



## GILLINGHAM TOWN COUNCIL

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# PLANNING COMMITTEE

The minutes of the **Planning Committee** meeting held on **Tuesday 14<sup>th</sup> April 2020**, at 7.30pm held remotely via skype, in accordance with 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 2020 Regulations") which came in to force on 4 April 2020.

## Members Present

Cllr Val Potheary (Chairman)	Cllr Rupert Evill (Deputy Chairman)
Cllr Barry von Clemens	Cllr John Kilcourse
Cllr Alan Frith	Cllr John Robinson
Cllr Mike Gould (joined the meeting 8.10pm)	Cllr Roger Weeks
Cllr Paul Harris	

## Non-members Present

Cllr David Walsh, Dorset Council Planning Portfolio Holder

## In Attendance

Town Clerk: Julie Hawkins

Deputy Town Clerk: Clare Ratcliffe

## Press and Public

Press: Michael Street, Gillingham and Shaftesbury News

Public: There were no members of the public present.

## Minute No

<b>144.</b>	<b>To receive apologies for absence.</b>
	It was agreed and <b>RESOLVED</b> that the apologies for absence received from Cllr Cullingford, Cllr Griffin and Cllr Wareham are accepted.
<b>145.</b>	<b>To approve the minutes of the meeting held on Monday 9<sup>th</sup> March 2020.</b>
	It was agreed and <b>RESOLVED</b> to approve the minutes of the meeting held on 9 <sup>th</sup> March 2020.
<b>146.</b>	<b>To receive questions pertaining to the previous meeting.</b>
	There were no questions.
<b>147.</b>	<b>To receive declarations of interest. <u>Please note:</u> members are required to comply with the requirements of the Localism Act 2011, section 27, disclosable pecuniary interests.</b>
	There were no disclosable pecuniary interests.

<b>148.</b>	<b>To receive Decision Notices for planning applications from Dorset Council, as follows:</b>
<b>a.</b>	<b>Application No:</b> 2/2019/1426/FUL <b>Proposal:</b> Erect 4 No. dwellings and garages, form new vehicular and pedestrian access. Demolish existing barns. <b>Location:</b> Horkesley Hall Farm, Common Mead Lane, Gillingham, SP8 4RE <b>Approved</b>
<b>b.</b>	<b>Application No:</b> 2/2019/1409/FUL <b>Proposal:</b> Erect 5 No. dwellings and garages. Demolish existing agricultural buildings. <b>Location:</b> Windyridge Farm Bay Road Gillingham SP8 4EP <b>Approved</b>
<b>c.</b>	<b>Application No:</b> 2/2019/0806/FUL <b>Proposal:</b> Site a shipping container for storage of PE equipment and playtime resources (retrospective). <b>Location:</b> Wyke Primary School, Deane Avenue, Gillingham, SP8 4SH <b>Approved</b>
<b>d.</b>	<b>Application No:</b> 2/2019/1746/FUL <b>Proposal:</b> Erect 2 No. dwellings (demolish existing barns and former agricultural structures) <b>Location:</b> Colesbrook Farm, Purns Mill Lane, Colesbrook, SP8 4HJ <b>Refused</b>
<b>e.</b>	<b>Application No:</b> 2/2020/0026/LBC <b>Proposal:</b> Convert and rebuild agricultural store into annexe and store and carry out all internal and external alterations in association with this. <b>Location:</b> Higher Langham Farm, Moor Lane, Langham, SP8 5NX <b>Approved</b>
<b>f.</b>	<b>Application No:</b> 2/2020/0025/HOUSE <b>Proposal:</b> Convert and rebuild agricultural store into annexe and store. <b>Location:</b> Higher Langham Farm, Moor Lane, Langham, SP8 5NX <b>Approved</b>
<b>g.</b>	<b>Application No:</b> 2/2019/1623/HOUSE <b>Proposal:</b> Erect two storey rear extension. <b>Location:</b> Lower Bowridge Hill Farm, Bowridge Hill, Gillingham, Dorset SP8 5QS <b>Refused</b>
<b>h.</b>	<b>Application No:</b> 2/2019/1624/LBC <b>Proposal:</b> Erect two storey rear extension and carry out associated internal and external alterations. <b>Location:</b> Lower Bowridge Hill Farm, Bowridge Hill, Gillingham, Dorset SP8 5QS <b>Refused</b>
<b>i.</b>	<b>Application No:</b> 2/2020/0080/HOUSE <b>Proposal:</b> Erect single storey side extension. <b>Location:</b> 8 Yalbury Wood Way, Gillingham, SP8 4GR <b>Approved</b>
<b>j.</b>	<b>Application No:</b> 2/2020/0136/FUL <b>Proposal:</b> Extend existing cafe. <b>Location:</b> The Old Brewery Wyke Road Gillingham SP8 4NW <b>Withdrawn</b>
<b>k.</b>	<b>Application No:</b> 2/2020/0133/FUL <b>Proposal:</b> Erect 1 No. wooden shed <b>Location:</b> St Simon and St Judes Church, Mapperton Hill to Milton-on-Stour Road, Milton-on-Stour, Gillingham SP8 5QD <b>Withdrawn</b>

<b>I.</b>	<p><b>Application No:</b> 2/2019/1222/FUL</p> <p><b>Proposal:</b> Erect petrol filling station with ancillary retail facilities, car wash, jet wash, car parking and associated landscaping</p> <p><b>Location:</b> Land at E 382080 N 125599, Fern Brook Lane, Gillingham</p> <p><b>Approved</b></p>
<b>149.</b>	<b>To receive and consider planning applications, as follows:</b>
<b>a.</b>	<p><b>Application No:</b> 2/2020/0155/FUL</p> <p><b>Proposal:</b> Erect 1 No. dwelling, 1 No. detached open fronted garage and create parking spaces. Install air source heat pump and bin storage.</p> <p><b>Location:</b> Copper Coin, Shaftesbury Road, Gillingham, SP8 4LP</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>refusal</b> of Application No. 2/2020/0155/FUL as the proposal is considered to be an overdevelopment of the site which will result in an overbearing development of cramped appearance which will be damaging to the visual amenity and character of the area.</p> <p>If the Case Officer is mindful to approve the application, members request that a condition is included within the decision notice restricting the times that construction work can be carried out. This is considered necessary in order to reduce the noise and disruption to the occupants of the neighbouring properties.</p>
<b>b.</b>	<p><b>Application No:</b> 2/2020/0199/OUT</p> <p><b>Proposal:</b> Develop land by the erection of 2 No. dwellings, garages, parking and create new vehicular access. (Outline application to determine access, landscaping and scale).</p> <p><b>Location:</b> Ham Cottage, Cole Street Lane, East Stour, SP8 5JQ</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>approval</b> of planning application no. 2/2020/0199/OUT subject to the conditions recommended by the Tree and Landscape Officer. Members consider the proposal to be more in character with the area, and the proposed houses will be more affordable than the previously approved application for one larger dwelling.</p>
<b>c.</b>	<p><b>Application No:</b> 2/2020/0216/HOUSE. (previous application withdrawn)</p> <p><b>Proposal:</b> Erect a single storey and a two-storey extension and install rear dormer. Convert garage and add roof light to front elevation</p> <p><b>Location:</b> 8 Fairybridge Walk, Gillingham, Dorset, SP8 4SE</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>refusal</b> of Application No. 2/2020/0216/HOUSE for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposals are of an overbearing nature and will result in an over-development of the site, and</li> <li>• the proposals will result in a loss of parking provision which could result in indiscriminate parking of vehicles in the surrounding residential area.</li> </ul> <p>Cllr Gould joined the meeting at 810pm</p>
<b>d.</b>	<p><b>Application No:</b> 2/2020/0279/FUL</p> <p><b>Proposal:</b> Erect 1 No. dwelling (demolish existing stables).</p> <p><b>Location:</b> Milton Lodge Hotel, Mapperton Hill to Milton-On-Stour Road, Milton-on-Stour, SP8 5QD</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>refusal</b> of Application No. 2/2020/0279/FUL for the following reason:</p> <ul style="list-style-type: none"> <li>• The scale and height of the proposed dwelling will result in an overbearing and over-dominant development which will have a detrimental effect on the character of Milton Lodge Hotel which is a non-designated heritage asset, included in The Gillingham Neighbourhood Plan as a 'locally important building' (GNP Policy 27, Ref. 197).</li> </ul>

	<ul style="list-style-type: none"> <li>The scale and height of the proposed dwelling will result in an overbearing development which will have a detrimental impact on the views into, and out of, the Milton-on-Stour Conservation Area.</li> <li>The proposed development will not enhance the character or appearance of the Conservation Area;</li> <li>The proposed development does not protect or enhance the special architectural or historic interest of Milton Lodge Hotel or its setting;</li> <li>The level of harm and impact cannot be outweighed by the benefits.</li> </ul> <p>Cllr Gould abstained from voting as he has relatives living in Milton-on-Stour.</p>
<b>e.</b>	<p><b>Application No:</b> 2/2020/0312/FUL  <b>Proposal:</b> Alterations to roof  <b>Location:</b> Milton Lodge Hotel, The Old Stables, Mapperton Hill To Milton-On-Stour - Road, Milton On Stour, SP8 5QD</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>approval</b> of Application No. 2/2020/0312/FUL.</p> <p>Cllr Gould abstained from voting as he has relatives living in Milton-on-Stour.</p>
<b>f.</b>	<p><b>Application No:</b> 2/2020/0379/FUL  <b>Proposal:</b> Construction of a Principal Street, associated access, landscaping and infrastructure works at land to the East of New Road (B3092), Gillingham  <b>Location:</b> West of Shaftesbury Road at Land South of Gillingham, Shaftesbury Road, Gillingham, Dorset</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>approval</b> of Application No. 2/2020/0379/FUL subject to pedestrian islands at the positions where the road crosses the three public footpaths, N64/35, N64/33 and N64/77. These rights of way will form important routes through the proposed developments and enable good permeability, it is therefore essential that pedestrian islands are put in place at these crossing points to make crossing the principal street safer on foot.</p>
<b>g.</b>	<p><b>Application No:</b> 2/2020/0305/HOUSE  <b>Proposal:</b> Erection of porch and two storey side and rear extensions  <b>Location:</b> Bramley Farm, Langham Lane, Gillingham, Dorset SP8 5NT</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>approval</b> of Application No. 2/2020/0305/HOUSE as the proposed extensions will be subservient to the existing property, there is adequate space and the proposed materials match.</p>
<b>h.</b>	<p><b>Application No:</b> 2/2020/0374/HOUSE  <b>Proposal:</b> Erect greenhouse.  <b>Location:</b> Lawn Farm, Bay Road to Lawn Bridge – Road, Gillingham, SP8 5QP</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>approval</b> of Application No. 2/2020/0374/HOUSE as there is adequate space and the proposed greenhouse is considered to be in character with Lawn Farm, a non-designated heritage asset.</p>
<b>i.</b>	<p><b>Application No:</b> 2/2020/0354/HOUSE  <b>Proposal:</b> Replace the roof of an existing extension and alter the arrangement of glazing within this extension.  <b>Location:</b> Trevena, Wyke Road, Gillingham, SP8 4NG</p>
	<p>It was agreed and <b>RESOLVED</b> to recommend <b>approval</b> of Application No. 2/2020/0354/HOUSE as it is considered to be a good, sustainable use of space.</p>
<b>150.</b>	<b>To receive a statement from Dorset Council regarding Neighbourhood Plans</b>
	<p>A statement from Dorset Council was circulated prior to the meeting. Please refer to <b>Appendix A</b>. The statement was received and noted.</p>
<b>151.</b>	<b>To receive and consider information regarding Rights of Way in Gillingham.</b>

	The Town Clerk informed the meeting that an application has been submitted for the temporary closure of footpath N64/45 around the proposed housing development at Windyridge Farm, Bay Road, Gillingham. The application is for a temporary closure, during construction work, whilst the application to divert is underway. A permissive route will be available during the period of closure. There were no objections to the temporary closure.
<b>152.</b>	<b>To receive matters pertinent to this meeting. <u>Please note:</u> Members are advised that inclusion of any item is at the Chairman's discretion and that a council cannot lawfully decide upon any matter which is not specified in the summons (agenda).</b>
	There were no matters pertinent.
There being no other business on the agenda, the meeting closed at 8.50pm.	
<p><b>Signed:</b> _____ <b>Date:</b> 11<sup>th</sup> May 2020</p> <p><b>Chairman of Planning Committee, Cllr Val Potheary</b></p>	
<b>PLEASE NOTE: These minutes appear as draft minutes until reviewed and ratified by Full Council.</b>	

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## Dorset Council

### Statement regarding Neighbourhood Plans

Once formally ‘made’ a neighbourhood plan becomes part of the development plan and policies within the plan carry full weight when determining planning applications. When the relevant local planning authority, in this case Dorset Council, is able to demonstrate a five year housing land supply and has an up-to-date development plan (local plan) this situation continues in perpetuity.

However, when a local planning authority is unable to demonstrate a five year housing land supply, and/or doesn’t have an up-to-date development plan, the presumption in favour of sustainable development, as set out in paragraph 11 of the Government’s National Planning Policy Framework (NPPF) applies when determining planning applications. Unfortunately, with the exception of the former Purbeck District Council area, Dorset Council is currently unable to demonstrate a five-year housing land supply across its area. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF, is applicable when determining planning applications across the majority of the area covered by the Council.

In respect of areas covered by neighbourhood plans, paragraph 14 of the NPPF offers some additional protection when the relevant local planning authority is unable to demonstrate a five year housing land supply, and/or doesn’t have an up-to-date development plan. Paragraph 14 of the NPPF reads as follows:

*‘In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply<sup>1</sup>:*

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d) the local planning authority’s housing delivery was at least 45% of that required<sup>2</sup> over the previous three years.’*

Dorset Council is aware that significant concerns have recently been raised by Town and Parish Councils and neighbourhood plan groups in respect of criterion a of paragraph 14 of the NPPF. The criterion essentially time limits the additional protection offered by paragraph 14 of the NPPF to a period of two years from the date that a neighbourhood plan is made. Consequently, following a period of two years from when a neighbourhood plan is made, paragraph 14 of the NPPF is no longer applicable.

Although paragraph 14 of the NPPF no longer applies after a period of two years from a neighbourhood plan being made it is important to note that the relevant neighbourhood plan still forms part of the development plan for the area that it covers. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that

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<sup>1</sup> Transitional arrangements are set out in Annex 1.

<sup>2</sup> Assessed against the Housing Delivery Test, from November 2018 onwards.

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planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The key matter that changes when paragraph 14 of the NPPF no longer applies is the weight that can be given to policies in a neighbourhood plan when determining planning applications. Unfortunately, given Dorset Council, with the exception of the former Purbeck District Council area, is currently unable to demonstrate a five-year housing land supply, the weight that can be attributed to policies in a neighbourhood plan is reduced.

Finally, with regards to the matter of reviewing a neighbourhood plan, there is no requirement to review or update a neighbourhood plan. However, as set out in the Government's Planning Practice Guidance, policies in a neighbourhood plan may become out of date. For example, where a policy has been in force for a period of time, other material considerations e.g. the NPPF may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. To reduce the likelihood of a neighbourhood plan becoming out-of-date, communities who have prepared neighbourhood plans should take account of the latest evidence for their area, including in respect of housing need, and consider whether there is a need to review their neighbourhood plan.