would result in additional mud on the road leading to blocked drains. She suggested the Members undertake a site visit.

Mr McAvoy referred to the area as being recognised for its tourism and said that the field was in a historic setting lying between the village and the Abbey. He said that it was a sensitive site and he was concerned that the building would be highly visible with very clear sight lines from the road. He referred to the AONB policy which he said demands the conservation of the landscape and preservation of the conservation area. Mr McAvoy suggested that the application contravened policy and he wasn't convinced that there was demonstrable need. He did however suggest that a small extension of the existing building might be acceptable. He felt that the landscape was permanent whereas activity on it was not and he was concerned that the barn would be left unused in the future spoiling the landscape.

Mr Duncan-Anderson felt that the proposed barn was large and clearly visible. He said that a caravan was currently stationed on the site that was very visible. Mr Duncan-Anderson also felt that a modification of the existing barn could satisfy any

unmet need. He referred to the potential for additional run-off caused by a large area of concrete making the land more unstable.

Mr Jones, a sheep farmer and Member of the Rare Breeds Survival Trust, spoke in favour of the application. He spoke about the numbers of Portland sheep and attempts to increase this number save this heritage breed. He said that shelter for the Portland sheep was essential as it bred out of the normal lambing season so needed protection in extremes of weather and also against predators. Mr Jones referred to the applicant's work buying up unwanted rams and ewes, and the need for him to have his own breeding stock to supplement his income selling lamb to a specialised market. Mr Jones said that he was also a member of CPRE and it was their aim to support rural enterprises of which this was one.

Mr Easton spoke on behalf of the applicant. He said that the proposed barn was an essential part of the farm which was not a small holding, but part of a larger business. He said that the barn would be erected in a "hole", and a great deal of excavation had already taken place and a bund formed which would be softened with additional planting. He said that the site was in a farming area so barns would be expected to be present. He re-iterated the Officer's conclusion set out in his report.

Local Member

Cllr Mrs Jones asked the Committee to note Cllr Cox's apologies and confirmed that he had forwarded his views to the Chairman and Officers recommending a site visit be undertaken. Cllr Jones also recommended a site visit to enable Members to view the site to understand the nature of the landscape and how the proposed barn would fit in. She felt that it would be highly visible and supported the Parish Council view that thought long and hard about the proposal but couldn't recommend any alternative. Cllr Jones would like to see an alternative proposal put forward for consideration.

Members' questions and debate

Cllr Cook asked for confirmation of the height of the proposed barn above the road level. The Case Officer confirmed that the road was much lower but was unable to give specific dimensions at the meeting.

Members agreed that the nature of the landscape was not permanent but was developed over centuries of agriculture. Members felt that agricultural needed support, but recognised however that this was a very sensitive site.

RESOLVED: To **DEFER** determination of the application to enable a **SITE VISIT** to take place.

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

APPLICATION:	2/2010/0322 Former Faccenda Factory, Higher Street, OKEFORD FITZPAINE Outline Planning (Major)
Proposal:	Demolish buildings and develop the land by the erection of 25 No. residential units, 655 sq mtrs of commercial floor space within 3 No. commercial units with associated parking and access (Outline Application for Access, Layout and Scale).
Applicant:	Mr & Mrs Smith
Case Officer:	Hannah Smith

Officer Appraisal

The Case Officer presented her report showing all relevant plans and drawings. She said that the site in the centre of the village was allocated as an employment site. She said there was limited vegetation surrounding the site and the existing factory had been partially demolished. She showed the Committee a layout plan with a mix of residential and commercial properties. The existing access would be used and the outline application was to determine scale, layout and access. The proposed dwellings followed the size of properties close to the site and the layout includes a pedestrian link to the adjoining land. The Conservation Officer had commented on the material that could be used but would be finalised at the reserved matters stage. The Officer advised Members that allocated parking had been included in the layout plan for the existing houses along Higher Street which would alleviate on-street parking. She referred to a query from a neighbour about drainage on the site and confirmed that the Environment Agency had suggested a scheme that would be included.

The Case Officer referred to the requirement to provide affordable housing. She advised Members that the applicant (and the Council) had undertaken a viability study and because of the need to provide employment units, together with surveys and works regarding decontamination, they could only viably provide 3 units of affordable housing which equated to 12½%. The Council's visibility study c/o the District Valuer, confirmed this. The Officer went through examples of viability if the mix of residential and employment changed and if granted were and were not provided.

The Highways Officer supported the application. When used as a chicken factory there were high numbers of HGV movements causing problems and nuisance to neighbours. He advised that the layout had been prepared in consultation with Officers and complied with s.38 criteria. He said that the layout provided parking with variable width highways, together with parking for existing properties along Higher Street and a pedestrian link to the adjoining site.

Public Participation

Mr Park spoke on behalf of the applicant describing the existing unit as a massive unattractive building that used to cause nuisance. He said that there had been no interest in the site from large employers despite national marketing and had been

standing empty for quite some time. Mr Park said that applicants had refurbished a number of properties along Higher Street at the front of the site and he felt that the proposals enhanced the character of the area. The site was not viable solely as a commercial site so the residential elements were needed to fund the project. It was intended to build cottage-style properties reflecting the form and variety in the village, although the detailed design was yet to be confirmed. He said that the proposals significantly enhanced the site whilst providing realistic employment opportunities and an element of affordable housing, together with a contribution that would be paid towards the village hall and recreation ground. He pointed out that there had been no objections from the local community to the proposals.

Local Member

Cllr Mrs Burch welcomed the application that gave some opportunity for employment and asked if the contributions could also go towards the school and village shop. Officers confirmed that the use of contributions was set out in a Planning Guidance Note which said that projects had to be set out in advance so the school and shop could not be included. It was hoped under the new Community Infrastructure Levy this type of facility could be included in future.

Members' questions and debate

Whilst recommending approval, Cllr Dowden expressed his disappointment that all deliveries/commercial traffic would have to pass through the residential element of the development. The Highway Officer advised that the applicants had been required to show that lorries could pass through the site even when cars were parked. The units would only have B1 use which was, by definition, considered appropriate in a residential area.

In response to questions the Case Officer confirmed that the Conservation Officer was satisfied that there weren't any significantly important views that needed to be preserved or safeguarded and also confirmed that all properties would be development to a minimum of Code 3 sustainability.

RESOLVED: To **APPROVE** planning permission subject to the following conditions:

1. FR04 - Reserved matters (Need to apply)
2. FR71 - Commencement (Outline)
3. FR14 - Approved plans and drawings
4. BC02 - Contaminated land (Full scheme submission)
5. BS08 - External lighting
6. Prior to commencement of the development, a scheme to provide for bat and bird boxes shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be completed in full prior to first occupation, and thereafter retained.

Reason: In the interest of enhancing the habitats available to species protected by law, in accordance with Policy 1.28 of the North Dorset Local Plan, First Revision and PPS9.

7. ME01 - Details of fences etc
8. ME02 - Hard surfaces
9. ER01 - Highway Design
10. ER02 - Estate road initial construction

11. ER03 - Estate road completion
12. ER04 - No obstruction to visibility splays
13. ER05 - Visibility splays first operation
14. ER06 - Estate roads surface water

Reason for Decision:

1. In reaching this decision the policies in the Development Plan for the area, which currently comprises the Bournemouth, Dorset and Poole Structure Plan 2000 and the North Dorset District Wide Local Plan (First Revision) 2003, were taken into account.

This includes specifically the following policies: 1.1 (Sustainable Development), 1.8 (Standard Assessment Criteria), 1.24 (Conservation Areas), 1.23 (Setting of Listed Buildings), 1.38 (Protected Species), 3.1, 3.2 (Employment Development), 2.1, 2.6, (Housing Provision and Distribution), 5.1, 5.17 (Parking Standards).

2. The development proposal brings forward a mix of commercial and residential development, commensurate with the scale and character of the rural location within Okeford Fitzpaine. The residential amenity of surrounding residential properties will not be adversely affected and the character and appearance of the Conservation Area will be enhanced. The layout and access including the parking arrangement complies with highway requirements. The proposal would represent an enhancement of biodiversity though providing opportunities within the development for birds and bats. As such, the proposal complies with relevant Local Plan policy including 1.1 (Sustainable Development), 1.8 (Standard Assessment Criteria), 1.24 (Conservation Areas), 1.23 (Setting of Listed Buildings), 1.38 (Protected Species), 3.1, (Employment Development), 2.1, 2.6, (Housing Provision and Distribution), 5.1, 5.17 (Parking Standards).

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

APPLICATION:	2/2010/1002 Little Chef, Grosvenor Road, SHAFTESBURY Advertisement Consent
Proposal:	Erect 9 No. illuminated signs and 1 No. non-illuminated sign in connection with the proposed conversion to KFC.
Applicant:	Mr B Budge
Case Officer:	James Lytton-Trevers

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings. He confirmed that the building already operated as a KFC and went through the different signs that had been applied for. There was proposed to be a new fascia with illuminated letters with LED lights in the elevations, 3 down-lit signs with traffic

directions and an unlit totem sign. Objections had been received on the grounds that the signs would be distracting to passing traffic. However, the Case Officer confirmed that the signs would not be visible from the road. He said that he felt the signage was appropriate for the size and location of the premises and was not likely to lead to light pollution above what was already there. He also felt that safety and amenity was not adversely affected.

Public Participation

Miss Cosby spoke for the applicant advising that the application tried to stick with “like for like” signs that the Little Chef had displayed. Back-lit LED illumination had been used that was low energy with less light pollution and also in keeping next to the petrol station. She said that the owners had undertaken a great deal of work to make the business a success and signage was crucial advertising to ensure success of the business.

Members’ questions and debate

Cllr Cook questioned whether the proposals were contrary to the Shaftesbury Lighting Policy but it was confirmed that this would only relate to the town, although the Officer had been unable to find an adopted policy.

Cllr Jeffery did not like the application. He felt the business was a small commercial unit with residential buildings on 3 sides. He also felt that the existing petrol station had too much illumination. Cllr Milsted highlighted that the signs all faced inward on an area that was already lit.

RESOLVED: To **APPROVE** advertisement consent subject to the following conditions:

1. AD01 - Standard advertisement (1)
2. AD02 - Standard advertisement (2)
3. AD03 - Standard advertisement (3)
4. AD04 - Standard advertisement (4)
5. AD05 - Standard Advertisement (5)
6. FR14 - Approved plans and drawings

Reason for Decision:

1. The proposals would have no negative implications for safety and amenity.
2. In reaching this decision the policies in the Development Plan for the area, which currently comprises the Bournemouth, Dorset and Poole Structure Plan 2000 and the North Dorset District Wide Local Plan (First Revision) 2003, were taken into account.

This includes specifically the following policies:

Local Plan:

3.13 Advertisements

1.8 Standard Assessment Criteria

Structure Plan:

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

APPLICATION:	2/2010/1090 Land at Yeatmans Lane, SHAFTESBURY Full Planning (Minor)
Proposal:	Erect 1 No. dwelling
Applicant:	Mrs J Sanderson
Case Officer:	David Randles

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings. He advised Committee that an earlier application had been withdrawn following advice from Officers that the proposed dwelling was too tall. The Officer explained the situation of the site to Members advising that the garden of No.3 Yeatmans Lane ran along the rear of the site. He said that there was a wide variety of types, styles and size of properties in the area and he was satisfied that there was the potential for a modest sized dwelling on the site. The Officer said planning policy did permit infilling provided that the character of the conservation area was not compromised and any proposal didn't constitute over-development. The proposal was for a dwelling of traditional design and materials and the Conservation Officer had been involved in the discussions and advice had been followed.

The Case Officer advised Committee that there had been an objection from the Town Council who were concerned about the affect on residential amenity, traffic and highway safety and its affect on the appearance and character of the area. He also went through objections that had been raised in the 6 letters received, as set out in his report.

It was proposed to retain and improve the existing access, garage and hard standing and the wall fronting the site would also be retained. The Officer explained the siting and size of the proposed dwelling and felt that there was sufficient separation between the development site and No.3 Yeatmans Lane and its garden not to adversely affect the owners' enjoyment of their property. Officers believed the revised scheme to be appropriate and satisfactory.

The Highways Officer confirmed that no change was proposed to the existing access. He advised that vehicles visiting No.16 Yeatmans Lane that currently used the development site, could park on the highway provided they didn't cause an obstruction, and he recommended conditional approval.

Public Participation

Mr Smith, the neighbouring resident, described the unusual layout of his property. He expressed concern that the residents of No.16 would be left with no land or parking if the site was developed. Mr Smith was very concerned about the affect on light into his property and also felt that the development would cause difficulties with traffic and parking. He said that the lanes were already very narrow and if vehicles were to park on the highway it would exacerbate problems. Mr Smith was also concerned about the location of the chimney and the potential for fumes to enter his property because of the close proximity. He felt that the development would affect the locality and sense of open space and would have a detrimental affect on the conservation area, not preserving or enhancing its character.

Mr Litchfield, a local resident, was also concerned about the affect additional vehicles parking on the highway might cause. Mr Litchfield felt the site was very small and the house would be tiny and was badly designed, not adding to the character of the Conservation Area. He recommended that the Committee undertook a site visit.

Mr Paley, agent for the applicant, said that an earlier application had been withdrawn as concerns had been expressed about the size of the proposed dwelling. He advised that No.16 Yeatmans Lane still had a courtyard garden and, in fact, the development site was purchased after No.16. Mr Paley confirmed that the proposal had been amended to move the dwelling away from the boundary of No.3 to achieve greater privacy, and he also confirmed that the proposals would not affect manoeuvres on the highway. He suggested that it might be possible to move the chimney in accordance with Building Regulations to negate Mr Smith's concerns.

Local Member

Cllr Cook felt that by removing this plot of land from No.16 Yeatmans Lane curtilage, made No. 16 look like over-development and resulted in the lack of available off-street parking for that property. He suggested that although policy allowed windfall development in principle, the application before Members fell short in other areas. Cllr Cook felt that the proposal did not preserve or enhance the Conservation Area nor did it add to the character of the area. He felt this was a prominent site and the proposal was not suitable. The hard surface area of the site would increase dramatically and it would be a massive over-development of the plot. Cllr Cook also referred to the potential for parking difficulties and he was concerned that it would be difficult to drive a vehicle onto the site.

Cllr Cook also expressed the need to protect the amenity of the neighbouring area which should be safeguarded. He said there was little sun in this area already and No.3 would receive even less sunlight if the proposed dwelling was erected.

RESOLVED: To **REFUSE** planning permission for the following reasons:

1. The proposal would result in an over-development of a narrow constricted site, failing to preserved or enhance the character of the Conservation Area contrary to policies 1.8, 2.6 and 1.24 of the North Dorset District Wide Local Plan (First Edition).
2. The proposal, by developing the garden of No.16 Yeatmans Lane, would remove the off-road parking for that property, further contributing to congestion on

this narrow road and over-development of the plots in this locality, contrary to policies 1.8, 2.6 and 1.24 of the North Dorset District Wide Local Plan (First Revision).

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

The meeting adjourned at 1.30 pm and reconvened at 2.00 pm. Cllrs Milsted and Level did not rejoin the meeting

APPLICATION:	2/2010/1101 Phase 3, Land East of Shaftesbury, East of Gower Road, SHAFTESBURY Reserved Matters (Major)
Proposal:	Erect 96 dwellings, estate roads, landscaping, open space and SUDS corridor at Phase 3. Reserved Matters application following Outline Permission No. 2/2002/0415 to determine appearance, landscaping, layout and scale.
Applicant:	Persimmon Homes (South Coast)
Case Officer:	John Hammond

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings. He confirmed that a traditional form of development would be erected and went through the key elements of the scheme as set out in his report including the completion of the eastern open space comprising the badger corridor and linked public open space, low density and informal treatment to the development's eastern boundary with the countryside and also to the eastern part of the Mampitts Lane southern boundary, and finally a single three storey building fronting the central square through which Mampitts Lane passes. The Officer explained that natural stone would be used on all buildings at key points and, as far as possible, the roads had been designed to take refuse vehicles.

Public Participation

Cllr Dibben of Shaftesbury Town Council said that they were looking forward to taking on the public open space and he thanked the officers for their work on this development. He hoped the transfer could take place as soon as possible.

Local Member

Cllr Cook said that the Shaftesbury Town Council had requested that their response should read "No objections received" rather than "No observations received".

Members' questions and debate

In response to a question from Cllr Jeffery, the Officer confirmed that, in principle, the wet and dry ponds had been agreed but the detailed design had not yet been received.

Cllr Miller commented that he was pleased with the level of affordable housing provision on the site. The Officer advised Committee that an additional 15% had been negotiated by Western Challenge and the Council's Policy Manager for Housing and the HCA. Ownership and nomination rights would mirror the usual delivery model.

RESOLVED: To **APPROVE** planning permission subject to the following conditions:

1. FR14 - APPROVED PLANS AND DWGS.
2. ER04 - NO OBSTRUCTION TO VISIBILITY SPLAYS
3. LS09 - HEDGEROW PROTECTION
4. ME02 - HARD SURFACES
5. Prior to the commencement of development details of all street furniture to be provided in accordance with the illustrative details set out in the Urban Design Strategy Pages 64 & 65 shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved details.

Reason: To ensure the co-ordinated delivery of streetscape infrastructure and to accord with Policies 1.8 and 2.5 of the Adopted North Dorset District Wide Local Plan (First Revision)

6. No longer than 28 days prior to the commencement of development, a site survey shall be undertaken of the reserved matters site by an appropriately qualified person to establish whether there is any sign of badger habitat, or activity that may be disturbed by the development proposals. Where relevant suitable mitigation measures shall be identified within the report which shall be submitted to, and approved in writing by the Local Planning Authority. All recommended mitigation works shall be undertaken in accordance with the approved report.

Reason: To minimise the impacts of the development upon protected species in accordance with Policy 1.38 of the Adopted North Dorset District Wide Local Plan (First Revision)

7. Prior to the commencement of development large scale details (not less than 1:10) of window enclosures and reveals, eaves, gables, porches, solar panels, external doors and reveals, dormers, garage doors and reveals and chimney stacks shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved details.

Reason: To ensure the development secures a high quality streetscape in accordance with Policies 1.8 and 2.5 of the Adopted North Dorset District Wide Local Plan (First Revision)

Reason for Decision:

1. The proposal accords with the requirements of the Adopted Development Brief together with the constraints established by outline planning permission 2/2002/0415, together with the Urban Design Strategy (December 2008). Additionally the development respects its local context, the amenity of nearby residents and the wider landscape. the layout includes good quality materials and permeable designs and accords with PPS 1, 3, 7 & 9 as well as the Adopted North Dorset District Wide Local

Plan policies 1.8, 1.16, 1.32, 1.33, 1.38, 1.39, 1.40, 2.5, 2.10, 5.11, 5.17, 5.19, SB1, SB2, SB8 and SB10.

Human Rights:

This Resolution is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.