

PORTLAND TOWN COUNCIL

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14th February 2018

Dear Councillor

You are hereby summoned to attend a **MEETING** of the **PLANNING & HIGHWAYS ADVISORY COMMITTEE**, to be held in **EASTON METHODIST CHURCH HALL, EASTON** on **WEDNESDAY, 21ST FEBRUARY 2018** commencing at **7.00 pm**, when the business set out below will be transacted.

It is the Council's intention that all meetings of the Council and its Committees be recorded aurally.

Yours faithfully

Ian Looker
Town Clerk

AGENDA

1. **Apologies for Absence** – to receive
2. **Declarations of Interest** – to receive any declarations from Councillors or Officers of pecuniary or non-pecuniary interests regarding matters to be considered at this meeting, together with a statement on the nature of those interests
3. **Minutes of the Meeting Held on 24th January 2018** – to agree and sign (see attached)
4. **Chairman's Report and Other Matters Arising** – to receive (see attached)
5. **Public Participation** – to allow questions or comments from the public on any item on the agenda
6. **Neighbourhood Plan**
 - a) General Progress – to receive and consider updates
 - b) Brownfield Register – to receive a written report (attached)
7. **Planning Applications Notified by Weymouth & Portland Borough Council** – to consider
 - a) Standard List of Planning Applications (attached)
 - b) Any other applications received subsequent to the publishing of this agenda
8. **Tree Applications** – to consider current procedures (see attached)
9. **Hut 45** – to consider recent correspondence (attached, some confidential)
10. **Planning Contravention Issues** – to receive reports
11. **Planning Applications Notified by Dorset County Council** – to consider
12. **Date of Next Meeting**

The Committee's next meeting is scheduled for Wednesday, 21st March 2018, at Easton Methodist Church Hall, starting at 7.00 pm.

PORTLAND TOWN COUNCIL

PLANNING & HIGHWAYS ADVISORY COMMITTEE MINUTES OF THE MEETING HELD IN EASTON METHODIST CHURCH HALL, EASTON ON WEDNESDAY, 24TH JANUARY 2018 AT 7.00 PM

PRESENT: Councillors Charlie Flack (Chairman), Jo Atwell, Susan Cocking, Jim Draper, Lucy Grieve, Sue Lees (from 7.05), Ray Nowak (from 7.10 pm), Sandra Reynolds and Rod Wild

IN ATTENDANCE: Ian Looker (Town Clerk), Andy Matthews (Neighbourhood Plan Working Group) and two members of the public.

2667 – APOLOGIES FOR ABSENCE

Apologies were received from Councillor David Thurston.

2668 – DECLARATIONS OF INTEREST

Mr Matthews declared a non-pecuniary interest in Agenda Item 6 – Neighbourhood Plan as a trustee of the MEMO project.

2669 – MINUTES OF THE MEETING HELD ON 24TH DECEMBER 2017

Two typing errors were noted, in minute 2661(b) “Hecla” and minute 2665 “Bride.” With these two amendments the minutes were formally agreed and signed as a correct record.

(Cllr. Lees joined the meeting at this point and Cllr. Nowak during the following agenda item.)

2670 – CHAIRMAN’S REPORT, MINUTE UPDATE AND OTHER MATTERS ARISING

Cllr. Flack reported progress on the applications outstanding as follows:-

Application No	Town Decision	Borough Decision
15/767/FUL	Objection	Pending
16/142/FUL	Objection	Pending
16/501/VOC	Objection	Pending
17/270/OUT	No Objection	Approved
17/371/OUT	Objection	Pending
Commons Act, s38	No Objection	Pending
17/593/FUL	No Objection	Pending
17/631/FUL	No Objection	Pending
17/666/FUL	No Objection	Pending
17/732/ADV	No Objection	Pending
17/735/FUL	Objection	Refused
17/738/FUL	Objection	Pending
17/751/VOC	No Objection	Approved
17/760/LBC	No Objection	Pending
17/768/FUL	No Objection	Approved
17/781/RES	No Objection	Pending
17/860/VOC	No Objection	Pending

17/635/FUL	Objection	Approved
17/765/FUL	No Objection	Approved

He next advised on the progress of applications that had been brought to the meeting of 24th December 2017:-

17/834/FUL	Objection	Pending
17/847/FUL	No Objection	Pending
17/851/FUL	No Objection	Approved
17/852/FUL	Objection	Pending
17/862/FUL	No Objection	Pending
17/866/OUT	Objection	Pending
17/868/FUL	No Objection	Pending
17/869/FUL	No Objection	Approved
17/879/CLP	No Objection	Pending
17/881/ADV	No Objection	Pending

Application 17/849/FUL had been tabled on the agenda for that meeting but not discussed for lack of information. **RESOLVED** – that the scheme receive an **OBJECTION**, on the grounds that a scheme involving two storeys would be visually intrusive in a sensitive area of the Heritage Coast and have an adverse impact on the panoramic vistas across the Fleet and Portland Harbour. The Planning Committee wishes to draw attention to the fact that approvals to previous schemes on this site have only been granted on a temporary basis. It is also concerned that this application would increase the traffic accessing and exiting the site on a heavily used main road with access sight-lines inappropriate for this volume.

Minute 2658(b) – Planning Contravention Issues: Portland Port

Following the response from the Port the Clerk was asked to arrange a meeting between the Port’s representative and Cllrs. Flack and Wild.

2671 – PUBLIC PARTICIPATION

The Chairman said he would take contributions from the public under the appropriate agenda items later in the meeting.

2672 – NEIGHBOURHOOD PLAN

Mr Matthews reported that he and Cllr. Draper would be meeting Paul Weston shortly to review feedback from the consultation. Generally speaking the public’s response had been favourable.

Two unidentified members of the public said that there was interest among Southwell residents in using some of the land and property at the former Southwell Primary School for a community hall or care home / day centre for the elderly. They would therefore be seeking a Community Asset Registration.

RECOMMENDED – that the Town Council consider Community Asset Nomination for Southwell School at its meeting in February.

2673 – PLANNING APPLICATIONS NOTIFIED BY WEYMOUTH & PORTLAND BOROUGH COUNCIL

Having considered each application in turn, the Advisory Committee agreed the following observations:-

a) 17/872/ADV – Lighthouse Roundabout, Portland Bill Road – Display two non-illuminated aluminium roundabout sponsorship signs
OBJECTION, on the grounds that the site is an SSSI and highly sensitive location on the Heritage Coast. The Committee fully supported the comments of Weymouth Civic Society and the Court Leet.

b) 17/916/RES – Disused Quarry Works Stockyard, Bottomcombe, Park Road – Application for approval of reserved matters for access, appearance, landscaping, layout and scale in relation to outline approval 14/591/OUT
OBJECTION, on the same grounds as the Committee's previous objection to application 14/591/OUT. It further commented that all existing trees and footpaths should be retained and all external walling should be faced with Portland stone.

c) 17/920/FUL – 45 Wakeham – Demolish garage / studio and erect a detached dwelling and a terrace of four dwellings with new access
OBJECTION, on the grounds of overdevelopment, its adverse impact on the streetscene within a conservation area, highway safety issues at the access to the site and inappropriate building materials to the outside walls, which should be ashlar-faced.

d) 17/927/FUL – Land to the north of 54 New Street – Formation of additional four parking spaces in addition to those approved under 17/076/RES and widening of access drive
NO OBJECTION

e) 17/945/FUL }
17/946/LBC } – Pennsylvania Castle, Pennsylvania Road – Conversion and adaptation of existing triple double garage into additional letting accommodation and storage
NO OBJECTION

f) 17/966/LBC – Residential Section, HM YOI, The Grove – Replacement of the existing timber gates
NO OBJECTION

g) 17/1000/FUL – 42 Sandholes Close – Erection of a single-storey rear extension
NO DECISION – Supporting information not available

2674 – PLANNING CONTRAVENTION ISSUES

Cllr. Lees drew attention to the turf by Perryfield House which had been badly damaged by vehicles. This will be raised with the highways officer.

2675 – PLANNING APPLICATIONS NOTIFIED BY DORSET COUNTY COUNCIL

There were none.

2676 – REVIEW OF PLANNING APPLICATION 17/664/CLP

It was agreed that the Clerk would write to the Planning Officer about the scheme's apparent conflict with policy ENV 4 of the Weymouth & Portland Local Plan.

2677 – DATE OF NEXT MEETING

The Committee's next meeting is scheduled to be held on Wednesday, 21st February 2018 in Easton Methodist Church Hall, Easton starting at 7.00 pm.

The meeting ended at 9.10 pm.

Signed
(Chair)

Dated.....

MINUTE UPDATE

a) Minute 2670 – Planning Contravention Issues: Portland Port

A meeting with the Port is being arranged.

b) Minute 2676 – Review of Planning Application 7/664/CLP

A letter has lately been written to the Planning Officer.

NEIGHBOURHOOD PLAN – BROWNFIELD REGISTER

Details of this are now in the public domain. The Borough planning officers have basically updated some of the sites which were previously shown under SHLAA 2015, including Stone Firms area, parts of Hambro and Fairfield car parks.

Details may be found at <https://www.dorsetforyou.gov.uk/SHLAA/west/weymouth>.

Andy Matthews

[Edited]

Planning Applications Notified by Weymouth & Portland BC

Consultation Start	Application No	Location and Proposal	Applicant and Agent's Name
29/1/2018	17/862/FUL	44 Tillycombe Road Erect porch and single-storey side extension (amended description)	Ms Joanne King Millbrook Healthcare
Council Recommendation			
25/1/2018	17/955/LBC	St George's Centre, Reforne Replace doors and frame	Island of Portland Heritage Trust Mrs Caroline Lester
Council Recommendation			
5/2/2018	17/965/VOC	Perryfield Works, Pennsylvania Road Demolish existing buildings and erect sixty-six dwellings (Variation of condition 1 of planning permission WP/08/00513/FULMAJ - Amendments to Block E1)	Lomand Homes Ltd
Council Recommendation			
29/1/2018	17/971/FUL	Hut 5, West Weares Replacement of existing beach hut	Mr Keith Barnett Mr Nick Hoare
Council Recommendation			

29/1/2018	17/992/FUL	88 Croft Road	Mr J Thorner
		Erection of a single-storey rear extension	Millbrook Healthcare

Council Recommendation

1/2/2018	17/999/FUL	6 St George's Estate Road	Rodd and Gould
		Erection of a single-storey rear extension and conversion of loft	Dean Roper Architectural Services

Council Recommendation

24/1/2018	17/1000/FUL	42 Sandholes Close	Miss F Stevens
		Erection of a single-storey rear extension	Dean Roper Architectural Services

Council Recommendation

31/1/2018	17/1008/FUL	Site of Former Public Conveniences, Castletown	Nemesis Properties
		Retention of shop, training room and WC's building "as built"	Richard Burgess Associates Ltd

Council Recommendation

29/1/2018	17/1014/FUL	The Little Ship, Victoria Square	Admiral Taverns
		External alterations to erect a small new slate roof pergola, rope and post fencing, a new patio area, a timber bin store to the rear, external showers with a glazed splash screen and new tarmac top coat and white lining to car park area	JSA Design

Council Recommendation

29/1/2018 17/1015/LBC The Little Ship, Victoria Square Admiral Taverns

External alterations to erect a small new slate roof pergola, rope and post fencing, a new patio area, a timber bin store to the rear and external showers with a glazed splash screen. Internal alterations to include: general flooring, lighting & decorations, a new back and front bar, opening up the existing fire and allowing for new surround, removing false suspended ceiling, hacking off existing plaster to expose stone walls, full refurbishment to gents and ladies toilets and alterations to first floor utility room to create an office

JSA Design

Council Recommendation

25/1/2018 18/003/FUL 78 Avalanche Road Ms Dawn Weaver

Demolition of rear porch and outbuilding and erection of a single-storey rear extension

W4 Projects

Council Recommendation

29/1/2018 18/007/FUL Admiralty Buildings, Castletown Castletown D-Day Centre

Erect extension to museum

Steven Jones Plan Design

Council Recommendation

31/1/2018 18/013/FUL 14 Pauls Mead Mr & Mrs Cheeseman

Erect balcony to front of property

Steven Jones Plan Design

Council Recommendation

8/2/2018 18/043/FUL 6 Delhi Lane Mr & Mrs Hargrave
Demolition of garage and erection of dwelling Steven Jones Plan Design

Council Recommendation

8/2/2018 18/055/FUL Land south east of 14 Hamm Beach Road Dean & Reddyhoff Ltd
Formation of new boat sales area and additional patio area with alterations to landscaped areas. Retain existing storage containers and add cedar clad temporary office building to accommodate existing dive business Richard Burgess Associates Ltd

Council Recommendation

7/2/2018 18/063/FUL 3 Belle Vue Cottages Mr Lane
Loft conversion with dormer to rear and erection of porch to south east elevation Steven Jones Plan Design

Council Recommendation

12/2/2018 18/101/DOD Land at Portland Port, Castletown Portland Port
Demolition of Permavent building (number 228) located in the "Peat Bays" / "Balaclava Bay"

Council Recommendation

TREE APPLICATIONS

From: Dorset Councils Partnership
Sent: 13 February 2018
To: Portland Town Council
Subject: Planning Applications Regarding Trees

[...]

This recent change came about as a consequence of us needing to do more with less (reduced staff numbers and increasing numbers of applications). Because there is no legislative requirement for consultation in respect of tree work applications (including conservation area notifications) it was decided to draw back from our local arrangement. It means [Weymouth & Portland Borough C]ouncil can now issue consents much more quickly where cases are straightforward, but gives us the discretion to consult for more contentious cases. All applications are now scanned and available on dorsetforyou.

I should stress that we're still encouraging parish and town councils to retain their tree wardens, as we find their local knowledge and expertise invaluable when it comes to monitoring tree protection conditions on development sites, and ensuring that replants are carried out when protected trees are removed.

I hope this helps, but do give me a call if you have any questions.

[...]

[Redacted]
Senior Tree and Landscape Officer

[Edited]

Complaint reference:
17 002 742

Complaint against:
Weymouth and Portland Borough Council

The Ombudsman's final decision

Summary: Mrs D complains the Council failed to advertise a planning application for a beach hut or take enforcement action. The Ombudsman has not found any evidence of fault by the Council. She has completed the investigation and not upheld the complaint.

The complaint

1. The complainant (whom I refer to as Mrs D) says the Council failed to correctly advertise a planning application for a beach hut in 2016. She also says it did not properly investigate her planning enforcement case.

The Ombudsman's role and powers

2. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)
3. The Ombudsman investigates complaints of injustice caused by maladministration and service failure. I have used the word fault to refer to these. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. She must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)

How I considered this complaint

4. I have spoken to Mrs D and considered the information she provided. I asked the Council questions and have carefully examined its response and case files.
5. I shared my draft decision with both parties and considered their comments.

What I found

What happened

6. In August 2016, the Council received a planning application to replace a beach hut. On 14 September, the Council erected a site notice on the side of the beach hut. A Planning Officer considered comments received about the plans and found the proposed new hut would be a larger footprint but there was sufficient space to allow this. The hut would not cause any significant harm. The Council granted planning permission on 11 October.
7. In February 2017, the Council received a complaint about the size of the new hut which was still being built. The case was allocated to a Planning Enforcement

Officer (Officer). He carried out a number of site visits. He also looked at another complaint about excavations under hut. He consulted a specialist agency for their advice.

8. In April, the Council received a complaint from Mrs D about the hut. She said there were several problems including the build was larger than allowed and a mezzanine level had been wrongly fitted inside. The Officer visited the site later that month. His detailed notes show he considered the points made by Mrs D. He noted there was a half-length mezzanine. In his view, this was only useable for storage. He discussed issues with the builder and took photographs. He subsequently received advice from the specialist agency who advised the void under the hut should be filled in. That work was subsequently carried out and confirmed by the Officer in May. The Officer concluded there was unauthorised works to the hut which required additional action. These were:
 - Some discrepancies in the size of the build;
 - Unauthorised solar panels; and
 - Windows had not been fitted in line with the plans.

He did not feel the mezzanine level required further action because it could only be used for storage and not a living space. Whilst it was not authorised it was part of the internal layout and therefore did not automatically require planning permission. It was not causing significant harm to environment or community.

9. At the end of May the Officer advised Mrs D that remedial works had been carried out to resolve the unauthorised void. The Council would not be taking any further action on that matter. There were some minor discrepancies in the size of the hut and other aspects of the build. The Council would therefore ask the owner to submit a retrospective planning application. Mrs D exchanged correspondence with the Council disputing its actions. The Council remained of the view that it was correct not to take formal enforcement action.
10. In June, the Council received the retrospective planning application. It confirmed this to Mrs D and erected a site notice on the hut in July.

What should have happened

11. When the Council receives a planning application it has a duty to advertise it. It must either send out neighbour notification letters or erect a site notice “in at least one place on or near the land” relating to the application. The Council is not required to advertise an application in the press for all cases.
12. Once planning permission is granted any complaints about unauthorised works are dealt with by the Planning Enforcement Team. The case is assigned to an Officer to investigate., The Officer will carry out site visits, make notes and notify the complainant about the outcome of the case. If the Officer finds evidence of unauthorised works they have the following options:
 - Consider formal enforcement action in cases where there is a significant harm to the environment or community;
 - Ask the owner to submit a retrospective planning application. This means a new application is submitted, a site notice is erected and the Council considers any objections to the proposals in line with regular planning applications. If planning permission is granted it authorises the existing works;
 - Take no formal action and seek an informal resolution; or
 - Take no further action and close the case.

Was there fault by the Council

13. Mrs D says the Council failed to properly advertise the 2016 application. I do not see any evidence of fault by the Council. I understand Mrs D feels the Council should have advertised the application in the press. There is no requirement on the Council to do so. It will only use press notices for applications within a conservation area. I also understand Mrs D says she did not see the notice on the hut and it was placed on the west side of the site which was least visible. I have no proof the notice was not erected or that it was removed. Furthermore the Council is not obliged to place the notice at a specific point as long as it considers the notice is visible. As such I am unable to say the Council failed to correctly advertise the application.
14. Mrs D also states the Council failed to properly consider her complaints about the unauthorised works. I have considered the evidence, which includes very detailed and comprehensive records made by the Officer, and have not found any fault. The Officer investigated concerns by third parties and by Mrs D in line with procedures. He undertook many site visits, kept clear evidence and consulted a specialist agency where appropriate. He used his professional judgement and when he found evidence of unauthorised works, which were considered significant, he took action. The excavation was resolved informally and he confirmed the void had been filled in. For the other issues, including the solar panels and windows, it was decided the most appropriate route was to request a retrospective planning application. That is in line with government guidance and the Council's own policies on enforcement. I appreciate Mrs D feels the Council should have taken formal action instead. However, it is for the Council to decide which route is appropriate to the situation. The Ombudsman will not question the merits of that decision making in the absence of procedural errors: that applies to this case.

Final decision

15. I have completed the investigation and not upheld the complaint.

Investigator's decision on behalf of the Ombudsman