

NORTH DORSET DISTRICT COUNCIL

MINUTES OF THE DEVELOPMENT CONTROL COMMITTEE MEETING HELD ON TUESDAY 27 SEPTEMBER 2011 AT 10.00 AM IN THE COUNCIL CHAMBER, NORDON, SALISBURY ROAD, BLANDFORD FORUM, DORSET

Present:

Committee Members:

Bill Batty-Smith MBE (Chairman)
Esme Butler
Charles Dowden
Vic Fox
Joe Hickish
Su Hunt
Sherry Jespersen
Geoffrey Miller
David Milsted
Val Potheary
David Walsh

Apologies:

Mervyn Jeffery

Officers, North Dorset District Council:

John Hammond, *Development Control Team Leader*
Jacqui Andrews, *Democratic Services*

Case Officers:

David Randles
Andrew Williams

Officers, Dorset County Council

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

18. DECLARATIONS OF INTEREST

Cllr Vic Fox declared a personal and prejudicial interest in application number 2/2011/0883 as a member of the Sturminster Newton Museum Society.

Cllr Geoffrey Miller declared a personal interest in application number 2/2011/0275 as the applicant was a farmer acquaintance.

19. MINUTES

Resolved

That the minutes of the meeting of the Committee held on 31 August 2011 be confirmed as a correct record and signed by the Chairman.

20. 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.

21. PLANNING APPEALS

The Committee noted the report of the Development Control Manager for the period between 22nd August and 16 September 2011. The Senior Solicitor advised the Committee that since the report had been prepared, Ecotricity had submitted an appeal in respect of the decision to refuse permission to erect wind turbines at Silton/Bourton. He said that the Council had 6 weeks from 22 September to agree a common statement with the appellant and a 5 day public inquiry had been suggested that the Council would not oppose.

The meeting closed at 12.15 pm.

CHAIRMAN

UPDATE REPORT

APPLICATION:	2/2011/0275 Clapcotts Farm, Bournemouth Road, SPETISBURY Full Planning (Minor)
Proposal:	Site 1 No. temporary mobile home 9.6m length by 3.06m wide (retrospective).
Applicant:	S W Hannam & Son
Case Officer:	Andrew Williams

Officer Appraisal

The Case Officer reminded Members that this application had been deferred from the meeting on 1st June to enable the applicant to submit an agricultural needs assessment to be reviewed by the Council and also to determine if the site was the most appropriate within the farm holding to station a mobile home, bearing in mind the extent of the flood plain. The Case Officer said that the Environment Agency had objected strongly to the proposal because of its location within the flood plain and had requested that if the Committee was minded to approve the application that the decision was delayed until the Agency had an opportunity to address the Committee further. The applicant had advised that the mobile home was only for a temporary period and was occupied by a key worker. He said that the site had not flooded in his lifetime. The Council's advisor recognised the need for 2 key workers but said that there was already 2 dwellings on the farm holding. However, one of these was currently occupied by the retired applicant.

Members' questions and debate

Members sought clarification on land in the ownership of the applicant to try to determine if the mobile home could be sited elsewhere. The Case Officer advised that there was land in County Council ownership that was outside of the flood plain but the applicant had not sought to negotiate with the County Council regarding this site. The Development Control Team Leader pointed out that PPS 25 required the applicant to undertake a sequential test as a cautionary approach requiring evidence regarding the unsuitability of alternative sites. The delay requested by the Environment Agency was so that they could determine if any mitigation could be put in place if the Council determined to approve permission.

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

1. RF09 - No agricultural need 1

The residential occupation on the application represents a vulnerable use on a site which is considered to be at high risk of flood. The use is therefore considered to be inappropriate and to fail to meet the requirements of PPS25 and the objectives of

and policy 1.13 in the North Dorset District Wide Local Plan which seek to discourage inappropriate development within areas at risk of flood.

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.

NEW APPLICATIONS

APPLICATION:	2/2011/0702 Fontmell Magna Cricket Pavilion, North Street, FONTMELL MAGNA Full Planning (Minor)
Proposal:	Convert existing 2 No. holiday lets to pottery and residential accommodation and create new vehicular and pedestrian access.
Applicant:	Mr and Mrs W M Thorn
Case Officer:	Andrew Williams

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings. He described the site as being isolated and subject to AONB policies with views towards the Fontmell Down. The Officer said that planning permission had been granted for the use of the old pavilion as holiday accommodation which accorded with planning policies. He felt that the proposed use of the site as residential accommodation with a pottery and separate kiln did not accord with policies. He referred to Policy 1.10, detail of which was set out in his report, that allowed for the re-use and adaption of buildings in the countryside to a residential use if it was part of a scheme for business re-use and if it could be justified that it was essential that the business was on that site. He didn't feel that any justification had been given to show that the pottery had to be in the countryside.

The Senior Engineer for Dorset County Council said that the proposed access onto the A350 was the same as that approved for the holiday lets. He said that there was an area for vehicles to move off the highway whilst opening the gates and he raised no objection to the application subject to conditions.

Public Participation

Mr Gibb, speaking on behalf of the Parish Council said that he had checked the boundary of the Cranborne Chase AONB which was shown as running through the Pavilion. He referred to the planning permission that had been granted for the domestication of the building in to holiday lets with a residential restriction. He reported that the application was fully supported by the Parish Council and also by many local people. Mr Gibb said that there was a requirement for rural skills and the

need to be where they can work best and the Parish supported this application in this area. The Parish Council believed that the proposals enhanced the dwelling and the proposed Clock Tower accorded with the previous use of the site as a cricket pavilion. Mr Gibb referred to PPS.7 which he said supported occupational dwellings in the countryside, and the Parish Council felt that the kiln, that would be separate from the building, small in size and wood-fired would blend in with the area. He reiterated that the Parish Council were firmly in support of the application.

Mr Garratt spoke in support of the application. He had himself had a number of potteries, both in the New Forest and in Cranborne. He said that the proposal was for more of an artisan studio complex than a business. He gave examples of the number of deliveries for his own pottery, being an annual delivery of wood and a once in 10 year delivery of clay, and that fact that the business created no commercial waste. He had been able to develop a strong healthy relationship with locals in other areas and was sure that the applicant was equally committed. He believe the proposal would be a benefit to the area.

Mr Thom, the applicant, said that there would be no change to the building except for the addition of a kiln. He was happy for the Committee to add a condition preventing further development and he said that they would be content to dry washing indoors so that there was no visual impact on the AONB. He said that the site was only 200m from the village boundary and was sustainable. Pottery classes had been run in the local school and goods had been sold in local shops.

Mr Carpendale, the applicant's agent, said that this was a sustainable location being only a stones-throw from the village. He referred to Policy 1.10 allowing live/work use where the commercial element was greater than the living space. He believed that the proposal before Committee met this requirement. Mr Carpendale also referred to the emerging National Planning Policy Framework which was a material consideration that put weight on the sustainability issue. He suggested that the proposal had economic benefits in an appropriate location with much local support.

Local Member

The Chairman gave the Committee apologies received from the Local Member, Cllr Julian Speers.

Members' questions and debate

Cllr Walsh, whilst expressing empathy with the application, felt that he could not agree to a change of use to living accommodation as he felt that if an application was made for house on the site it would be refused. Cllr Fox was also concerned about allowing residential accommodation on the site as he felt that this could set a precedent for a future application for demolition and the erection of a large house.

Cllr Milsted suggested that a way round this would be to tie the permission to the business. However, he didn't believe that any evidence had been given to prove that the pottery needed to be in this location. Members didn't believe that this was the appropriate use of the building.

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

1. The Local Planning Authority does not consider that there is an essential overriding need for a permanent residential unit to be formed within the existing building on this site as an exception to the established sustainability and countryside policies which seek to resist new residential units in the countryside. The proposed development is therefore contrary to policies 1.1, 1.6, 1.8 and 1.10 of the North Dorset District Wide Local Plan (First Revision), and PPSs 1, 3, 4 and 7
2. The establishment of a permanent residential use would be likely to lead to the domestication of the site and the siting of a free standing kiln and other unnecessary and unsuitable structures in the countryside which would be unduly and unnecessarily harmful to the natural quality of the landscape which is also a designated AONB, contrary to policies 1.33 and 1.32 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.

APPLICATION:	2/2011/0330 The Farmhouse, Well Lane, SHAFTESBURY Full Planning (Minor)
Proposal:	Erect 2 No. detached houses, detached double garage, detached triple garage and form 9 No. parking spaces (install biodisc drainage system and demolish existing outbuilding).
Applicant:	Mr and Mrs C Pankhurst
Case Officer:	David Randles

Officer Appraisal

The Case Officer presented the application showing all relevant plans and drawings. He advised Committee that this was a sizeable piece of land severed from the remaining farm a number of years ago which hadn't been used to any great extent over the last 20-30 years. He said that the site would be accessed along the existing drive to the farmhouse that petered away to a track. The Case Officer pointed out that there was a listed building at the entrance from the public highway and also an outbuilding proposed for demolition in the position where Plot 1 would be erected. The Officer pointed out that there was a row of cottages at the top of the slope overlooking the site and he spoke of the differing land levels which were 4-5m in places. It was proposed to fell some of the trees on site but the Tree Officer had confirmed that these were either decayed or damaged. The Case Officer spoke of the intention to make the floor level of Plot 1 lower than the existing outbuilding on site and also to cut the proposed triple garage into the slope – this garage would be accessed from within the extended curtilage of the existing farmhouse.

The Case Officer confirmed that a great deal of negotiation had been undertaken with the applicants and the Conservation and Development Control Officers with regard to the design of the proposed dwellings, one being of a contemporary design with a shallow pitched roof using natural/traditional materials which the second plot was more traditional in appearance. The siting of the properties had been intentionally left unregimented, and the view from the road has been kept as open as possible.

He reported that the Town Council had expressed concern about the increase in traffic and the impact on residents. Whilst it was accepted that there would be a marginal increase in traffic, this was not considered sufficiently unreasonable to result in a loss of amenity. Another concern expressed was the effect of the proposed dwellings on the surrounding properties. There would be some interruption to the views to the North West, and it would be possible to see the roofs but as there was a significant gap between properties this was not considered to result in unacceptable detriment to the amenity of neighbours and was not a sustainable refusal reason. In summary the Case Officer confirmed that it was considered a suitable site within the settlement boundary and a Conservation Area, the prevailing character of which was not compromised.

The Senior Engineer for Dorset County Council confirmed that the Highway Authority had no objection to the proposals. There was sufficient parking, garage and turning space on site. Whilst he recognised that Well Lane and Yeatmans Lane were narrow, this restricted speed on the highway and he also said that there was a good link to the strategic highway network.

Public Participation

Town Cllr Lewer said that the Town Council objected on the grounds of inadequate road access. He said that Well Lane would be the only access for construction vehicles and he was concerned that there would be difficulties for residents during the construction period. The Town Council were concerned about the additional traffic movements that would be generated. Cllr Lewer referred to District Wide Local Plan SB4 which applied to the foot of slopes and said that development should only be permitted when it strengthens local character which he felt the proposed development didn't. He suggested that the proposals were not in keeping with the area.

Mrs Cauldwell spoke on behalf of the Civic Society. She said the proposed development was within a Conservation Area and felt that the whole site should be controlled by the listing that was attached to the farmhouse. Mrs Caudwell said that the Civic Society were happy with the demolition of the 20th Century farm building but didn't feel that the proposed replacements were appropriate. They felt that the proposed dwellings were very large and of no architectural merit. She also said that the dwellings did not reflect the existing character of Enmore Green which was a settlement of small buildings. The Civic Society believed that the proposals constituted an over-development of the site.

Mr Litchfield, a local resident, said that he agreed with the comments of previous speakers, particularly with regard to the traffic issues. He was concerned about the type of development which he felt was not necessary or beneficial to the character or environment of the Conservation Area. He also expressed concern that if permission

was granted this would set a precedent for further large developments in the local area, resulting in progressive and creeping development.

Mr Paley, speaking on behalf of the applicant, commended the comments made by the Case Officer. He said that he had been in negotiation with the Council since 2009 to establish the principle of development of the site within the Development Boundary. He said that the site couldn't really be seen from the road except for a brief glimpse. Mr Paley advised Committee that historically before the bypass was established the site was a working farm and was used by a lot of heavy agricultural traffic. He reiterated the comment of the Case Officer that this was a spacious site for 2 dwellings and he felt the proposals made a positive contribution to enhancement of the Conservation Area. Mr Paley said that the proposals constituted a sustainable development and would comply with the guidelines of the National Planning Policy Framework.

Members' questions and debate

In response to Members' questions, the Case Officer confirmed that the residential curtilage of the farmhouse would be extended to include the site of the triple garage. He also confirmed that it was proposed to reduce the floor level of Plot 1 by 10 feet and Plot 2 would be at a similar level or lower.

Cllr Milsted said that although the roads were very narrow, a large number of bigger vehicles would have used the access when the site was a working farm. He recognised that the construction period might be difficult for local residents but this would be for temporary period. Referring to the size of the proposed dwellings, Cllr Milsted suggested that villages were often made up of houses of difference sizes and he felt that these would be barely visible from the village. Cllr Potheary said that she understood the concerns of local people but said that there were already larger houses within the village. Cllr Butler asked if a condition could be applied prohibiting construction at weekends but was advised that this would be unusual and would prolong the construction period.

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

1. FR11 - Commencement (Full permission)
2. FR14 - Approved plans and drawings
3. FR03 - Conditions (Written approval required)
4. MT02 - Materials (Samples for approval)
5. MT06 - Brick bond / stone coursing
6. MT12 - Joinery details
7. MT20 - No windows
8. ME02 - Hard surfaces
9. LB06 - Ironwork details
10. LB05 - No external services
11. LS14 - Fencing & Boundary treatment
12. LS07 - Tree protection (Fencing)
13. LS08 - Tree protection (Excavations)
14. LS12 - New planting
15. ST02 - Floor levels
16. DR01 - Foul & surface water drainage
17. PD01 - PD rights exclusion: Curtilage

18. PD02 - PD rights exclusion: Extensions
19. PK02 - Access, turning, garaging, parking provision

NOTE IF04 - (Public sewer)

NOTE IF07 - (Private foul drainage)

Reason for Decision:

1. The proposed development is appropriate and satisfactory and accords with planning policy. No material harm would be caused to the prevailing wider character and amenity of the area. There are no material planning objections or implications of sufficient weight or relevance to justify any refusal of the planning permission applied for.

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: SH, EN.H, EN.Q, IA, ID, TR.V; 1.1, 1.7, 1.8, 1.14, 1.15, 1.23, 1.24, 1.38, 1.40, 2.6. PPS.1; PPS.3; PPS.5.

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:	2/2011/00331 The Farmhouse, Well Lane, SHAFTESBURY Conservation Area Consent
Proposal:	Demolish outbuilding.
Applicant:	Mr and Mrs C Pankhurst
Case Officer:	David Randles

RESOLVED: To **APPROVE** conservation area consent subject to the following conditions:

1. FR12 - Commencement (Listed building & conservation area)
2. FR14 - Approved plans and drawings

Reason for Decision:

1. The proposed development would remove a building which contributes negatively to the character and appearance of the Conservation Area. No material harm would be caused to the prevailing wider character and amenity of the area. There are no material planning or conservation objections.

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: EN.Q, 1.23, 1.24, 1.25, PPS.5.

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:	2/2011/0835 Trinity Centre, Bimport, SHAFTESBURY Full Planning (Minor)
Proposal:	Erect chain link barrier
Applicant:	Trinity Centre Trustees
Case Officer:	David Randles

Officer Appraisal

The Case Officer presented his report showing all relevant plans and drawings. He said that the site was accessed from Bimport and it was intended to erect 2 bollards and a connecting chain at the entrance to prevent unauthorised use of the car park. The chain would be out of view when not in use. The bollards would not prevent access to wheelchair users and pedestrians. The Officer explained that the Town Council had raised an objection as they felt the bollards were too modern and industrial looking but the Case Officer and the Conservation Officer were of the view that this was relatively insignificant to the setting of the Church.

Public Participation

Town Cllr Lewer said that the Town Council felt that the bollards and the chain were not attractive and there was concern that the bollards had an inbuilt alarm system that could become a nuisance to local residents if activated regularly. Cllr Lewer said the Town Council sympathised with the need to control parking but would prefer more traditional bollards with a central retractable bollard rather than a chain. The Case Officer confirmed that there was no alarm built into the bollards.

Mrs Franks, speaking on behalf of the applicant, said that there had been a lot of problems with unauthorised parking which had caused difficulties for the tenants at the Trinity Centre. She said that all tenants and the Town Council had been invited to a meeting to discuss this issue but unfortunately the Town Council had not attended. She said that the use of retractable bollards had been considered but this cost in the region of £10,000 more. The use of a raising barrier had also been considered but this was not possible with the trees on site. Mrs Franks confirmed that there was no inbuilt alarm and felt that this was the best option to resolve the problems being experienced.

Members' questions and debate

Cllr Hickish said that he understood the need for the bollards and suggested that if approval was given it might be possible for some of the signage prohibiting

unauthorised parking to be removed. Mrs Franks clarified how users of the day centre and other facilities would be able to use the car park after the installation of the bollards.

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

1. No alarm system of any description shall be attached to, or activated by the chain link barrier security installation hereby approved.
Reason. To safeguard the prevailing visual and residential amenity of the conservation area in accordance with Bournemouth, Dorset & Poole Structure Plan Policies ID, EN.H and EN.Q and North Dorset District-Wide Local Plan (First Revision) Policies 1.8, 1.23 and 1.24.
2. Before the commencement of works a plan showing the location of all the existing signs to be removed from the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The existing signs to be removed are those which are duplicates and those which relate to the control over parking on site and which will, in the opinion of the Local Planning Authority be rendered superfluous by the security installation hereby permitted.
Reason. To safeguard the character and visual amenity of the conservation area in accordance with Bournemouth, Dorset & Poole Structure Plan Policies ID, EN.H and EN.Q and North Dorset District-Wide Local Plan (First Revision) Policies 1.8, 1.23 and 1.24.
3. FR11 - Commencement (Full permission)
4. FR14 - Approved plans and drawings

Reason for Decision:

1. The development accords with planning policy and there are no planning or conservation objections. No material harm would be caused to the prevailing character and amenity of the area or to the setting of any adjacent Listed Buildings.
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: SH, EN.Q, ID; 1.8, 1.21, 1.23, 1.24; PPS 5.

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:	2/2011/0883 1 Old Market Cross House, Market Cross, STURMINSTER NEWTON Full Planning (Minor)
Proposal:	Erect single storey extension (demolish existing extension)
Applicant:	Sturminster Museum
Case Officer:	David Randles

Officer Appraisal

The Case Officer presented his report and confirmed that the old building was not a listed building. He also referred to the later extension which he said had been done very well. He confirmed that the purpose of the extension was to provide further display space for the museum and also a cloakroom for visitors. He said that it was proposed that the extension would have a pitched roof and limited windows to maintain security. The Officer said there had been a great deal of pre-application negotiation including input from the Conservation Officer and the proposal had been deliberately made to look different. He said that the Town Council had objected to the proposal as they felt it was not in keeping with the Conservation Area. Officers felt that the architectural approach was sound and that the proposed extension sat unobtrusively without challenging the primacy of the main building. A concern had also been raised by a neighbour about the possible effect on their outlook. Officers were of the view that the style was typical in a confined town centre area and that the scheme was satisfactory.

Public Participation

Mr Pigeon, Chairman of the Museum Society, said that the museum occupied the offices previously used by the Town Council. He said that the museum attracted visitors from all around the UK and abroad and they wanted to be able to provide visitor toilets and a room big enough to accommodate a whole class room of students and also more display room. He didn't believe the proposal had a visual impact on the town and also improved security, was vandal-proof and was low maintenance.

Mrs Denham, also representing the Museum Society, felt that this was a community building. The museum had let 2 rooms as offices to pay the mortgage on the property and there was now a need for a workshop for preparing artefacts and also a function room for use by school pupils and holiday activities and talks to visitors.

Local Member

Cllr Fox said that the Town Council did not like the proposals. In particular the Town Council were concerned about the use of metal cladding in the centre of the town behind a number of important buildings. He recognised the problems in finding an acceptable design. He felt that the proposal was a modern extension of no architectural merit and didn't minimise the effect on local heritage assets. Having declared a prejudicial interest in this application, Cllr Fox left the Chamber prior to the debate and vote taking place.

Members' questions and debate

In response to a question from Cllr Su Hunt, the Case Officer confirmed that the roof was an unusual shape to allow it to fit under the roof of the existing building whilst enabling the thatch to drain properly. The current extension did not allow the roof to drain properly and the Conservation Officer was keen to resolve this issue as soon as possible. Cllr Milsted felt that the site was not widely publicly visible and the proposed materials would weather quickly. He recognised that if the Museum tried to match the existing building it would not provide the additional room that was needed. He felt that the proposal was the best compromise.

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

1. FR11 - Commencement (Full permission)
2. FR14 - Approved plans and drawings
3. FR03 - Conditions (Written approval required)
4. MT02 - Materials (Samples for approval)
5. MT11 - External door & window details
6. LB06 - Ironwork details
7. DR02 - Surface water drainage

Reason for Decision:

1. The development is appropriate and satisfactory. No harm would be caused to the prevailing wider character and amenity of the area. The proposal accords with planning policy and there are no material planning objections of sufficient weight or relevance to justify a refusal of planning permission. The development is therefore considered to accord with the provisions of Policies 1.8, 1.23, 1.24, SN1 and SN3 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.