



# Shaftesbury Town Council

Town Hall, Shaftesbury, Dorset. SP7 8LY  
Telephone: 01747 852420

Town Clerk: Mrs Claire Commons  
e-mail:enquiries@shaftesbury-tc.gov.uk  
Website:www.shaftesbury-tc.gov.uk  
VAT Reg No 241 1307 58

To: Members of Shaftesbury Town Council’s Planning and Highways Committee (PH), Councillors for P&H; Welch(Chair) Lewer (Vice-Chair), Chase, Hollingshead, Proctor and Loader.

You are summoned to a meeting of the Planning and Highways Committee for the transaction of the business shown on the agenda below. To be held at 7.00pm on **Tuesday 16 March 2021 [online at Zoom.us](https://www.zoom.us)**. Meeting ID: 835 3018 4557

All other recipients for information only

Claire Commons FdA (Comm Gov), Fellow SLCC, Town Clerk and Responsible Finance Officer (RFO)

10<sup>th</sup> March 2021

## Public Participation

Due to the current government coronavirus response, the Town Council will be meeting online. Members of the public are encouraged to submit their questions or comments under ‘Public Participation’ in advance of the meeting to the Chairman and these will be made available to all Councillors. Members of the public may also link in to observe the meeting using the details above. ([Local Government Act, 1972 s.100](#))

## Online Meeting Arrangements

The Chairman will host the meeting, attendees will be muted and councillors invited to speak in turn at each agenda item in line with Standing Orders Rules of Debate, Councillors may raise their hand to indicate that they wish to speak at other times. Voting will be taken in turn as directed by the Chairman and should be by the response ‘In Favour’, ‘Against’, or ‘Abstain’. The decision and summary of votes will be read back before moving to the next item. ([The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations, 2020](#))

## The 7 principles of public life

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership

([Committee on Standards in Public Life, 1995](#))

## Agenda

- |          |   |          |
|----------|---|----------|
| <b>1</b> | <b>APOLOGIES</b> .....  | <b>3</b> |
|          | To receive and consider for acceptance, apologies for absence ..... | (1 min)  |
- ([Local Government Act, 1972 s.85](#))

Report 0321PH05 to a meeting of the Planning and Highways Committee  
Tuesday 16 March 2021

---

<b>2</b>	<b>DECLARATIONS OF INTEREST</b> .....	<b>3</b>
	To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. ....	(1 min)
	<i>(Shaftesbury Town Council Code of Conduct, 2019)</i>	
<b>3</b>	<b>MINUTES</b> .....	<b>4</b>
	To confirm the minutes of the previous meeting of the Planning and Highways Committee. ....	(5 min)
	<i>(Local Government Act, 1972 Sch 12)</i>	
<b>4</b>	<b>OFFICER REPORTS</b> .....	<b>5</b>
	To receive reports retaining to the Planning and Highways committee. ....	(5 min)
	<i>(Local Government Act, 1972 Sch 12)</i>	
<b>5</b>	<b>PLANNING APPLICATIONS</b> .....	<b>7</b>
	To consider responses to planning applications to include but not be limited to; Land at St James St, 21 Breach Lane, 7 New Rd, 23 Cranborne Drive, Mustons Yard and 2 Breach Lane .....	(15 min)
	<i>(Town and Country Planning Act, 190 sch.1 para.8)</i>	
<b>6</b>	<b>PLANNING APPEAL - LAND SOUTH OF A30</b> .....	<b>10</b>
	To consider any further response to Appeal Notification - A/2/2018/1773/OUT at Land South Of A30 .....	(5 mins)
	<i>(Town and Country Planning Act, 190 sch.1 para.8)</i>	
<b>7</b>	<b>SHAFTESBURY SPINE ROAD</b> .....	<b>12</b>
	To consider the Consultant report pertaining to the Spine Road .....	(15 mins)
	<i>(Shaftesbury Town Council Scheme of Delegation, 2020)</i>	

(End)

Anticipated meeting end time 8:15pm

### References

- Committee on Standards in Public Life, 1995. *The seven principles of public life*. [Online]  
Available at: <https://www.gov.uk/government/publications/the-7-principles-of-public-life>
- Local Government Act, 1972 s.100. *Admission of public and press to local authority committee meetings*. [Online].
- Local Government Act, 1972 s.85. *Vacation of office by failure to attend meetings*. [Online].
- Local Government Act, 1972 Sch 12. *Meetings and Proceedings of Local Authorities*. [Online].
- Planning and Highways Committee Terms of Reference, 2019. *Planning and Highways Terms of Reference*. [Online]  
Available at: <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2020/01/2019-07-23-Adopted-TERMS-OF-REFERENCE.pdf>
- Shaftesbury Town Council Code of Conduct, 2019. *Code of Conduct*. [Online]  
Available at: [https://www.shaftesbury-tc.gov.uk/images/STC\\_Code\\_of\\_Conduct\\_2012.pdf](https://www.shaftesbury-tc.gov.uk/images/STC_Code_of_Conduct_2012.pdf)
- Tharmarajah, M., 2013. *Local Council's Explained*. 1st ed. London: NALC.
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations, 2020 . [Online].
- Town and Country Planning Act, 190 sch.1 para.8. *LPA notify parish of Planning Applications*. [Online]  
Available at: <https://www.legislation.gov.uk/ukpga/1990/8/schedule/1/paragraph/8>

## 1 Apologies

To receive and consider for acceptance, apologies for absence (1 min)

[\(Local Government Act, 1972 s.85\)](#)

---

### 1.1 Background

1.1.1 The Council (including committees) should approve (or not) the reason for apologies given by absent councillors. If a council member has not attended a meeting of the council (or its committees) or has not tendered apologies which have been accepted by the council (or committee), for six consecutive months, they are disqualified.

## 2 Declarations of Interest

To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. (1 min)

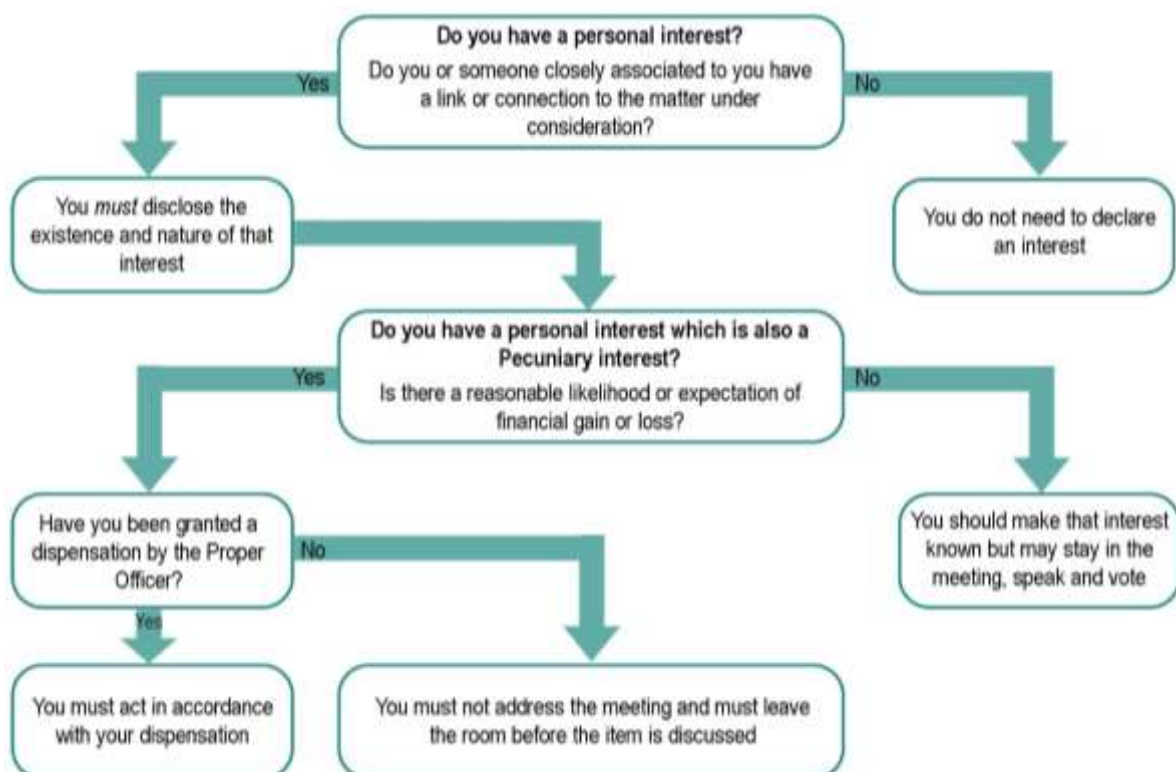
[\(Shaftesbury Town Council Code of Conduct, 2019\)](#)

---

### 2.1 Background

2.1.1 Members and Officers are reminded of their obligations to declare interests in accordance with the Code of Conduct 2019. The Clerk will report any dispensation requests received.

2.1.2 Where a matter arises at a meeting which relates to a councillor's interest, the councillor has the responsibility of declaring that interest in accordance with the adopted code of conduct. (Shaftesbury Town Council Code of Conduct, 2019)



### **3 Minutes**

To confirm the minutes of the previous meeting of the Planning and Highways Committee. (5 min)

[\(Local Government Act, 1972 Sch 12\)](#)

---

#### **3.1 Background**

- 3.1.1 When the meeting is approving the draft minutes of a previous meeting as an accurate record, the only issue for the meeting is whether the minutes accurately record the proceedings of the meeting and the resolutions made at them. It is irrelevant if the chairman or other councillors were not present at the meeting to which the draft minutes relate.
- 3.1.2 If it is necessary for the draft minutes of the previous meeting to be corrected because of an inaccuracy in them, then the amendments to the draft minutes must be approved by resolution. (Tharmarajah, 2013, p. 154)

#### **3.2 Minutes to be adopted**

- 3.2.1 Minutes to be adopted are provided through the hyperlinks against each of the dates below. Members should read them in advance of the meeting and satisfy themselves that they are a true record of the decisions taken.
- 3.2.2 [9<sup>th</sup> February 2021](#)

## **4 Officer Reports**

To receive reports retaining to the Planning and Highways committee. (5 min)

[\(Local Government Act, 1972 Sch 12\)](#)

---

### **4.1 Summary**

4.1.1 Reports provided within this item are to be received, they provide updates on decisions already taken by the Committee and actions taken under the Scheme of Delegation (where not previously reported). Along with any other matters pertaining to this committee.

### **4.2 Actions from the last meeting held on [9<sup>th</sup> February 2021](#)**

4.2.1 Planning Appeal – Land North of Enmore Court, provide a response. - Submitted

4.2.2 Footpath 32, to provide a response of no objection to Dorset Council. - Submitted

4.2.3 Dorset Council Free Parking Policy, to provide a response of no objection to Dorset Council. - Submitted

### **4.3 Other Matters to Note**

4.3.1 The following correspondence has been received. Please could the committee provide direction on any action they wish to take.

4.3.2 *'In the July 2020 the Town Council discussed the needs of a safe controlled crossings and a reduction of the speed limit from 40 mph to 30 mph on the A350 Grosvenor Road, Shaftesbury. At this meeting it was agreed to write to Dorset County Council to request these actions; I understand from you today, that both matters have been rejected by Dorset County Council due to their survey suggesting that there is "not enough foot traffic" to warrant either needs. I find this news very disappointing to say the least for the residents of Grosvenor Road and the estates leading from it. Would it not be prudent to make the residents aware of the decision made by Dorset County Council? I worry that the survey would have taken place during the lockdown periods when perhaps I might suggest that many of the older generation along with others with young families just might have been shielding at the time? I would also suggest that a reduction of the motor traffic would also or should have been less during this time and perhaps is not representative of normal traffic flow? Has the study also taken in to consideration the extra footfall that the new Estate will also create? If you look at the A350 Christy's lane, this part of the road has two light controlled crossings and three roundabouts. The crossing allows the senior, young, and families to cross the road in safety. The result of having the two crossings and three Roundabouts in this area slows the traffic flow and reduces the dangers to residents. I would ask that Shaftesbury Town Council should not accept the decision made and should request that Dorset County Council re-open this issue urgently for both issues. On a final note, in discussion with the Dorset Highways Department in recent weeks, I have been informed that (at last thankfully) the Grosvenor Road is to be resurfaced in*

*April/ May time of this year.*

*Surely this is the time for STC to put some pressure onto Dorset County Council as it would seem to be a good opportunity for the installation of the two controlled crossings at either end of the Grosvenor Road (Ivy cross roundabout and one between Homefield and Heathfields estates)'and also to reduce the speed limit.*

*Importantly there are currently no "dropped curbs" in the Grosvenor Road (other than at the new roundabout) so I would suggest that these are needed at a minimum at the Ivy cross roundabout on the Grosvenor Road and also dropped curbs are needed off the Ivy cross roundabout at the A30 side into town to enable the disabled and young families to negotiate the curbs and traffic. I would welcome your responses in due course.'*

#### **4.4 Recommendation**

- 4.4.1 That the reports are received and noted and any actions arising identified for future meetings of the Council or its Committees

#### **4.5 Reason for Recommendation**

- 4.5.1 There are no items of business identified for decision. This report provides updates on previous decisions and decisions taken under the scheme of delegation.

## **5 Planning Applications**

To consider responses to planning applications to include but not be limited to;  
Land at St James St, 21 Breach Lane, 7 New Rd, 23 Cranborne Drive, Mustons  
Yard and 2 Breach Lane (15 min)

[\(Town and Country Planning Act, 1990 sch.1 para.8\)](#)

---

### **5.1 Summary**

5.1.1 The planning applications listed below have been received and require comments to be submitted to the Local Planning Authority. Prior to the meeting members are urged to view the planning applications using the link below and visit the site (with appropriate social distancing) to understand the local context.

### **5.2 Planning Applications**

#### **[P/FUL/2020/00457](#)**

**Proposal:** Erect 1 No. dwelling and create 1 No. parking space (demolish existing garage).

**Location:** Land at E385940 N 122542 St James Street Shaftesbury Dorset SP7 8HQ

#### **[P/HOU/2020/00363](#)**

**Proposal:** Erect single storey rear extension including balcony (demolish existing conservatory)

**Location:** 21 Breach Lane Shaftesbury Dorset SP7 8LE

#### **[P/FUL/2020/00438](#)**

**Proposal:** Change of use of cellar to a dog grooming business.  
(retrospective)

**Location:** 7 New Road, Shaftesbury, SP7 8QW

#### **[P/HOU/2021/00011](#)**

**Proposal:** Erect single storey front extension.

**Location:** 23 Cranborne Drive, Shaftesbury Dorset SP7 9HA

#### **[P/FUL/2020/00480](#)**

**Proposal:** Change of use of the existing retail unit to a cafe/restaurant  
(Use Class E) including alterations and extensions (Part retrospective)

**Location:** Mustons Yard, Mustons Lane, Shaftesbury, SP7 8AD

#### **[P/LBC/2021/00636](#)**

**Proposal:** Carry out internal alterations, ground floor: rehang door and revision of partitions, first floor additional partitions to subdivide and allow the addition of a bathroom in association with change of use of public house with manager's flat to 1 No. dwelling.

**Location:** 2 Breach Lane, Shaftesbury, Dorset, SP7 8LE

### **5.3 Scheme of Delegation**

5.3.1 The Committee is delegated to act as a Statutory Consultee on behalf of the Town of Shaftesbury in all planning matters relating to the Town and to decide Shaftesbury Town Council responses to consultations on planning and tree applications received from higher tier authorities and forward them in writing to the respective planning authority. (Planning and Highways Committee Terms of Reference, 2019) paras 1 and 3.

### **5.4 Legal Implication**

5.4.1 The Town Council is a consultee but does not have the authority to determine planning applications. The Council has the power to be notified of planning applications affecting the Council's area and to comment (Town and Country Planning Act, 1990 sch.1 para.8)

5.4.2 Planning applications are delegated to the Planning and Highways Committee for consideration (Planning and Highways Committee Terms of Reference, 2019, p. 2) but may be considered by the Full Council or the General Management Committee where time constraints apply.

### **5.5 Recommendation**

5.5.1 That the Council provides its response on the listed planning application and considers responses to applications received without notice, in the form of Support, No Objection or Objection.

### **5.6 Reason for Recommendation**

5.6.1 To fulfil the Council's responsibility and exercise its views as a Statutory Consultee.

### **5.7 Additional Information**

5.7.1 As part of Shaftesbury Town Council's response to planning proposals it needs to give material planning reason for its comments, be they of support or objection. Simply stating 'No Objection' or 'Support' is insufficient as there is a requirement to give the reasons for that decision.

Biodiversity	Design
Economic Benefits	Effect on the Appearance of Area
Flooding Issues	Height
Heritage	Impact on Access
Impact on Light	Landscape
Local or Government Policy	Noise/Disturbance
Other	Overlooking/Loss of Privacy
Parking	Residential Amenity
Road Safety	Traffic or Highways

5.7.2 To assist here are a few examples as to how you might word something to give a material planning reason for your thoughts;

- House Extension – no objection as limited impact on amenity of neighbouring property/ object – will have detrimental impact on neighbouring property
- New dwelling – support, design is in keeping with locality/ object – design not in keeping with local area
- Vehicular access – support, will have no impact on road safety given proposed visibility splays/ object – visibility is poor in this location and traffic speeds are high.

(End)

Report Author: Zoe Moxham, Officer Administrator

## **6 Planning Appeal - Land South Of A30**

To consider any further response to Appeal Notification - A/2/2018/1773/OUT at Land South Of A30 (5 mins)

[\(Town and Country Planning Act, 190 sch.1 para.8\)](#)

---

### **6.1 Summary**

#### **6.1.1 Notification of Appeal**

##### **Planning appeal [A/2/2018/1773/OUT](#)**

Develop land by the erection of up to 135. No. dwellings, industrial starter units, primary school, flexible commercial uses including a combination of a hotel and non-food retail or residential care home, modify vehicular access, form car parking, sports pitches, public open space and associated works. (Outline application to determine access). at Land South Of A30 And East Of Shaftesbury Salisbury Road Shaftesbury Dorset

#### **6.1.2 Appeal Reference: APP/D1265/W/20/3259308**

**Appellant: Persimmon Homes (South Coast)**

**Appeal Start Date: 12 February 2021**

6.1.3 An appeal has been made to the Secretary of State against Against Non-determination by Dorset Council.

6.1.4 You may view the documents relating to this appeal online at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-application-search-and-comment.aspx>

6.1.5 The appeal will be determined on the basis of a hearing. The procedure to be followed is set out in The Town and Country Planning (Hearings Procedure)

6.1.6 (England) Rules 2000, as amended. We will notify you at a later date of the time, date and venue for the hearing.

6.1.7 This means that you will be given the opportunity to submit representations on the appeal. We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

6.1.8 All representations must be received by 19 March 2021.

6.1.9 Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the appeal reference.

6.1.10 Planning Service privacy notice can be found at:

[www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/service-privacy- notices/planning.aspx](http://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/service-privacy- notices/planning.aspx)

6.1.11 Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

6.1.12 If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk> or by emailing [RT1@planninginspectorate.gov.uk](mailto:RT1@planninginspectorate.gov.uk).

## **6.2 Scheme of Delegation**

6.2.1 The Committee is delegated to act as a Statutory Consultee on behalf of the Town of Shaftesbury in all planning matters relating to the Town and to decide Shaftesbury Town Council responses to consultations on planning and tree applications received from higher tier authorities and forward them in writing to the respective planning authority. (Planning and Highways Committee Terms of Reference, 2019) paras 1 and 3.

## **6.3 Legal Implication**

6.3.1 The Town Council is a consultee but does not have the authority to determine planning applications. The Council has the power to be notified of planning applications affecting the Council's area and to comment (Town and Country Planning Act, 190 sch.1 para.8)

6.3.2 Planning applications are delegated to the Planning and Highways Committee for consideration (Planning and Highways Committee Terms of Reference, 2019, p. 2) but may be considered by the Full Council or the General Management Committee where time constraints apply.

<h2><b>6.4 Recommendation</b></h2>
------------------------------------

<p>6.4.1 That the Council provides a response to Dorset Council for this planning application.</p>
--

## **6.5 Reason for Recommendation**

6.5.1 To fulfil the Council's responsibility and exercise its views as a Statutory Consultee.

(End)

Report Author: Zoe Moxham, Officer Administrator

## **7 Shaftesbury Spine Road**

To consider the Consultant report pertaining to the Spine Road (15 mins)

([Shaftesbury Town Council Scheme of Delegation, 2020](#))

---

### **7.1 Summary**

7.1.1 On 18th February 2020 Full Council RESOLVED to delegate to the Town Clerk to find an appropriate professional to seek advice on the spine road, to initially approach the two planning consultants known by Councillor Tippins, to request a schedule of works and quotes and bring back to Full Council for a decision.

7.1.2 In January 2021 Full Council RESOLVED to engage the services of Terence O'Rourke at the cost of £1,750 to investigate the issues and potential solutions for the completion of the Spine Road.

7.1.3 A number of questions from the original 'Spine Road Planning' report were raised by Councillors all of which were sent to the Consultant for a response. Several factual discrepancies were identified within the report and the Consultant an updated version of the 'Spine Road Planning' report which is appended to this report.

7.1.4 The report includes:

- Planning policy background to East Shaftesbury
- Planning applications in East Shaftesbury
- Summary of position
- Conclusion

There are a further 7 appendices that accompany the 'Spine Road Planning' report.

7.1.5 The principal changes included in the updated report and supporting documents are:

- Barratt's Wincombe Lane access application ref P/FUL/2020/00332 has this month been approved.
- Appendix D has been annotated to confirm that the red line area shown for the Hopkins land' is indicative only. The Consultant could not find any planning evidence that can accurately confirm the full extent of the Hopkins land / its boundaries.
- There is an additional Appendix, which is Appendix E of this version of the report, to show the layout of Barratt development approved in 2016. That application included the northern part of 'Hopkin's land'.

7.1.6 Section 4.3 from report states the current landowner aspirations for the Hopkins land is not known. The committee may want to consider a formal

request via Dorset Council to understand more about the landowner aspirations.

## **7.2 Scheme of Delegation**

7.2.1 The Committee is delegated consider corporate governance and risk management. Full Council retains the responsibility for matters of principle or policy. (Shaftesbury Town Council Scheme of Delegation, 2020)

## **7.3 Legal Implication**

7.3.1 The list of legislation and statutory instruments relating to planning are numerous and extensive. The Town Council is not the planning authority and therefore decisions taken on this item do not need to be taken under the auspices of specific planning legislation. The Council has the power to do anything that will facilitate the discharge of its duties. (Local Government Act, 1972 s.111)

## **7.4 Recommendation**

7.4.1 That the Committee resolves to recommend the proposed next steps to Full Council for a wider debate to take place.

## **7.5 Reason for Recommendation**

7.5.1 The Council needs to resolve on the course of action required to progress this long-standing issue.

(End)

Report Author: Brie Logan, Business Manager

**EAST SHAFTESBURY 'SPINE ROAD'**  
PLANNING STATUS REPORT  
SHAFTESBURY TOWN COUNCIL  
MARCH 2021



TERENCE  
O'ROURKE

**EAST SHAFTESBURY 'SPINE ROAD'**  
 PLANNING STATUS REPORT  
 SHAFTESBURY TOWN COUNCIL  
 MARCH 2021



Issue / revision	Prepared by	Simon Ible
Reference 268301	Signature	SI
This document is issued for:	Date	23 February 2021
<input checked="" type="checkbox"/> Information <input type="checkbox"/> Approval	Checked by	Andrew Elliott
<input type="checkbox"/> Comment <input type="checkbox"/> Submission	Signature	AE
Comments:	Date	25 February 2021
	Authorised by	Andrew Elliott
	Signature	AE
	Date	10 March 2021
	Please return by	

**LONDON**  
 23 Heddon Street  
 London  
 W1B 4BQ

**BIRMINGHAM**  
 Enterprise House  
 115 Edmund Street  
 Birmingham  
 B3 2JU

**BOURNEMOUTH**  
 Eardene House  
 Doornleigh Road  
 Bournemouth  
 BH7 7DU

**TELEPHONE**  
 020 3884 6755

[www.torltd.co.uk](http://www.torltd.co.uk)

© Terence O'Rourke Ltd 2021. All rights reserved.  
 No part of this document may be reproduced in any form or stored in a retrieval system without the prior written consent of the copyright holder.

All figures (unless otherwise stated) © Terence O'Rourke Ltd 2021.  
 Based upon the Ordnance Survey mapping with the permission of the Ordnance Survey on behalf of Her Majesty's Stationery Office © Crown Copyright Terence O'Rourke Ltd Licence number 100019980.

Terence O'Rourke Ltd Reg  
 No. 1032414 Registered office  
 Enterprise House, Doornleigh  
 Road Bournemouth, Dorset  
 BH7 7DU Registered in England  
 and Wales VAT No. 262203077

## 1.0 Introduction

- 1.1 This report has been prepared for Shaftesbury Town Council to provide a summary of the current planning position of a road link, sometimes referred to as the 'Spine Road', which runs through the eastern residential development extension of Shaftesbury (the 'East Shaftesbury' development).
- 1.2 The Spine Road is the principal part of a north-south route through the East Shaftesbury development between the A30 Salisbury Road to the south and Wincombe Lane to the north.
- 1.3 The majority of the road north-south road link is complete. Allen Road and Greenacre Way meet with the A30 to the south. Allen Road extends northwards to Mampitts Lane. The section of the Spine Road north of Mampitts Lane is called Maple Road. However Maple Road does not yet continue through to complete a link with Wincombe Lane to the north.
- 1.4 The Town Council and local people are concerned that a full north-south road link is yet to be completed.
- 1.5 There is also local controversy about a 'bus gate' proposal for the narrow Mampitts Lane, which would remove private car use from an east-west vehicular route between the town and East Shaftesbury, south of Maple Road. A bus gate is a section of road blocked off to all traffic except buses, cycles and emergency vehicles.
- 1.6 There are a number of planning policies, planning permissions and applications that are relevant to the background which are reviewed in this report. This report also considers planning matters relevant to the delivery of an uncompleted section of the road network.

## 2.0 Planning policy background to East Shaftesbury

2.1 Development at East Shaftesbury was first allocated in the 2003 North Dorset Local Plan through Policy 2.4 'Settlement Allocations' and Policy SB8 'Land on the Eastern Side of Shaftesbury', and with Policies SB9, SB10 and SB11 also being relevant to the strategic allocation. It was allocated for a minimum of 680 homes across 23 hectares of land as shown on the Proposals Map inset plan 37 (enclosed at **Appendix A**).

2.2 Policy SB8 stated:

*"Approximately 23 hectares of land on the eastern side of Shaftesbury extending between the A30 in the south to Wincombe Lane in the north will be developed comprehensively for a mix of predominantly residential as well as commercial, education and community uses in two phases. Individual development proposals will be assessed against the provisions of an adopted development brief and an agreed masterplan".*

2.3 Policy SB9 'Access requirements for land on the eastern side of Shaftesbury' states that the access requirements *will* include:

*"A road network which links the A30, Mampitts Lane and Wincombe Lane".*

2.4 Therefore, the clear policy position of the 2003 plan was that there should be a road network linking the A30, Mampitts Lane and Wincombe Lane.

2.5 Policy SB10 'Phasing of development, Land on Eastern Side of Shaftesbury' required:

*"Land on the eastern side of Shaftesbury extending between the A30 in the south and Wincombe Lane to the north will be developed in two phases. In the period 2001 to 2006 the following land/dwellings will be developed;*

*(i) Land extending between the A30 in the south to Mampitts Lane in the north.*

*(ii) Some 75 dwellings to the north of Mampitts Lane to initially be accessed via Pound Lane.*

The remainder of the site will be reserved for development post 2006. The following facilities will be provided in conjunction with the first phase of development;

*(i) Two signal controlled junctions with the A30.*

*(ii) A through vehicular link from the signal controlled junctions to Mampitts Lane and to serve the additional 75 dwellings to the north of Mampitts Lane...*

2.6 This policy makes reference to "a through vehicular link" from the A30 to Mampitts Lane in a first phase. This policy does not reference the requirement for a link to

Wincombe Lane in that first phase, or confirm the content of a second phase post 2006.

- 2.7 As set out in Policy SB8 further requirements for the development were to be prescribed in more detail in an adopted development brief / masterplan.
- 2.8 A development brief for East Shaftesbury (including Design Statement and Masterplan) was adopted as Supplementary Planning Guidance (SPG) on 31 January 2003. This set out design principles for the development. It repeats the adopted local plan policy requirements and provides further guidance text and plans.
- 2.9 Of particular relevance is the SPG Movement Plan, attached at **Appendix B** to this report, which shows the proposed 'Main Vehicular Points of Access' for East Shaftesbury. These comprise two points of access from the A30 to the south, and one point of access from Wincombe Lane to the north, only. It doesn't label a single defined link road or spine road route, but rather a network of routes through the East Shaftesbury development.
- 2.10 The East Shaftesbury policies of the 2003 Local Plan have been 'saved' and therefore, despite their age, still form part of the adopted development plan (the principal planning consideration against which planning applications are determined). They clearly show that the original intention of the development of East Shaftesbury in access terms was that there would be main vehicular accesses from the A30 and Wincombe Lane and a policy requirement for a road network which *links* the A30, Mampitts Lane and Wincombe Lane.
- 2.11 The adopted North Dorset Local Plan part 1 (strategic planning policies), January 2016 includes Policy 18 for Shaftesbury which confirms that the town's housing needs will be met through the development of land to the east of the town "including the Hopkins land", but does not reference road infrastructure policy requirements for the area.

### 3.0 Planning applications in East Shaftesbury

- 3.1 The location plan attached at **Appendix C** of this report shows the coverage of key relevant planning applications at East Shaftesbury. It demonstrates that the majority of the strategic development site is covered by planning permissions for development, with the exception of the 'Hopkins land' (see plan at **Appendix D** which indicates our understanding of the extent of the Hopkins land. NB land registry plans are not available for all of this area to confirm ownership).
- 3.2 Development of the Hopkins land could potentially allow for completion of East Shaftesbury development including a missing link in the connection of the highway network between Maple Road and Wincombe Lane. Whilst there is a policy requirement for the highway network connection to be completed through to Wincombe Lane, a planning permission would be needed for it to be delivered.

#### *The main outline planning applications*

- 3.3 The two principal early planning applications for land at East Shaftesbury were:
- 'Application A' reference 2/2002/0415 - an outline application originally submitted on 24 April 2002 by Persimmon Homes, Heron Land and Westbury Homes, and
  - 'Application B' reference 2/2002/0880 - an outline application submitted 2 September 2002 by Mrs M Kavanagh, Mr R Coles and the Trustees of the Will Trust of the late A P Kavanagh, and
- 3.4 These two applications covered the majority of the allocated site, *but did not include the Hopkins Land*. The applications were called in by the Secretary of State for Communities and Local Government for determination and a public inquiry was held by an Inspector in January 2007.
- 3.5 The applications were both approved on 12 February 2007, permitting 670 dwellings together with other mixed development uses and open space. Paragraphs 154 and 155 of the Inspector's report deals with site access arrangements confirming:

*"The access arrangements to both application sites from the A30 are acceptable to the highway authority DCC and **generally accord with the provisions of Local Plan Policy SB9**" (our emphasis).*

- 3.6 The application sites did not include the Hopkins land and given that the delivery of the full road link would require the use of land outside of the applicant's ownership and control for Application A, planning conditions or a s106 agreement could not be used seek completion of the road linkage through to Wincombe Lane. As identified above, in determining the called in applications, access to the sites from the A30 (without the need to complete a link through to Wincombe Lane) was considered acceptable by the Inspector.

#### *Development at Wincombe Lane*

- 3.7 In June 2016 North Dorset District Council granted planning permission for a development of 191 homes on land at Wincombe Lane (planning application

reference 2/2014/1350/FUL). The majority of this development proposal by Barratt Homes involved land north of Wincombe Lane, but 17 dwellings were proposed on land south of Wincombe Lane on part of the Hopkins land. Barratt served notice on Hopkins in submitting a planning application that covered part of its land.

- 3.8 The proposed development on the Hopkins Land upper field included a vehicular access and road on its western boundary, but not a link all the way through to Maple Road. The area of this application is shown on the plan at **Appendix C** and the layout is shown in **Appendix E**. To date, we have down been able to download a readable version of the S106 agreement associated with this development from the Dorset Council online portal, to check whether Hopkins was a signatory to the s106 agreement accompanying this planning application. Pre-commencement planning conditions have been discharged and it is understood that Barratt claims that it has made a material commencement to implement the permission, albeit that progress to date on site has been slow.
- 3.9 A further planning application was submitted in November 2020 (ref: P/FUL/2020/00332) to amend the width and alignment of Wincombe Lane, including an adjustment to the access arrangements for residential development planning permission 2/2014/1350/FUL. This Barratt David Wilson Homes planning application was determined on 3 March 2021. The officer's report states that the proposal includes "*removal of southern estate access off Wincombe Lane*". There were no objections to the application from the highway authority.
- 3.10 The approved new access arrangement excludes the use of Hopkins land to implement development (see application proposed site plan at **Appendix F**). It is not clear whether implementation of this arrangement would preclude the possibility of delivering an access into the Hopkins land at a later point.
- 3.11 The reasons for submitting this application are not clarified in the application content itself, although there is likely to be deliverability benefit to Barratt in being able to implement the majority of its permitted residential development (or to demonstrate the ability to do so) without the use of any part of the Hopkins land.

*The top of the Persimmon site*

- 3.12 'Parcel 6' in the northernmost part of the East Shaftesbury development controlled by Persimmon. It is situated at the end of that part of the Spine Road now known as Maple Road. Residential development on this parcel was implemented pursuant to a full planning permission reference 2/2016/0658/PAEIA, which was approved in September 2017. This increased the density of residential development on the site. The location of this application is shown on the plan at **Appendix C**.
- 3.13 At paragraph 5.33 of the submitted planning statement it is stated that:
- "Parcel 6 continues the road system on from parcel 5...leading through to the potential development on the Hopkins land..."*
- 3.14 The transport assessment associated with this planning application considered the impacts of the completed development including the assumed completion of

the Spine Road link through to Wincombe Lane across an assumed future residential development on the Hopkins land.

- 3.15 The application was considered at planning committee on 31 January 2017. The officer's report states that "eventually the [Spine] road will link through to Wincombe Lane and provide an alternative access from the A30".
- 3.16 Approved plan reference 569-A-02-015-AH C associated with this planning permission shows the extent of proposed road adoptable highway. Whilst the road design extends to the northernmost boundary with the Hopkins land, there is a stretch of road at the top that is not proposed to be adopted. This plan is enclosed at **Appendix G**.
- 3.17 It is not clear whether Maple Road is to become adopted highway right up to the boundary with the Hopkins land to the north or whether a 'ransom strip' has been - or might be - created in this location.
- 3.18 A search of the extent of adopted highway at Maple Road and Wincome Lane is required, and if necessary, legal advice to clarify the situation.
- 3.19 We note that the S106 agreement associated with this planning permission also requires review. To date we have been unable to access a readable version of this document on the council's online planning register.

*Summary of position*

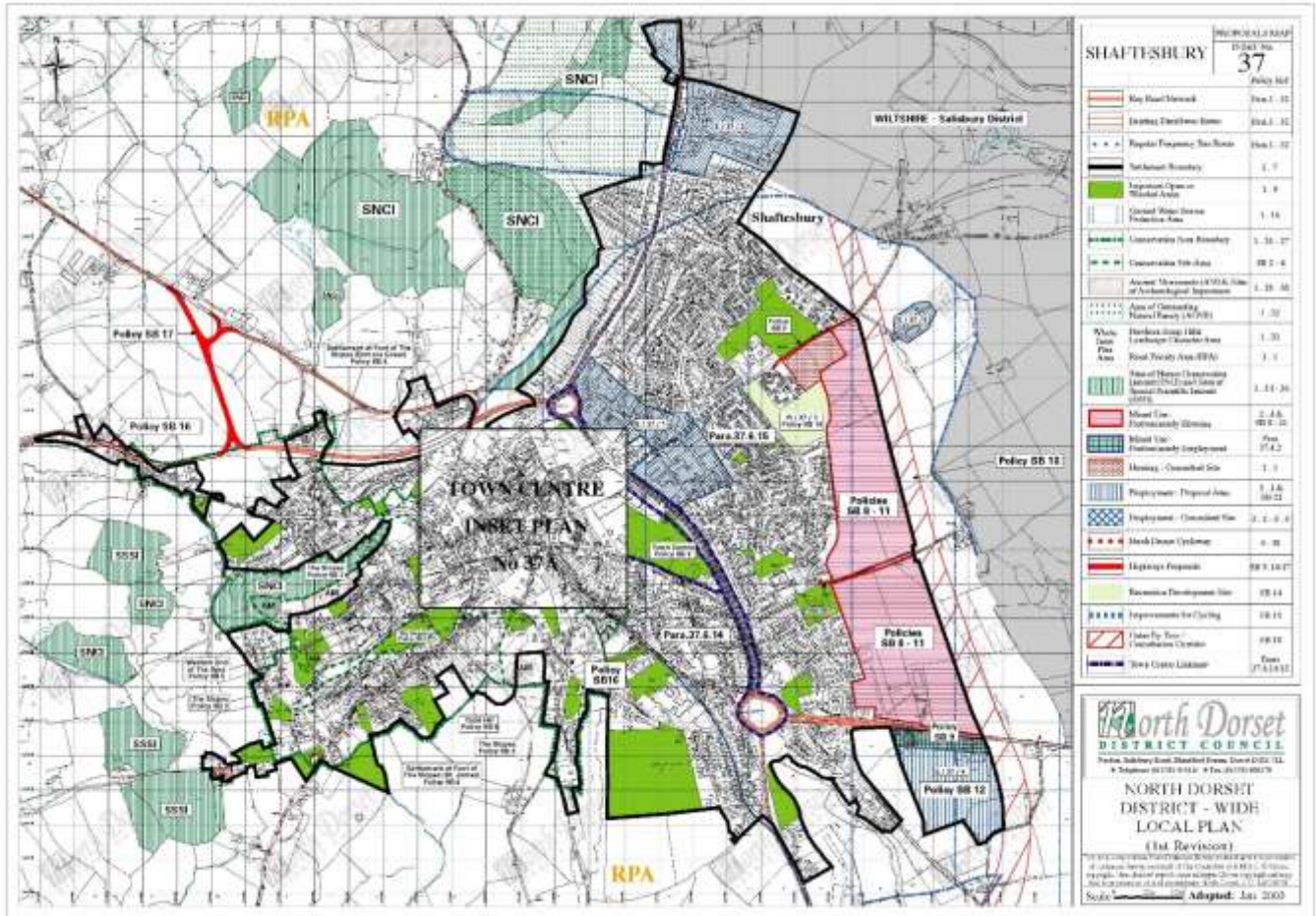
- 3.20 As set out above there has been no planning permission on the Hopkins Land which would give an opportunity to complete the missing part of the Spine Road.
- 3.21 A search of adopted highway is required to examine whether the Hopkins land abuts adopted public highway to the north and south. If this is not the case, it is possible that delivery of any road link will require agreement to cross and use land in one or more other ownerships.

## 4.0 Conclusions

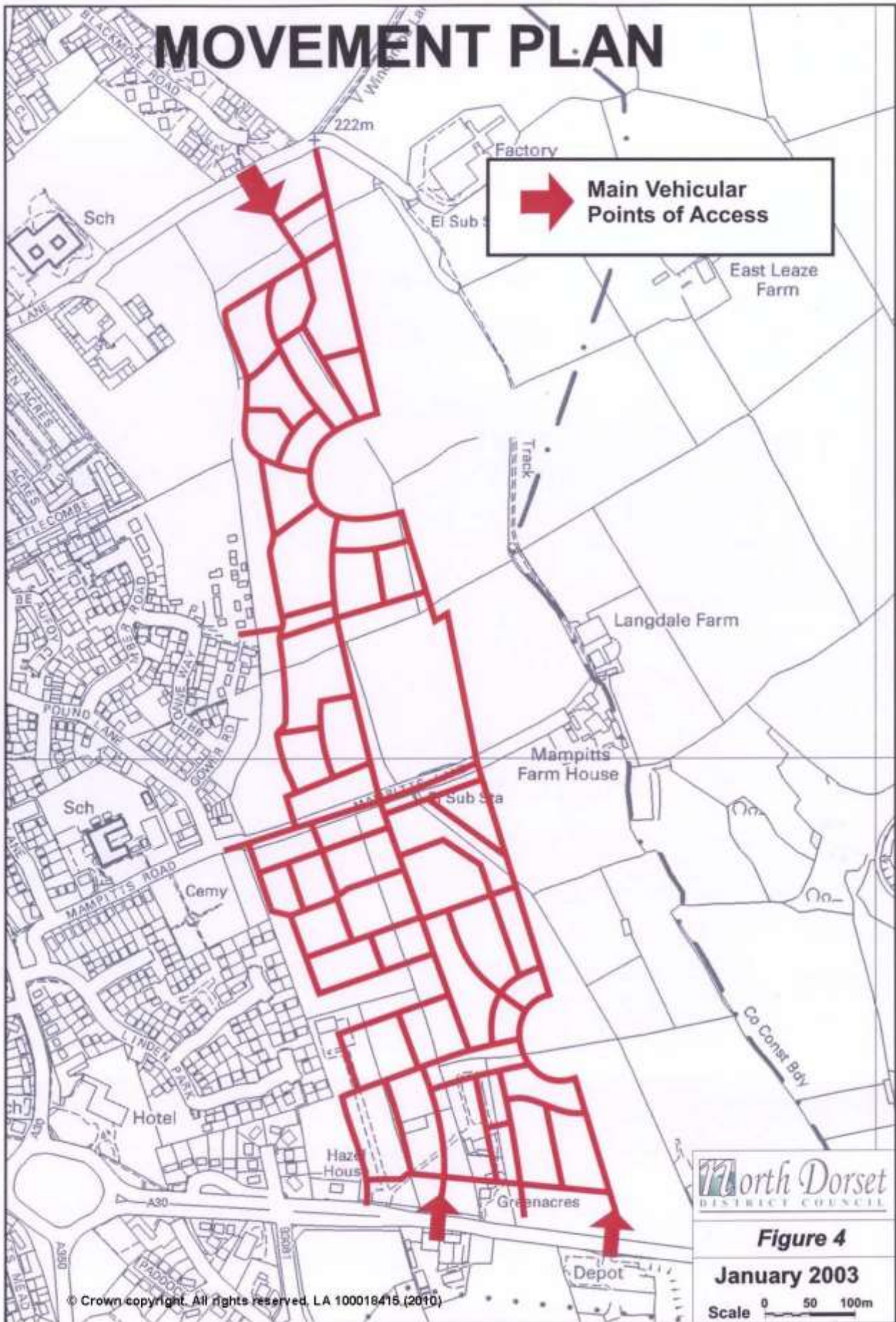
- 4.1 East Shaftesbury was allocated in the 2003 North Dorset Local Plan, principally for the purposes of residential development. The adopted planning policy requirements included that the development would provide a road network which links the A30, Mampitts Lane and Wincombe Lane.
- 4.2 A series of planning applications have come forward across most of the strategic allocation site, which have been gradually implementing what has become known as a Spine Road route through the area. However there has not to date been a planning application approval that would cover the entirety of the Hopkins land and provide an opportunity to complete the road network link from the A30 to Wincombe Lane.
- 4.3 The current landowner aspirations for the Hopkins land are not known.
- 4.4 An adopted highway search is required, together with legal advice if necessary, to understand whether delivery of a road link will require agreement to cross and use land in one or more other ownerships. This would consider whether a ransom situation exists, or might exist, to the completion of access from the adopted highway into Hopkins land, either from Wincombe Lane to the north or Maple Road to the south.
- 4.5 It seems likely that Persimmon Homes and/or Barratt Homes will have approached the Hopkins landowner at some point to seek agreement to develop the land, but the nature of these commercial discussions and their outcome is not known.
- 4.6 The new Dorset Local Plan options consultation, January 2021, invites views on the potential for the Hopkins land to be developed for community uses. Faced with the prospect of a residential development land allocation being changed to an allocation of land for community development use (and the possible impact of this in terms of development land value), there is a possibility that the Hopkins landowner will be incentivised to release the land for housing development purposes (plus road) in advance of a change in planning policy land use allocation being formally adopted.
- 4.7 There is an option for a local authority to use of the compulsory purchase order process to acquire land for development in the public interest. This is normally a last resort. It can be a lengthy and costly process and would require strong political / corporate support at Dorset Council to progress.

**Appendix A**  
North Dorset Local Plan 2003, Proposals Map inset plan 37

Report 0321PH05 to a meeting of the Planning and Highways Committee  
 Tuesday 16 March 2021

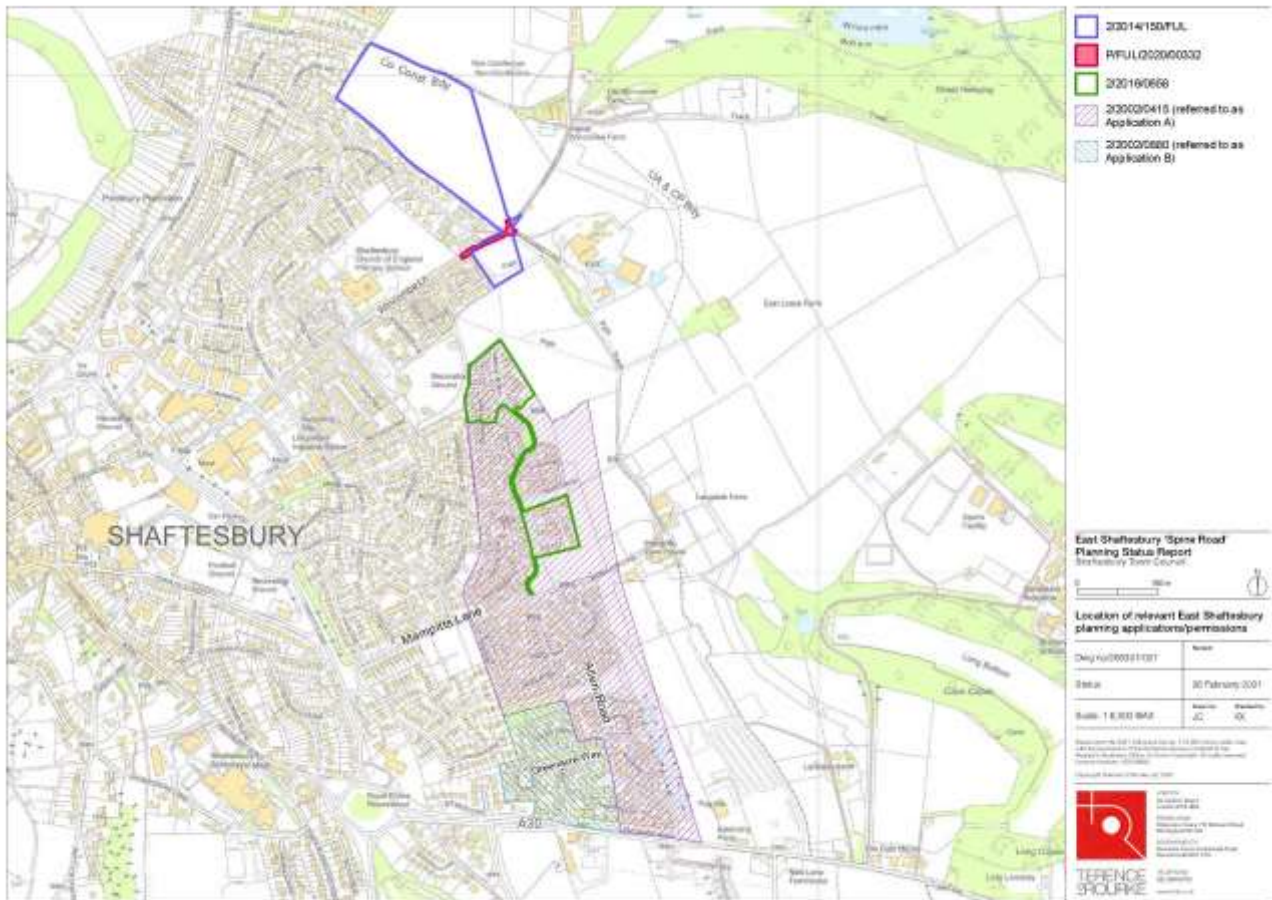


**Appendix B**  
**'Movement Plan' included in the Land East of Shaftesbury SPG, 2003**



**Appendix C**  
**Location of relevant East Shaftesbury planning applications/permissions**

Report 0321PH05 to a meeting of the Planning and Highways Committee  
 Tuesday 16 March 2021

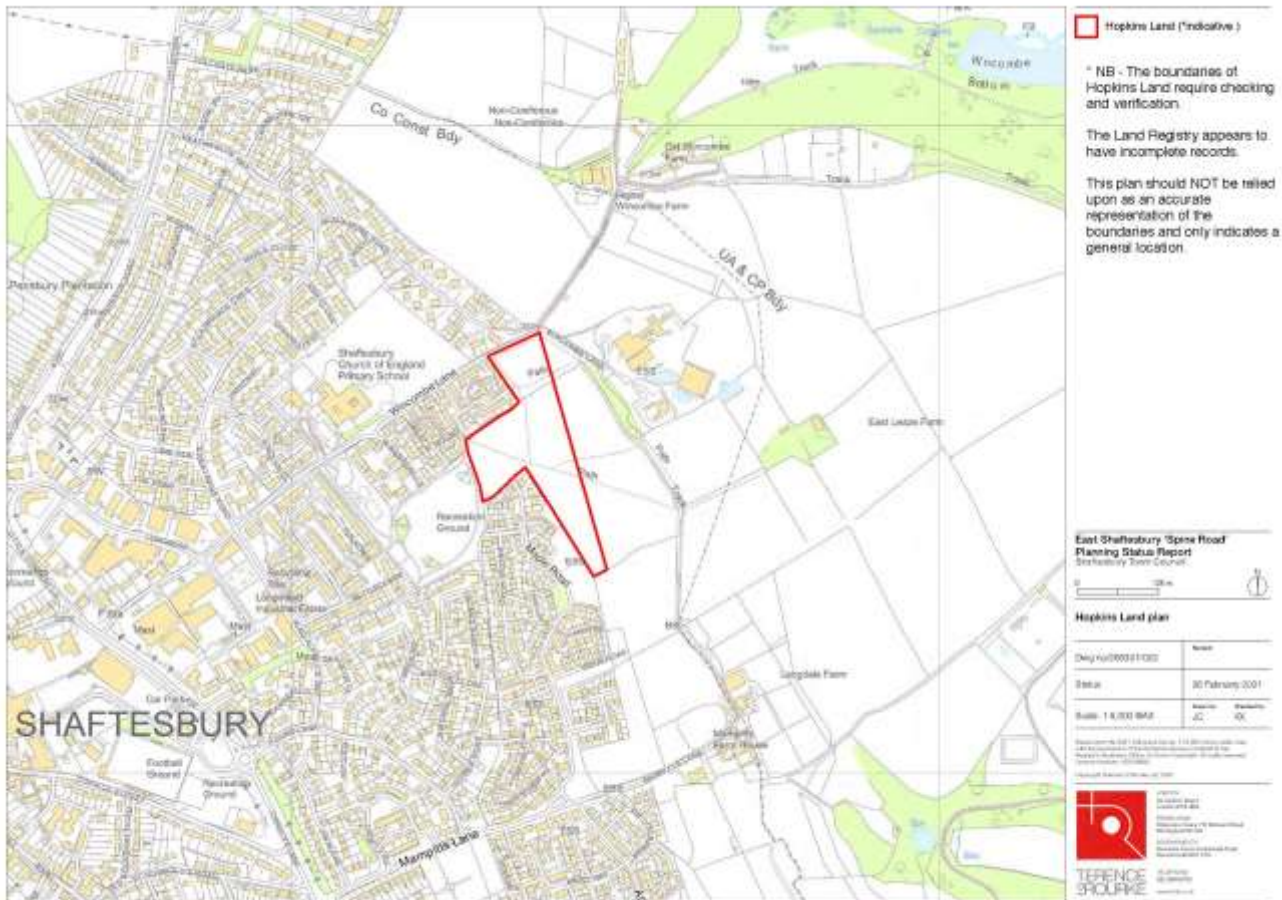


**Appendix D**

**Location plan of the 'Hopkins land'**

(NB - Assumed land ownership boundary subject to confirmation. Only the northern field is identified as being registered to Hopkins on land registry records)

Report 0321PH05 to a meeting of the Planning and Highways Committee  
 Tuesday 16 March 2021



**Hopkins Land (Indicative)**

\* NB - The boundaries of Hopkins Land require checking and verification

The Land Registry appears to have incomplete records.

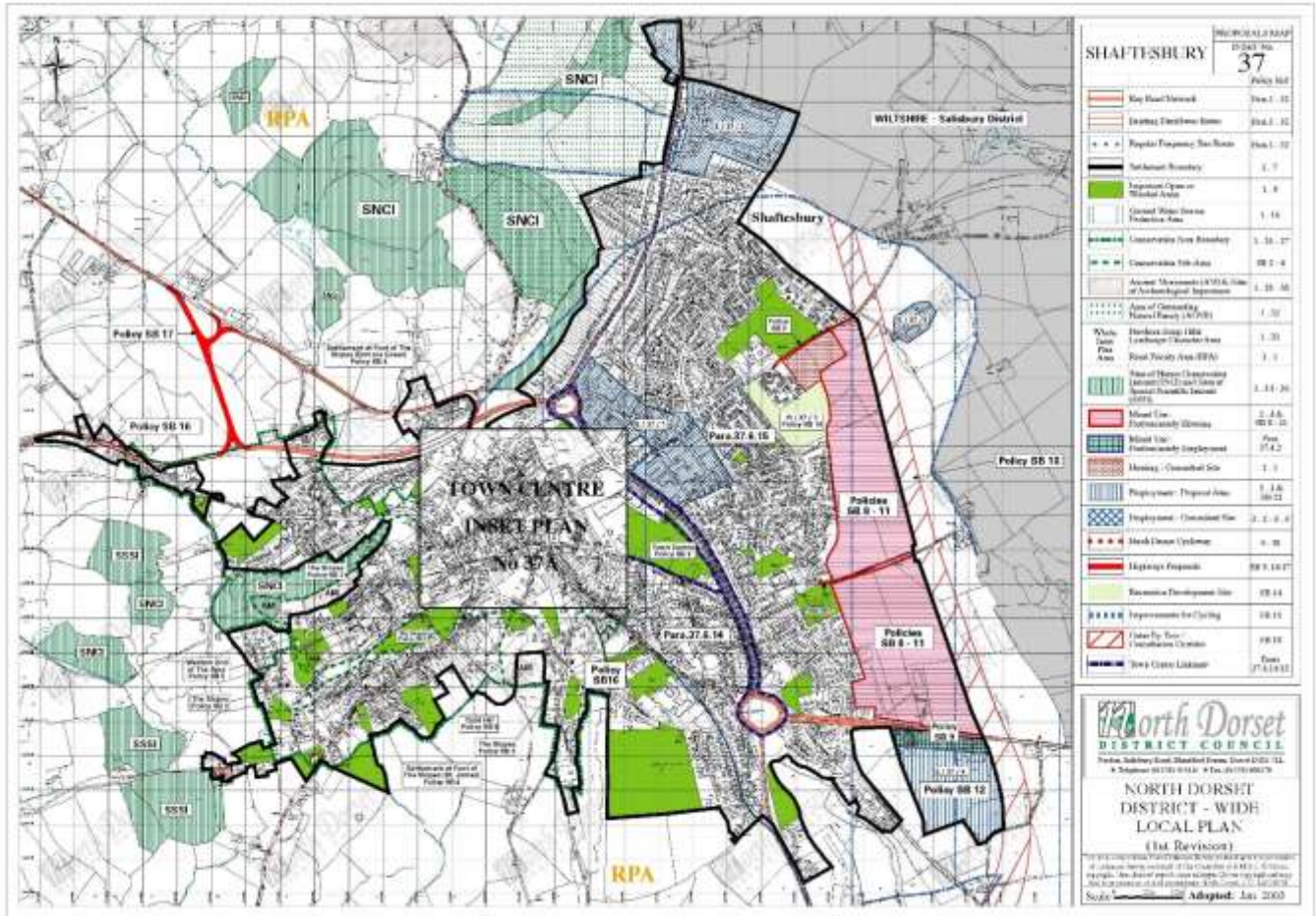
This plan should NOT be relied upon as an accurate representation of the boundaries and only indicates a general location.

**Appendix E**  
**Approved layout of Barratt planning permission 2/2014/1350/FUL**

Report 0321PH05 to a meeting of the Planning and Highways Committee  
 Tuesday 16 March 2021



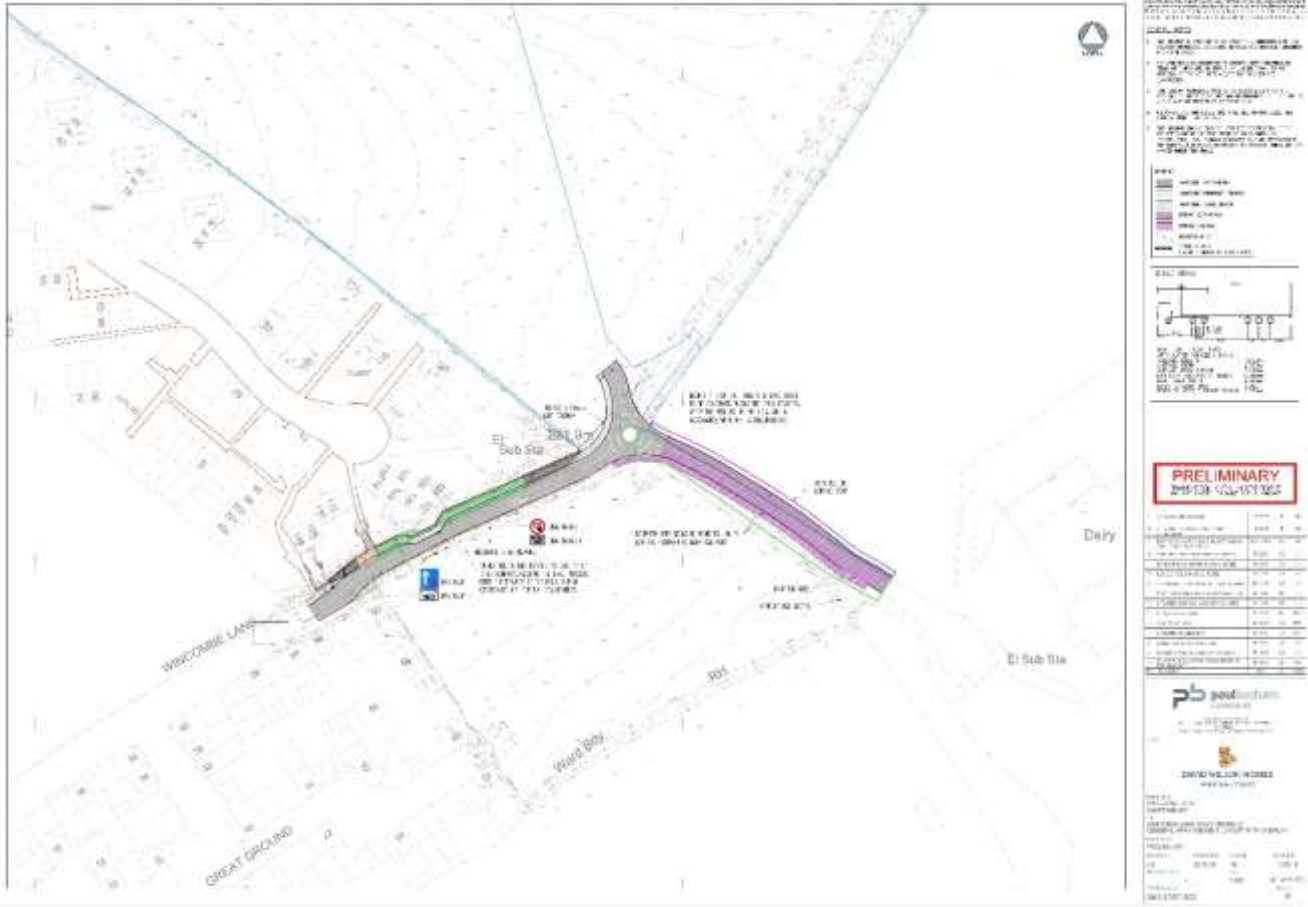
Report 0321PH05 to a meeting of the Planning and Highways Committee  
 Tuesday 16 March 2021



**Appendix F**

**Wincombe Lane access - Barratt Homes' current planning application proposal ref.  
P/FUL/2020/00332**

Report 0321PH05 to a meeting of the Planning and Highways Committee  
 Tuesday 16 March 2021



**PRELIMINARY**  
 24/03/2021

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR COMMENT	24/03/2021	DAVID WILSON
2	REVISED	24/03/2021	DAVID WILSON
3	REVISED	24/03/2021	DAVID WILSON
4	REVISED	24/03/2021	DAVID WILSON
5	REVISED	24/03/2021	DAVID WILSON
6	REVISED	24/03/2021	DAVID WILSON
7	REVISED	24/03/2021	DAVID WILSON
8	REVISED	24/03/2021	DAVID WILSON
9	REVISED	24/03/2021	DAVID WILSON
10	REVISED	24/03/2021	DAVID WILSON
11	REVISED	24/03/2021	DAVID WILSON
12	REVISED	24/03/2021	DAVID WILSON
13	REVISED	24/03/2021	DAVID WILSON
14	REVISED	24/03/2021	DAVID WILSON
15	REVISED	24/03/2021	DAVID WILSON
16	REVISED	24/03/2021	DAVID WILSON
17	REVISED	24/03/2021	DAVID WILSON
18	REVISED	24/03/2021	DAVID WILSON
19	REVISED	24/03/2021	DAVID WILSON
20	REVISED	24/03/2021	DAVID WILSON
21	REVISED	24/03/2021	DAVID WILSON
22	REVISED	24/03/2021	DAVID WILSON
23	REVISED	24/03/2021	DAVID WILSON
24	REVISED	24/03/2021	DAVID WILSON
25	REVISED	24/03/2021	DAVID WILSON
26	REVISED	24/03/2021	DAVID WILSON
27	REVISED	24/03/2021	DAVID WILSON
28	REVISED	24/03/2021	DAVID WILSON
29	REVISED	24/03/2021	DAVID WILSON
30	REVISED	24/03/2021	DAVID WILSON
31	REVISED	24/03/2021	DAVID WILSON
32	REVISED	24/03/2021	DAVID WILSON
33	REVISED	24/03/2021	DAVID WILSON
34	REVISED	24/03/2021	DAVID WILSON
35	REVISED	24/03/2021	DAVID WILSON
36	REVISED	24/03/2021	DAVID WILSON
37	REVISED	24/03/2021	DAVID WILSON
38	REVISED	24/03/2021	DAVID WILSON
39	REVISED	24/03/2021	DAVID WILSON
40	REVISED	24/03/2021	DAVID WILSON
41	REVISED	24/03/2021	DAVID WILSON
42	REVISED	24/03/2021	DAVID WILSON
43	REVISED	24/03/2021	DAVID WILSON
44	REVISED	24/03/2021	DAVID WILSON
45	REVISED	24/03/2021	DAVID WILSON
46	REVISED	24/03/2021	DAVID WILSON
47	REVISED	24/03/2021	DAVID WILSON
48	REVISED	24/03/2021	DAVID WILSON
49	REVISED	24/03/2021	DAVID WILSON
50	REVISED	24/03/2021	DAVID WILSON

**pb** **peadair**  
 CONSULTANTS  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Appendix G  
Approved plan 569-A-02-015-AH C, parcel 6  
(Persimmon Homes development, current northernmost end of Maple Road)

Report 0321PH05 to a meeting of the Planning and Highways Committee  
 Tuesday 16 March 2021

