



To: Members of the Planning & Highways Committee

For Information: Town Councillors, Dorset Council Councillors, Members of the Public & Press

A G E N D A

PLANNING AND HIGHWAYS MEETING OF THE TOWN COUNCIL

You are summoned to a meeting of the for the transaction of the business shown on the agenda below. To be held at **7 pm on Tuesday, 2nd August 2022** in the **Council Chamber, Shaftesbury Town Hall**. The meeting will also be hosted online. Public, press and non-committee members, join on your computer or mobile app using [Microsoft Teams](#).

Mrs Brie Logan
Town Clerk, 27th July 2022

Public Participation: The Chairman will invite members of the public to present their questions, statements or petitions. The period of time designated for public participation shall not exceed twenty minutes. A member of the public shall not speak for more than three minutes.

Members are reminded of their duty under the [Code of Conduct](#), [Scheme of Delegation](#) and [Standing Orders](#).

The Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities (race, gender, sexual orientation, marital status, religion, belief or disability), Crime & Disorder, Health and Safety and Human Rights. Disabled access is available.

All in attendance should be aware that filming, recording, photography or otherwise may occur during the meeting.

The 7 principles of public life

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

(Committee on Standards in Public Life, 1995)

1. [Apologies – To receive and consider for acceptance](#)
2. [To receive any Declarations of Interests and Requests for Dispensation](#)
3. [Minutes of the Planning and Highways meeting held on 5th July 2022](#)
4. [To receive an Officer progress report on Planning and Highways business](#)
5. [To consider responses to Planning Applications](#)
6. [To consider protecting the locally important Shaftesbury Open Green Spaces via Field's in Trust Deed of Dedication](#)

Agenda Item No. 1

Apologies – To receive and consider for acceptance

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.

No apologies were received.

Agenda Item No. 2

To receive any Declarations of Interests and Requests for Dispensation

Members and Officers are reminded of their obligations to declare interests in accordance with the Code of Conduct – adopted in July 2021. The Clerk will report any dispensation requests received.

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)

Agenda Item No. 3

Minutes of the Planning and Highways meeting held on 5th July 2022

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.

If it is necessary for the draft minutes of the previous meeting to be corrected because of inaccuracies, then the amendments to the draft minutes must be approved by resolution. (Tharmarajah, 2013, p. 154).

Recommendation

Confirm the accuracy of the Minutes of the Town Council meeting held on [5th July 2022](#).

To receive an Officer progress report on Planning and Highways business

Report Content/Detail

Reports provided within this item are to be received, they provide updates on decisions already taken by the Council and actions taken under the Scheme of Delegation (where not previously reported) that need to be resolved.

Planning information to receive and note

Planning Application Ref	Proposal / Update	Location
N/A	At the June P&H meeting Cllr Tippins agreed to write an open letter to the Secretary of State for Levelling Up, Housing and Communities to enquire about current housing figures. This action has been withdrawn by Cllr Tippins due to the changes in Government and will be reviewed at the November P&H meeting.	
N/A	Dorset Council have sent the Public Path Diversion Order & Definitive Map and Statement Modification Order P219b Shaftesbury .	
N/A	Beech Trees at Lidl site were reported to Dorset Council as the leaves are dying off. DC are aware and the trees are being watered regularly. Response from DC has been published in the Weekly Digest.	Lidl
Planning Appeal – P/FUL/2021/02046 APP/D1265/W/22/3300299	The submission to object to the application at Land at Park Farm – Access to Park Farm Gillingham - Construct solar photovoltaic farm, battery storage and associated infrastructure, including inverters, batteries, substations, security cameras, fencing, access tracks and landscaping was sent to the Planning Inspectorate on 18 th July 2022.	Land at Park Farm Access to Park Farm Gillingham

Delegated Decisions for Information (all within the Clerks delegated spend)

Delegated Decision	Comments	Cost	Budget
Zoom meetings	At the meeting on 5 th July officers were requested to look into the cost of purchasing a Zoom licence to hold online P&H meetings, which for a business licence is £159.90/year. All Councillors and Office staff have access to Microsoft Teams through their Office account. Therefore, whilst this cost is low the officer recommendation is that it is prudent financial management to utilise the system already in place.	£159.90	

Recommendation

That the reports are received and noted and any actions arising identified for future meetings of the Council or its Committees and to resolve on any matters.

To consider responses to Planning Applications

Reason for Recommendation

To fulfil the Council’s responsibility and exercise its views as a Statutory Consultee

(Town and Country Planning Act, 1990 sch.1 para.8)

Summary

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 application using the link below and to visit the site to understand local context. The presentation for the meeting is available to view in advance [here](#).

(Town and Country Planning Act, 1990 sch.1 para.8)

Planning Applications

Planning App Ref	Proposal	Neighbourhood Plan Ref / Comments
P/FUL/2022/03990 Mrs L Toogood 3 rd August 2022 Delegated	14 Salisbury Street, SP7 8EJ Change of use from restaurant (Use class E(b)) and flat (Use class C3) to a dwelling (Use class C3) and replace existing window and doors.	5. Design and Heritage, Character Zone 2 – Shaftesbury Town Centre 6. Community and Leisure
P/HOU/2022/03832 Mr & Mrs Warner/Cotrim 3 rd August 2022 Delegated	6 Kingsbere Terrace Kingsbere Lane, SP7 8FD Erect single storey extension to side	5. Design and Heritage, Character Zone 8 – East of Christy’s Lane
P/HOU/2022/03855 Mr & Mrs A Maskell 3 rd August 2022 Delegated	27 Indus Road, SP7 8FU Install loft conversion, with windows to gables and rooflight. Create additional parking space to front of dwelling	5. Design and Heritage, Character Zone 8 – East of Christy’s Lane
P/MPO/2022/04223 Mrs Harriet Lobacz 3 rd August 2022 Delegated	Land at Wincombe Lane Modification of S106 Agreement dated 25.02.2022 to amend the discount market sale criteria	3. Housing & Employment
P/VOC/2022/04221 Mr M Lacy 5 th August 2022 Delegated	Fountain Inn 2 Breach Lane, SP7 8LE Change of use of public house with manager's flat to 1 No. dwelling (with variation of condition 1 of planning permission P/FUL/2020/00006 to amend approved plans)	5. Design and Heritage, Character Zone 7 – Enmore Green
P/VOL/2022/04222 Mr M Lacy 5 th August 2022 Delegated	Fountain Inn 2 Breach Lane, SP7 8LE Alterations and improvements to Public House incorporating manager/staff flat and attached house to 1 No. dwelling and carry out associated internal and external alteration (with variation of condition 2 of listed building consent 2/2018/0437/LBC to amend approved plans)	5. Design and Heritage, Character Zone 7 -Enmore Green

Scheme of Delegation

The Committee has delegation to comment on planning applications received from the local planning authority. Delegated powers are to be given to the Clerk to comment on planning applications after consultation with members of the Highways and Planning Committee.

Legal Authority and Implication

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)

Recommendation

That the Committee provides its response on the listed planning applications and considers responses to applications received without notice, in the form of Support or Objection with supporting reasons. Delegate to the Town Clerk all details in discharging this decision.

Additional Information

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.

Material Planning Reasons

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

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

Examples

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

To consider protecting the locally important Shaftesbury Open Green Spaces via Field's in Trust Deed of Dedication

Background

At the April 2022 Planning and Highways meeting it was resolved to invite a Fields in Trust representative to present the options and opportunities to the Council for consideration.

A report was taken to the July P&H meeting, and it was *agreed to produce an updated map in advance of a decision being made. The updated map will be presented at the August P&H meeting.*

Consultation / Research

In the first instance the Fields in Trust Senior Operations & Stewardship Manager sent through information which was distributed at the July meeting.

Once the background documentation has been read and understood the committee may want to pursue the further protection of STC owned land via a Deed of Dedication. The next step would then be to invite the Senior Operations & Stewardship Manager to Shaftesbury to evaluate each open space against the criteria for protection.

The Shaftesbury Open Space sites are shown [on the map](#). Note; area 3 (Castle Hill) and area 6 (Enmore Green Recreation Ground and Donkey Field/ Community Orchard) are both protected via a Deed of Dedication. The committee may opt to recommend to Full Council that other parcels of land are protected as shown on the map, once verified by the Fields in Trust representative.

Fields in Trust's 'Deed of Dedication' is underwritten in contract law. This makes the Deed very robust – it 'sits' independently of town and planning policy and is therefore less susceptible to development. It is robust, yet flexible enough to allow for ownership and management to stay with the landowner. Fields in Trust's role is entirely custodial and advisory.

Powers / Legislation

Open Spaces Act 1906, ss9 and 10 – power to acquire and maintain land

Public Health Act 1875 s.164 / and Public Health Act 1961 s.54– power to acquire land for or to provide recreation grounds, public walks and open spaces and to manage and control them.

The Scheme of delegation states that matters relating to Environmental Services (reference 7.15.) Facilities, Street Scene, Parks & Open Spaces, Cemeteries is the responsibility of Full Council.

Options

- A. Progress to the next stage and invite the Senior Operations & Stewardship Manager to Shaftesbury to evaluate each open space selected by the committee
- B. Undertake further research and identify more parcels of land that may be suitable including land in private ownership
- C. Leave as is under the ownership and management of Shaftesbury Town Council

Risks

None have been identified.

Costs

Once a nominated site is accepted for protection, the costs to the landowner are:

- The installation of a commemorative plaque/sign so the commitment can be recognised.

- The registration of the Deed with the Land Registry, which in most cases should cost no more than £80. There are no recurring fees.

Timeline

Date	Activity
2 nd August 2022	Planning and Highways review the potential Open Spaces deemed important to protect via a Deed of Dedication.
August/September date TBC	Invite the Senior Operations & Stewardship Manager to Shaftesbury to evaluate each open space against the criteria for protection.
September/ October	Once those important Open Spaces have been identified and criteria assessed the proposal will be presented to Full Council for consideration.

Recommendation

The Committee should consider recommending to Full Council further parcels of land to be included for protection under the Fields of Trust Deed of Dedication.