

Community Working Group – Tues 1st April 2014 – 6.00pm
Committee Suite

<u>Raised by</u>	<u>Question No/ Details</u>	<u>Answers and Notes</u>
<p><u>Debbie King - Oakdale Residents Community Association</u></p>	<p>Re planning for the future for community buildings and how the Borough of Poole see the Localism Act affecting how they are to be managed. The fact this meeting will be facilitated by Planning & Regen gives me hope the subject of replacing/maintaining ageing buildings may be appropriate.</p> <p>1) Are there any plans to replace ageing and not fit for purpose buildings? 2) Will there be funding available or does the council envisage the community providing such facilities for themselves?</p> <p>3) The Oakdale site is a prime area for developing for many uses - has any recent studies been undertaken to establish possible future uses for the site as a whole or in part?</p>	<p>1) and 2) The Council currently has no plans or funding set aside to replace community buildings. The Localism Act provides the opportunity for the community to purchase 'Assets of community value', safe-guarding them for the benefit of the community. There is no requirement under the Act for local authorities to maintain or provide community buildings. As part of the planning application process, the capital cost of a community building can be provided for, if there is a proven need, however, the revenue costs of managing and maintaining the building, providing furniture etc. would not be.</p> <p>3) This is the head office for Dorset's Adult Skills team. A feasibility study is planned, in recognition of its development potential, although this has not yet been worked up. Community groups can apply for Government Pre-feasibility grants (up to £10k) and feasibility grants (up to £100k) to develop their 'Right to Bid' proposals. For more information, follow the links on the Borough of Poole website or go to 'My CommunityRights.org.uk' or the Social Investment Business website 'Sibgroup.org.uk'.</p>
<p><u>Peter Cooper - Concerned Residents of Lower Hamworthy</u></p>	<p>4) Time scale regarding link Rd on Gallagher site – when can we expect lower Blandford Rd to become access only as in the local plan (is this still the case).</p> <p>5) Parking for residents in the area, presently we have nowhere to park for family/friends/ guests; some time back a survey was carried out on permit bays in lower Blandford Rd, could this still be an option? How might this issue be addressed?</p>	<p>4) The Port Link Rd is scheduled for two thirds completion by the year 2017. The final third is subject to a separate agreement that will hopefully conclude 12 months after the commencement of development.</p> <p>5) There is little scope to do anything prior to the opening of the Port Link Road (PLR). The best way to address this would be as part of the Blandford Road enhancement following the completion of the Port Link Rd.</p>

<p><u>Peter Cooper - Concerned Residents of Lower Hamworthy</u></p>	<p>6) Bridge into Hamworthy park from harbour reach site- timescale and completion.</p>	<p>6) The Bridge has planning consent and we are in the final stage of negotiation with Network Rail to get a licence to undertake the construction. Provided this is achieved soon, then construction will commence on site.</p>
<p><u>Peter Cooper - Concerned Residents of Lower Hamworthy</u></p>	<p>7) I have spoken to some concerned neighbours - can we please discuss the lighting of the footpath that enters the harbour reach site alongside 123 Blandford Road. It is lit up like a Xmas tree and seems completely unnecessary in these days of austerity.</p>	<p>7) The two lighting columns on the footpath in question were installed in 2009 during the final phase of construction works for the Harbour Reach development by Taylor Wimpey Homes. They were not fully operational until 2012 due to problems with providing a mains cable connection to power the columns. The illumination of the footpath by way of street lighting columns was included within the development plans as the path was seen to be an important strategic link between Broom Hill Way and Blandford Road. The number of lighting columns and the spacing between them is designed to ensure that the path is illuminated to the British Standard for road / footpath lighting as relevant at the time of installation.</p> <p>The lantern units installed and the wattage / power of lamps used in all of our lighting installations are designed to provide a sufficient level of light whilst minimising energy consumption and the possibility of obtrusive light into neighbouring properties. The lanterns used in the footpath conform to the recommendations set out in the Institution of Lighting Professionals Guidance Notes For The Reduction Of Obtrusive Light 2011. We did receive a number of complaints from residents and Councillors when the lights were not operational before 2012 so this reinforces the fact that the path is well used and the lighting is appreciated.</p>
<p><u>Tony Hamilton – Poole Agenda 21</u></p>	<p>8) How does the planning department support the "Presumption in favour of sustainable development" as specified in the National Planning Policy framework?</p>	<p>8) The presumption in favour of sustainable development within the NPPF applies to both plan making and decision making. For plan making this requires:</p> <ul style="list-style-type: none"> (i) To positively seek opportunities to meet the development needs of its area. (ii) To meet the objectively assessed

<p><u>Tony Hamilton – Poole Agenda 21 Contd...</u></p>		<p>needs of their area. The Planning Service meets these by ensuring its development plan is up to date and that decisions are made in accordance with the plan.</p>
<p><u>Bill Constance (Poole Old Town Conservation Group</u></p>	<p>Following a number of Council sponsored reports including CABE, July 2010, Michael Hayes, Jan 2011 and the 'Expert witness, Phil Jones/Andy Ward', Nov 2012, the Council at a meeting on 18/12/12 approved a number of recommendations. The Committee was pleased to note the enhanced emphasis now being put on consideration of the 'Place' theme, and asked management to ensure that this was reflected in enhanced working between Transportation and Planning /Regen as part of a more holistic approach to the design of urban spaces. The Committee recommended that the Council should make the consideration of 'Place' central to the reorganisation of structures which are being considered as part of the Localism Agenda and should further consider the appointment of a 'place champion'.</p> <p><u>Please advise:-</u></p> <p>9) Have the above recommendations been actioned? 10) Are Trans Services and Planning and Regen working together? 11) Examples of such working together? For these questions to be answered fully it would be useful to hear the views of Transport Services, Planning and Regeneration Services and the relevant Portfolio Holders.</p>	<p>9-11) Response from Stephen Thorne:- Since the meeting in 2012 Transportation Policy has moved next to Planning Policy officers, complete with the better working relationship that this closer geographical positioning allows. In addition, at the operational level, a "virtual team" comprising Transportation and Planning colleagues has been formed to progress the Town Centre SPD. The "virtual" team reports to a Town Centre Strategy Group chaired by one of the Strategic Directors and is attended by relevant Heads of Service including Planning and Transportation. In addition, Transportation has adopted the Quality Audit process to Highway Schemes that include the public and Planning. The "Place Theme" has matured and revised purposes and Principles have been adopted. The consideration of a Place Champion is a political decision and has been considered.</p> <p><u>Response from Cllr Mike White:-</u> "Champions" work best where there is a need for someone to work across organisational boundaries. In this case Andrew Flockhart as Strategic Director has clear responsibility for all the key service units covering place. There is now a regular monthly meeting for all service unit heads and portfolio holders covering the area."</p>
<p><u>Terry Stewart (Campaign for the Protection of Rural England and Branksome Park and District Res Assoc)</u></p>	<p>12) Planning permission needed for car parking island and high access bridge? 13) Criteria for Travellers' Temporary Transit Site. 14) When will the Summary of responses to the Seafront plan be published, and also the Revised Proposals ?</p>	<p>12) The proposal for a marina adjacent to Poole Quay is not being progressed as the Crown Estates as part of the tendering process have not selected a preferred bidder. However in considering this the Planning Acts only have jurisdiction to MLW. Authorisation below this point would be via a Harbour Revision Order through the Marine Management Organisation. It is believed but not confirmed that that HRO would have jurisdiction where it touched the</p>

		<p>land thereby authorising (or not) access.</p> <p>13) There is no such thing as a Temporary Transit Site. It is assumed the question refers to a Temporary Stopping Place for Gypsies and Travellers. A transit site is a permanent facility that in its assessment is treated as a housing site. a TSP is occupied all the year round but maybe available at times of increased demand.</p> <p>A TSP should have:-</p> <ul style="list-style-type: none"> - Safe and convenient access to road networks - Able to allow access for emergency vehicles provision for marking to allow residents to park safely. - A clear barrier around the TSP to prevent encroachment. - A cold water supply (standpipe or barrier). - A sewerage disposal point. - A portaloos at a ratio of 1:4 households - A refuse disposal point <p>14) The Sustaining Poole's Seafront SPD has been reported to the Economy Overview and Scrutiny Committee on 5th Dec 2013. As a result of that meeting a Cross Party Working Group has been formed to consider the document. Terms of reference have been agreed and a scoping meeting took place on 19th March 2014. It is expected to represent at ECOS on 5th June 2014.</p>
<p><u>Terry Stewart</u> <u>(Campaign for the</u> <u>Protection of</u> <u>Rural England</u> <u>and Branksome</u> <u>Park and District</u> <u>Res Assoc)</u></p>	<p>15) The Council made a commitment to provide 10,000 more homes, how many of these have been completed and how many more have planning permission?</p> <p>16) How many of these are Affordable Homes?</p> <p>17) When does Planning hope to publish revised recommendations to the Seafront Plan.</p>	<p>15 & 16) Poole is required to provide a minimum of 10,000 additional dwellings between 2006 and 2026 (Core Strategy PCS5). Progress on delivery is reported yearly in the Annual Monitoring Report which is published on the Council's website:-</p> <p>http://www.boroughofpoole.com/planning-and-buildings/planning/ldp/annual-monitoring/</p> <p>Since 2006 3,045 new dwellings have been completed as at 31st March 2013, an average of 435 per annum. Of the 3,045 593 (20%) are affordable housing. A further 1,302 units have planning consent.</p> <p>17) See Question 14.</p>

<p><u>Martin Heath sent to Terry Stewart (Campaign for the Protection of Rural England and Branksome Park and District Res Assoc)</u></p>	<p>18) Has there been any progress in defining Neighbourhoods that do not have a Forum with regard to the 15% of CIL that Neighbourhoods can decide how to spend? 19) As a supplementary question, what procedure will be used to obtain a majority Neighbourhood decision?</p>	<p>18) & 19) Yes, although no decision has been made yet as to which option is preferable. How a majority decision will be obtained has not yet been considered.</p>
<p><u>Martin Heath sent to Terry Stewart (Campaign for the Protection of Rural England and Branksome Park and District Res Assoc)</u></p>	<p>20) Is it worthwhile continuing with the Affordable Housing Interim Tariff for 6 to 10 new dwellings in view of the apparently low take-up by developers and the apparent difficulty that Planning Officers have in deciding the appropriate tariff because the sub-market areas are poorly defined? 21) If the Affordable Housing policy and CIL are to be re-visited in the near future and a new Viability Study carried out, will account be taken of the reasons why developers' Viability Reports, and the Council's Verification Reports, consistently show that the 40% affordable housing target cannot be achieved even with the recent up-turn in the housing market?</p>	<p>20) The tariff system was introduced as a response to the lack of on site delivery on sites of this size. It is not perfect but does present a starting point for negotiation. Broad viability work will inevitably throw up site specific issues; however, through applications developers have a right to challenge viability assumptions. This will inevitably be the case when a broad based policy has been introduced. The benefit of updating the SPD ahead of the Core Strategy review has not been made however as with all documents we are mindful of the need to ensure that each fulfils the purpose for which it exists. 21) Yes. Plan viability work will need to address the elements that determine the cost of development. Affordable housing is one such element that adds to the cost of development. Up to date viability reports will provide a valuable source of information to support forthcoming viability work.</p>
<p><u>Southern Poole Chairmens' Group via to Terry Stewart (Campaign for the Protection of Rural England and Branksome Park and District Res Assoc)</u></p>	<p>22) Why were plans for the beach huts just approved not shown on the website, so that knowledgeable Beach Hut owners could comment? 23) Since The Borough of Poole is a statutory Consultee, why are Poole residents not allowed to make a presentation to Borough of Poole Councillors on the facts of the Navitus</p>	<p>22) There have been 3 applications received for new beach huts this year. All applications have included notification to adjoining residents where identified, as well as statutory consultees and a Site notice display, in accordance with Council policy. In all cases the plans were displayed on the web site. 23) This issue was discussed by Economy Overview & Scrutiny Committee at its last meeting on 23rd January 2014. <u>The draft minute states as follows:-</u></p>

<p><u>Southern Poole Chairmens' Group via to Terry Stewart (Campaign for the Protection of Rural England and Branksome Park and District Res Assoc) contd.....</u></p>	<p>Windfarm to balance the 2 presentations that Navitus has made, one in private?</p>	<p><i>The Chairman referred to a request submitted by Councillor Woodcock that an open meeting be held to consider the concerns expressed by local resident associations from across the Bournemouth and Poole conurbation. A Member stated that there was no problem in principle to there being a joint meeting with other Councils but referred to the role of Ward Councillors as being able to represent the views of their electors. Reference was made to special interest groups and a Member advised that the information, views and opinions received at present was not balanced. The Chairman suggested that, as Members had received a presentation from representatives of Navitus Bay Development Ltd, it seemed appropriate to invite representatives at a time when the application was submitted and also to receive written submissions that could be considered as part of an Officer's Report.</i></p> <p><i>A Member highlighted the disparity in the size of membership of registered Resident Associations and concern was also expressed at how best to engage in seeking the views of young people. The Chairman highlighted the fact that the Borough of Poole was not the decision maker in the matter but was a statutory consultee in respect of the Environmental Impact Assessment, as submitted Navitus Bay Development Ltd as part of its planning application'.</i></p>
<p><u>Southern Poole Chairmen's Group via to Terry Stewart (Campaign for the Protection of Rural England and Branksome Park and District Res Assoc)</u></p>	<p>24) If a commercial business is set up to hold Party/Rave events at a residential house, why does this not need Change of Use approval?</p>	<p>24) The question over whether or not a material change of use has occurred in Planning is a complex one and will require detailed answers to the specific site. As a general rule of thumb the Town and Country Planning Use Classes Order defines a dwelling house as follows:</p> <p><u>Class C3 - Dwellinghouses</u> Use as a dwelling house (whether or not as a sole or main residence) by—</p> <p>(a) a single person or by people to be regarded as forming a single household;</p> <p>(b) not more than six residents living together as a single household where care is provided for residents; or</p>

<p><u>Southern Poole Chairmen's Group via to Terry Stewart (Campaign for the Protection of Rural England and Branksome Park and District Res Assoc) contd...</u></p>		<p>(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).</p> <p>Where a different use occurs it is for the authority concerned to identify whether that use is materially different to the lawful use of land and premises, and if so whether that use falls within a different use class or a use of its own.</p> <p>In relation to the use of a dwelling house it is not unusual for different uses to occur, ranging from businesses running from home, holiday lets, to professional practices. The authority is required to consider the materiality of the use, the manner of the use undertaken and the physical condition of the property.</p> <p>In relation to 'party houses' in general the physical condition of the property remains designed for residential purposes and includes facilities associated with a residential dwelling. Whilst the number of people living at the properties exceed the 6 referred to above Case Law is clear in that this does not indicate it is no longer a 'dwelling house'. As such, for planning purposes, it has not been established to date that a material change of use has occurred. <i>(Post meeting note: This issue has been further analysed in the light of further case law and opinion brought to the attention of the LPA).</i></p>
<p><u>Gerald Rigler – Society of Poole Men</u></p>	<p>25) I know we share a strong interest in planning creep age via non-material changes. It seems to me that material changes are not prohibited - so no chance for changes that involve anything less.</p> <p>The attached (note in the email from Gerald dated 15.03.14) strikes me that Borough of Poole employees are requiring closer (more direct) guidance from Councillors when dealing with planning enforcement. I did not expect the matter to be included in the formal agenda but it is appreciated that you have managed to ensure that it will be</p>	<p>25) Whilst in every instance development should be carried out in accordance with the Approved Plans any applicant is entitled to submit an application for a 'non material amendment' or an application for a 'minor material amendment'. The relevant guidance for these applications is contained within the CLG publication 'Greater flexibility for planning permission'.</p> <p>For a non material amendment application to be accepted officers will assess whether that amendment is 'of significance, of consequence or of substance'. Where these are not</p>

<p><u>Gerald Rigler – Society of Poole Men contd....</u></p>	<p>considered at the CWG. Very good, since control (in some form) of such 'creep ages' seems to be missing.</p>	<p>accepted an application for a Minor Material Amendment can be submitted. An application for a Minor Material Amendment is effectively a new planning application and considered against current policy.</p> <p>Where an applicant choses to implement a different scheme to that approved, and no revision has been agreed, it is for the authority to identify whether the changes undertaken are of such significance to justify enforcement action or not. It is not a case where simply due to the absence of authority for the works that an enforcement notice would be issued.</p> <p>It is important to note that where the development undertaken would have been acceptable, and no material harm is identified, that whilst no formal permission has been released or sought, it would not be expedient to undertake formal enforcement action. The authority will however seek to regularise the situation and encourage an application for retrospective permission for the works undertaken.</p>
<p><u>Chris Allenby Poole Old Town Conservation Group</u></p>	<p>26) Can we have a site by site update on the planning process regarding all the regeneration sites such as;</p> <p>The Railway Yard</p> <p>Life Boat Quay (in front of Asda)</p> <p>Nikal Site (when does the Outline Planning Permission run out)</p> <p>West Quay Site (Between the Bridges)</p> <p>The PowerStation site (Gallaghers)</p>	<p>26)</p> <ul style="list-style-type: none"> • <u>The Railway Yard</u> The application was disposed of approximately 18 months-2 years ago. • <u>Life Boat Quay (in front of Asda)</u> This application is still live and we have just received news that the CIL has been agreed. • <u>Nikal Site (when does the Outline Planning Permission run out)</u> Outline Planning Permission lapses this year. • <u>West Quay Site between the Bridges</u> Since the Planning refusal there has been no real activity on this site to report. • <u>The PowerStation Site (Gallagher's)</u> There was a meeting three weeks ago with the relevant parties. Retail issues related to this still need bottoming out.

	<p>The Quay Thistle Site</p> <p>The Old Silo (Stanborough)</p>	<ul style="list-style-type: none">• <u>The Quay Thistle Site</u> Pre application advice has been received. At the moment all details are confidential.• <u>The Old Silo (Stanborough)</u> This application was won on appeal. Development has commenced by demolition only.
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