



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, 10<sup>th</sup> January 2023** 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, 4<sup>th</sup> January 2023

**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 6<sup>th</sup> December 2022](#)
4. [Clerk's Report including progress report on Planning and Highways business](#)
5. [To consider responses to Planning Applications](#)
6. [To consider a Highways request for a safe pedestrian route on the south side of Bimport](#)

## **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 6<sup>th</sup> December 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 Planning & Highways meeting held on [6<sup>th</sup> December 2022](#).

**Clerks Report including 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.

**Clerk’s Report**

**Tesco Planning Condition** – The committee requested that Dorset Council provide clarity on the planning conditions relating to (1) the sales of non-food (so as not to compete with the High Street) and (2) the duration of park parking and the reduction from three free hours to two.

Excerpt from response from Development Management Area Manager (Northern):

*The condition on the grant of consent relates to the restriction of the net sales area and states that not more than 15% of the sales area can be dedicated to the sale of non-food goods. As this is a freestanding unit, it would not be caught by the condition, but we will still need to assess the impact of the proposal on the town centre.*

*I have looked at the decision notice and the legal agreement and I can find no reference to planning restrictions on the length of car parking. This is not something that we would normally condition through the planning application.*

**Community Highways Request Policy** – After having been adopted at the P&H Meeting on 6<sup>th</sup> December 2022 the [STC website has been updated with the new policy](#).

**Melbury and Cann Parish Council** – The Parish Council agreed at their December meeting that they would like to work with STC on three current issues,

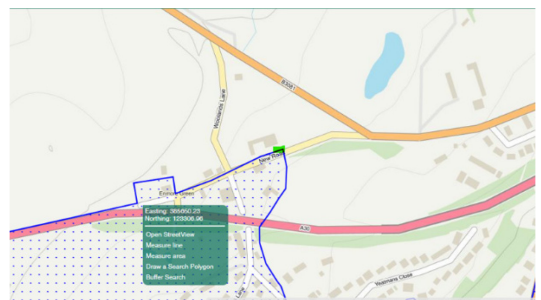
- Parking at Abbey School
- Planning application now for 9 houses along the A350 was 13 (they are still objecting)
- Speed restriction from St James’s Church down to the Common (B3091)



as well as any future issues where both Councils are involved.

**Planning information to receive and note**

Subject	Description	Progress / comments
P/LBC/2022/07649	<p><b>6 Weighbridge Bimport SP7 8AX</b> Remove end of wall and re-build to widen existing vehicular access</p>	<p>The planning application P/LBC/2022/07649 is a dual application with the one that STC considered at the meeting 6<sup>th</sup> December at 6 Weighbridge Bimport P/HOU/2022/07395, this is simply the listed building consent element of the application. These normally get considered at the same time, but due to a hold up in validation have ended up reaching you separately. Due process has been applied and the same comments have been submitted for P/LBC/2022/07649. The comments were <b>No objection, on the grounds that the proposal replaces gates that are themselves modern in relation to the</b></p>

		<b>house and are too narrow for modern cars. The works do not materially affect the setting of a listed building in a conservation area.</b>
<a href="#">P/TRC/2022/07737</a> Mrs Susan Figgis Delegated	<b>7 Bimport SP7 8AT</b> T1 - Acer - Fell as it is an inappropriate setting for the size of tree, causing excessive shading and interference with adjacent protected Yew.	For information purposes only
<a href="#">P/PALH/2022/07908</a> Mr P Winter 16.01.2023 Delegated	<b>Willow Bank 2A Littledown SP7 9HD</b> Erect single storey extension: To extend 5.00 metres beyond the rear wall of the original dwellinghouse: maximum height 2.85 metres: height to eaves 2.25 metres.	For information purposes only This application is not a planning application but a request for the Council to determine whether or not Prior Approval is required for the proposal.
3 Enmore Court New Road SP7 8QL	<b>Resident complaint sent to DC Tree Team</b> We wish to draw to your attention the tragic loss of a section of hedgerow running alongside New Road in Shaftesbury and attach before and after photographs. The hedgerow forms part of the protected ancient hedgerow, albeit now representing a boundary to a residential dwelling. It is within 10 feet of the highway. We would suggest that this will be replaced by a fence in due course which will require planning permission.  This hedge runs along the boundary to Shaftesbury Conservation area and it is our belief that permission should have been sought for its removal.  The protection of the local hedgerows arose and was debated when planning was granted for 23 affordable dwellings (application number: 2/2020/0677/out) together with an accessway proposed to the site from New Road. The action of the occupiers of these premises has created an even greater breach to this ancient hedgerow and should be investigated further. The hedge should be reinstated with Hawthorne	<b>Response from DC Tree Team</b> We are sorry to hear of your concerns regarding the removal of a hedgerow outside no. 3 Enmore Court, New Road, Shaftesbury.  We can confirm that hedgerows are only protected under the Hedgerow Regulations Act 1997, if they are agricultural hedgerows. Any hedgerow adjacent to a domestic curtilage is exempt from the Hedgerow Regulations, even if it borders an agricultural field.  Hedges are not protected by Tree Preservation Orders or by Conservation Areas. However, it appears that the hedge is outside of the nearby TPO and Conservation Area.  We are sorry that we are unable to take any enforcement action, however, the removal of the hedgerow may be to facilitate a replacement.



	<p>whips and continue to be maintained to re-establish a hedgerow.</p> <p>TPO's, although irrelevant to this matter have been placed on all the trees on the site giving further example of the significance of this area to this part of Shaftesbury's northern slopes.</p>	<p><b>Before:</b></p>  <p><b>After:</b></p> 
<p><a href="#">P/CLP/2022/07510</a> Ms Nicki Currie Delegated</p>	<p><b>Hill House 17A Salisbury Street</b> Erection of garden office and store</p>	<p>For information purposes only</p>
<p><a href="#">P/TRC/2022/08039</a> Mr Unwin Delegated</p>	<p><b>Broad Dene Hawkesdene Lane SP7 8EX</b> T1 - Conifer - Fell T2 - Sycamore - Fell</p>	<p>For information purposes only</p>

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

None

**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><a href="#">P/OUT/2022/00536</a> Mr M Nublat and Mrs A M Andrew 11/01/2023 Delegated</p>	<p><b>Land at Lower Blandford Road</b> Erection of up to 9 dwellings with associated highway and drainage infrastructure and landscaping (outline application to determine access only)</p>	<p><b>4. Green Infrastructure</b> 4.2 SFGI1 – To protect the important and locally valued green spaces 4.3 SFGI2 – To ensure development respects Shaftesbury’s topography and its position in the landscape 4.4 SFGI3 - To ensure development respects and enhances the Green infrastructure network - its green spaces and green corridors – and the contribution this makes to the character of the town, its sustainability and biodiversity, and the general well-being of its residents. 4.5 SFGI4 - To protect our dark skies, particularly considering the adjoining Area of Outstanding Natural Beauty and its International Dark Skies Reserve status. <b>5.2 Shaftesbury Character Zone</b> 6. Cann</p>
<p><a href="#">P/HOU/2022/07317</a> Derryn Sapsford 13.01.2023 Delegated</p>	<p><b>Cottage Green St James Street SP7 8HL</b> Convert outbuilding to Annex, Erect timber outbuilding and carry out remedial works to the main house.</p>	<p><b>4. Green Infrastructure</b> 4.2 SFGI1 – To protect the important and locally valued green spaces 4.3 SFGI2 – To ensure development respects Shaftesbury’s topography and its position in the landscape <b>5.2 Shaftesbury Character Zone</b> 3. St James (half of the property) <b>5.3 Shaftesbury Conservation Area</b> (half of the property) 5.4 SFDH1 to SFDH7 To preserve and enhance the character and design of our historic town and the different character areas. To encourage high quality design that ensures development complements and contributes positively to Shaftesbury’s</p>

		characters and engenders a sense of civic pride and social inclusion. To make sure the natural environment is properly considered in the design process.
<a href="#">P/LBC/2022/07318</a> Cox Martin Design Ltd 13.01.2023 Delegated	<b>Cottage Green St James Street SP7 8HL</b> Convert outbuilding to Annex, Erect timber outbuilding and carry out remedial works to the main house.	As above
<a href="#">P/FUL/2022/07090</a> Mr A Horwood 24.01.2023 Delegated	<b>Tesco Store Christy-s Ln Shaftesbury</b> Installation of new Timpson's Retail Unit.	<b>2. Town Centre</b> <b>5.2. Shaftesbury Character Zones</b> 4. Barton Hill and Cockram's Field

### 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 a Highways request for a safe pedestrian route on the south side of Bimport

### Information received from resident

*We urgently need a safe pedestrian route linking the pavement on the South side of Bimport to the relatively safe walkway of Abbey Walk and to the town (see map).*

*This could be created by eliminating two car parking spaces (see photo) at the beginning of the wall of the house on the corner and marking it clearly as a continuation of the pedestrian walkway beyond the pavement.*

*At the moment pedestrians are forced out into the road into the path of fast oncoming cars. This is a real danger especially to the elderly, disabled and parents with young children and would help people walking to the hospital.*

*I now have the support of Dorset Highways (CHSO) but must present my case to the Town Council's Planning & Highways Committee for which I need as many signatures as possible from local residents. If you agree with my campaign, please [sign my petition](#).*

### Further information

STC's community Highways Policy states that;

#### **1. Introduction**

- 1.1. The purpose of this policy is to guide Councillors in assessing requests for support from the public for Highways Improvements related to parking, speeding and the anti-social use of vehicles.
- 1.2. Dorset Council determine which projects can move forward within the available budgets and taking into account the evidence available.
- 1.3. If the Town Council resolves to support a particular request, this is no guarantee that Dorset Council will be able to take action after assessing the relative need and budget available. There are many competing demands across Dorset for such interventions and Dorset Council officers will determine priorities.
- 1.4. In order for a request to be added to a Planning and Highways Committee agenda for consideration the following points will need to be met:

#### **2. Formal Stages Submitting a request**

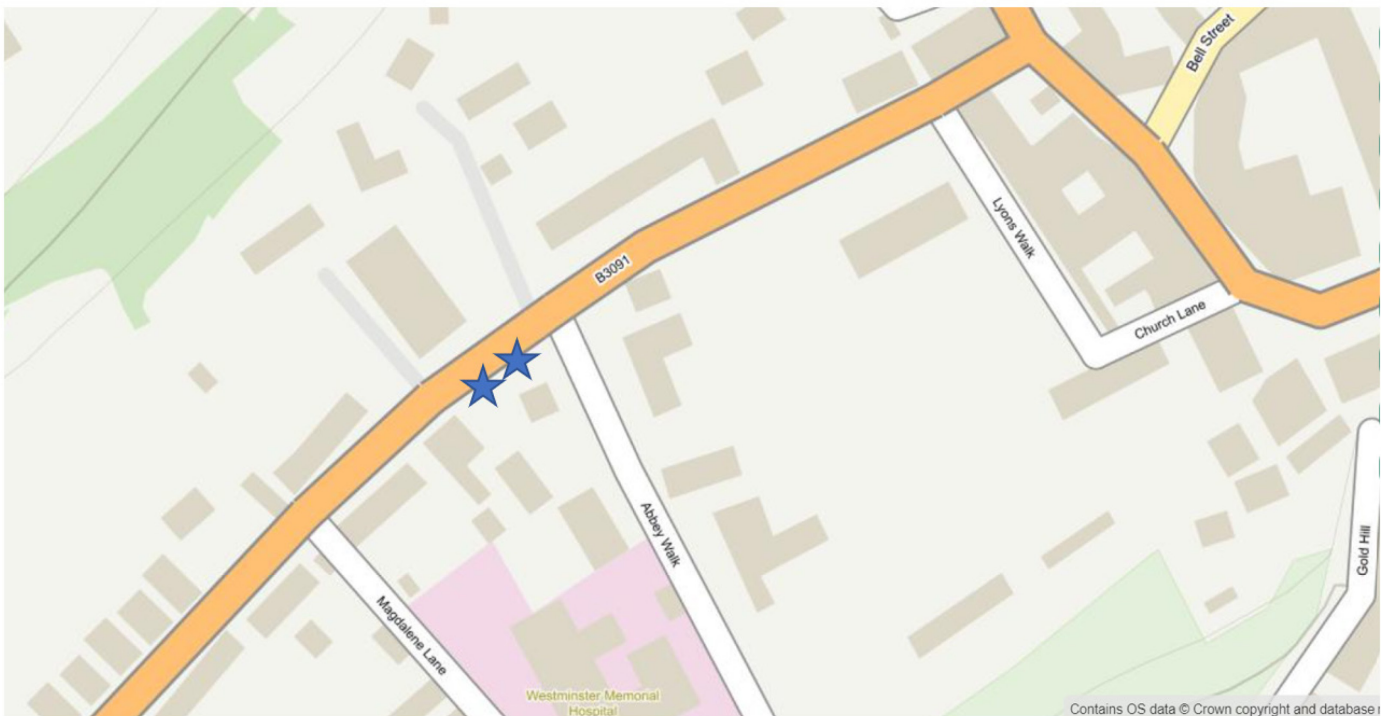
- 2.1. The request must be made in writing (email permitted) and include the relevant information along with a map clearly showing the area and the exact location of requested interventions.
- 2.2. Written requests must also be accompanied by the name of at least one of the local ward Town Councillors who already supports the proposal. [Supported by Cllr Hollingshead](#)
- 2.3. Requests without the required level of support will be returned to the requester detailing the additional information needed.

#### **3. Community Support**

- 3.1. The scheme must be supported by a minimum of 10 named residents over the age of 18, directly affected by the requested measures. For suggested speed tables or bumps etc, these should include the residents who live closest to the site of the tables or bumps. For double yellow lines and other parking restrictions, the 10 should include people who live on the section of road to be affected.
- 3.2. Written requests should detail the names, addresses and contact details of the supporters, in a similar style to a traditional petition. [Redacted signed petition](#)
- 3.3. Where the scheme affects less than 10 adult residents e.g. in a road with few residential properties, the Town Clerk will determine if the request can proceed.



## Photos and Map



## Recommendation

Councillors consider this request and if supported then resolve for it to be passed on to DC Highways for further consideration.