



**John Wright
Town Clerk**

Lyme Regis Town Council

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Planning Committee

Core Membership: Cllr G. Turner (chairman), Cllr B. Larcombe MBE (vice-chairman), Cllr C. Aldridge, Cllr B. Bawden, Cllr J. Broom, Cllr C. Reynolds

Notice is given of a meeting of the Planning Committee to be held at the **Guildhall, Bridge Street, Lyme Regis** on Tuesday 13 December 2022 commencing at 7.00pm when the following business is proposed to be transacted:

John Wright
Town Clerk
06.12.2022

The open and transparent proceedings of Full Council and committee meetings will be audio recorded and recordings will be held for one year by the town council.

If members of the public make a representation to the meeting, they will be deemed to have consented to being audio recorded.

If members of the public have any queries regarding audio recording of meetings, please contact the town clerk.

Members are reminded that in reaching decisions they should take into consideration the town council's decision to declare a climate emergency and ambition to become carbon neutral by 2030 and beyond.

AGENDA

1. Public Forum

Twenty minutes will be made available for public comment and response in relation to items on this agenda.

Individuals will be permitted a maximum of three minutes each to address the committee

2. Apologies

To receive and record any apologies and reasons for absence.

3. Minutes

To confirm the accuracy of the minutes of the Planning Committee held on 15 November 2022 (attached).

4. Disclosable Pecuniary Interests

Members are reminded that if they have a Disclosable Pecuniary Interest on their register of interests relating to any item on the agenda, they are prevented from participating in any discussion or voting on that matter at the meeting and to do so would amount to a criminal offence. Similarly, if you are or become aware of a Disclosable Pecuniary Interest in a matter under consideration at this meeting which is not on your register of interests or is in the process of being added to your register you must disclose such interest at this meeting and register it within 28 days

5. Dispensations

To note the grant of dispensations made by the town clerk in relation to the business of this meeting.

6. Matters arising from the minutes of the Planning Committee on 15 November 2022

There are none.

7. Update Report

There are none.

8. Planning Applications

To comment on planning applications submitted as per attached list including consideration of related correspondence.

Public comment

Prior to consideration of each planning application representations will be invited from members of the public either objecting to, or in support of, the application, subject to requests having previously been notified to the chairman or town clerk.

Individuals will be permitted a maximum of three minutes each to address the committee.

9. Amended/Additional Plans

There are none.

10. Withdrawn Applications

To note withdrawn applications.

11. Planning Decisions

To note decisions of the planning authority on previously submitted planning applications as set out on the attached list.

12. Correspondence from Dorset Council (DC) regarding planning-related matters

To note the correspondence.

13. Exempt Business

**LYME REGIS TOWN COUNCIL
PLANNING COMMITTEE
MINUTES OF THE MEETING HELD ON TUESDAY 15 NOVEMBER 2022**

Present:

Chairman: Cllr G Turner

Members: Cllr C. Aldridge, Cllr B. Larcombe

Officers: M. Green (deputy town clerk), G. Rood (administrative assistant)

22/44/P Public Forum

There were no members of the public present who wished to speak in relation to the business of this meeting.

22/45/P Apologies for Absence

Cllr J. Broom - illness
Cllr C. Reynolds – illness
Cllr B. Bawden – prior commitment

22/46/P Minutes

Proposed by Cllr G. Turner and seconded by Cllr C. Aldridge, the minutes of the meeting held on 23 August 2022 were **ADOPTED** without amendment.

22/47/P Member Planning Recommendations

Planning recommendations submitted via email in absence of cancelled planning meeting 13th September 2022 – **NOTED**

22/48/P Minutes

Proposed by Cllr C. Aldridge and seconded by Cllr G. Turner, the minutes of the extraordinary meeting held on 4 October 2022 and were **ADOPTED** with one amendment.

Cllr B. Larcombe requested that it be noted that his absence from the Planning committee meeting on Tuesday 4th October was due to Covid and not a prior commitment.

22/49/P Member Planning Recommendations

Planning recommendations submitted via email in absence of cancelled planning meeting 18th October 2022 - **NOTED**

22/50/P Disclosable Pecuniary Interests

There were none.

22/51/P Dispensations

There were none granted in relation to the business of this meeting.

22/52/P Matters arising from the minutes of the Planning Committee on 23 August 2022, from the planning recommendations obtained by email following the cancelled meeting of the Planning Committee scheduled to take place on 13 September 2022, from the minutes of the Planning Committee meeting held on 4 October 2022 and from the planning recommendations obtained by email following the cancelled meeting of the Planning Committee scheduled to take place on 18 October 2022.

There were none.

22/53/P Update Report

There were none.

22/54/P Planning Applications

- 1) P/LBC/2022/06478** (Received 19 October 2022)
LISTED BUILDING CONSENT
Internal alterations to create new bathrooms on first and second floors – 26 Sherborne Lane, Lyme Regis, DT7 3PD

*The town council recommends **approval** of the application because it is in accordance with the approved development plan and does not involve harm to the Conservation Area or heritage assets.*
- 2) P/FUL/2022/06283** (Received 20 October 2022)
FULL PLANNING PERMISSION
Install new circular ‘porthole’ window to SE gable end – Flat 2, 3 Woodmead Road, Lyme Regis, DT7 3AB

*The town council recommends **approval** of the application because it is in accordance with the approved development plan and has no adverse impact on the residential amenity of neighbouring properties.*
- 3) P/FUL/2022/06377** (Received 25 October 2022)
FULL PLANNING PERMISSION
Replacement dwelling – Farnham House, Flat 9, Stile Lane, Lyme Regis, DT7 3JD

*The town council recommends **approval** of the application because it is in accordance with the approved development plan, does not involve material harm to the Conservation Area or heritage assets and has no adverse impact on the residential amenity of neighbouring properties.*
- 4) P/LBC/2022/06723** (Received 1 November 2022)
LISTED BUILDING CONSENT
Replacement front door – Benwick Cottage, 8A Marine Parade, Lyme Regis, DT7 3JE

*The town council recommends **approval** of the application because it is in accordance with the approved development plan and does not involve harm to the Conservation Area or heritage assets.*

5) **P/FUL/2022/06808** (Received 7 November 2022)

FULL PLANNING PERMISSION

Erect temporary pergola and convert associated rear outdoor area to seating area with 16no. seats – 59 Silver Street, Lyme Regis, DT7 3HR

*The town council recommends **approval** of the application because its scale and appearance is in keeping with neighbouring properties, is in accordance with the approved development plan and has no adverse impact on the residential amenity of neighbouring properties.*

22/55/P Amended/Additional Plans

There were none.

22/56/P Withdrawn Applications

1) **P/HOU/2022/04555** (Decision date 31 October 2022)

HOUSEHOLDER PLANNING PERMISSION - WITHDRAWN

Erect first floor extension to garage for use as an annex – 38 Woodberry Down Way, Lyme Regis, DT7 3QT

NOTED.

22/57/P Planning Decisions

Members **NOTED** details of planning decisions received from Dorset Council.

22/58/P Planning Correspondence

Members **NOTED** details of planning correspondence received from Dorset Council.

The deputy town clerk mentioned that a consultation had been received about the East Devon local plan. The closing date for comments was 15 January and it would be brought to members before then.

22/59/P Exempt Business

There was none.

The meeting closed at 7.27pm.

**Lyme Regis Town Council
Planning Committee – 13 December 2022
Planning Applications Received**

- 1) **P/HOU/2022/07075** (Received 16 November 2022)
HOUSEHOLDER PLANNING PERMISSION
First floor garage conversion – 38 Woodberry Down Way, Lyme Regis,
DT7 3QT
- 2) **P/HOU/2022/07110** (Received 18 November 2022)
HOUSEHOLDER PLANNING PERMISSION
To retain raised decking at rear of garden – 55 Church Street, Lyme Regis, DT7 3DA
- 3) **P/LBC/2022/07111** (Received 18 November 2022)
LISTED BUILDING CONSENT
To retain raised decking at rear of garden – 55 Church Street, Lyme Regis, DT7 3DA
- 4) **P/HOU/2022/07225** (Received 5 December 2022)
HOUSEHOLDER PLANNING PERMISSION
Proposed demolition of existing side and rear extensions/sunroom
And construction of two storey rear extension (resubmission of application ref.
P/HOU/2022/02190) – Martins Mead, Ferndown Road, Lyme Regis,
DT7 3DN

**Lyme Regis Town Council
Planning Committee – 13 December 2022
Planning Applications Withdrawn**

- 1) **P/FUL/2022/05539** (Decision date 30 November 2022)
FULL PLANNING PERMISSION – WITHDRAWN
Retention of outside deck area for the restaurant – The Oyster & Fish House, Cobb Road,
Lyme Regis, DT7 3JP

Lyme Regis Town Council
Planning Committee – 13 December 2022
Planning Decisions Received

Town council comments in brackets

- 1) **P/FUL/2022/03753** (Decision date 26 October 2022)
FULL PLANNING PERMISSION – GRANTED (recommend approval)
Demolish garage, annex, WC, shed and removal of boundary wall. Erect 2No. dwellings with associated landscaping and create new access to highway including new dropped kerb – 10 Millgreen Court, Lyme Regis, DT7 3PJ
- 2) **P/HOU/2022/03364** (Decision date 11 November 2022)
HOUSEHOLDER PLANNING PERMISSION - GRANTED (recommend approval)
Erection of boat house and storage - Glenholme, Flat 1, Cobb Road, Lyme Regis, DT7 3JR
- 3) **P/FUL/2022/04307** (Decision date 15 November 2022)
FULL PLANNING PERMISSION- GRANTED (recommend approval)
Changes to existing balcony, to replace existing trellis with steel and glass balustrade, and alter parapet wall heights – The Lookout, 1B Ozone Terrace, Lyme Regis, DT7 3JY
- 4) **P/FUL/2022/06283** (Decision date 18 November 2022)
FULL PLANNING PERMISSION - GRANTED (recommend approval)
Install new circular 'porthole' window to SE gable end – Flat 2, 3 Woodmead Road, Lyme Regis, DT7 3AB
- 5) **P/FUL/2022/05612** (Decision date 25 November 2022)
FULL PLANNING PERMISSION - GRANTED (recommend approval)
Demolish existing garage and replace with garden cabin for use as a holiday let – Meadway, Charmouth Road, Lyme Regis, DT7 3DP

**Lyme Regis Town Council
Planning Committee – 13 December 2022
Planning Correspondence**

- 1) **Declaration of Interest Case** (Received 30 November 2022) This was received from Simon Williams, who undertook member training on planning issues at this council and who was previously head of planning at Weymouth and Portland Borough Council.

Simon felt that the case highlighted the need to be extremely careful when considering or voting on planning matters where there was any risk of a possible suggestion of bias, even if no actual bias existed.

'High Court quashes planning permission after 'apparent bias' from badly advised councillors 9 November 2022 by Court reporter. Apparent bias on the part of two South Somerset councillors has led the High Court to quash planning permission for a carnival float storage facility on agricultural land.

High Court (Picture: Getty) Mr Justice Chamberlain emphasised that there was no allegation of actual bias against councillors Brian Hamilton and Jason Baker, nor did the court's decision reflect adversely on their integrity and professionalism. They had been entirely open about their interests and had acted on advice. They should not, however, have voted at a critical planning committee meeting at which the proposal was approved, and their participation gave an appearance of bias.

South Somerset District Council granted planning consent in April for the erection of five self-contained buildings for the storage and construction of festival floats in a field off Longforward Lane, Ilminster. The decision came after of the council's area west planning committee approved the proposal by a knife-edge majority of six members to five. At the crucial committee meeting, in January, Councillor Baker served as chair and Councillor Hamilton and vice-chair. The permission was challenged by the Somerset branch of CPRE, the countryside protection charity, on grounds of apparent bias.

CPRE pointed out that Councillor Hamilton was a member of Ilminster Town Council, the applicant for planning permission. He was also the town's deputy mayor. Councillor Baker was a member of the Chard Carnival Committee, in which capacity CPRE alleged that he had actively supported the planning application.

Ruling on the case, the judge said that, prior to the committee meeting, both councillors declared a "personal interest" under the district council's code of conduct. However, on the advice of a monitoring officer, they took the view that, on a proper interpretation of the code, they had no "prejudicial interest" in the matter. On that basis, they participated in the meeting and both of them voted in favour of granting planning permission.

Councillor Hamilton pointed out that he had no active involvement in the making of the planning application. He had properly recused himself from the Ilminster Town Council meeting at which it was resolved to submit the application. Councillor Baker was not involved in any way with the proposed developer and had no personal financial interest in the outcome. The carnival committee he chairs simply organises the annual carnival in Chard and was not an intended beneficiary of the development.

The judge noted that it was "unfortunate" that the code of conduct included a passage which was "a textbook case of syntactic ambiguity." On the code's true interpretation, however, the monitoring officer's advice was wrong in law. Due to his membership of Ilminster Town Council, Councillor Hamilton "automatically had a prejudicial interest" and "so was disqualified from voting" at the committee meeting. The judge added: "This affects what the fair-minded observer would think about Councillor Hamilton's participation in the planning committee meeting. "Although he had not himself promoted the application, or voted to make it, he was nevertheless a member of a relatively small public body whose application he was being asked to consider.

"On a proper construction of the code (of conduct), he had a prejudicial interest, which disqualified him from participating in the decision-making process. "When taking all these facts into account, a fair-minded member of the public would conclude that there was a real possibility that he would be biased in favour of the town council's application."

Turning to Councillor Baker, the judge said that he had a longstanding association with both the Chard Carnival Committee and a carnival club. He was "personally pictured in the application documents" amongst a group of people appearing to support the South Somerset Carnival Park Committee, which acted as agent for the town council. The photograph's caption did not indicate that he was himself "a supporter" of the proposal, but the judge observed: "The fair-minded observer would place more weight on the impression created by the article and picture than by a minute linguistic analysis of the caption. "Such an observer would clearly conclude that there was a real possibility of bias."

The judge ruled: "Having found that both Councillors Hamilton and Baker were tainted by apparent bias, it follows that the decision to grant planning permission was unlawful.

"Although there are some cases where bias or predetermination on the part of a single member of a large committee has been held not to vitiate the committee's decision, the vote in this case was 6-5 in favour of grant and Councillors Hamilton and Baker were vice-chair and chair of the committee. "It is simply not possible to say what the outcome would have been if they had recused themselves, as the law required. "For these reasons, the planning permission is vitiated by apparent bias on the part of Councillors Hamilton and Baker and will be quashed.

"The district council will now have to make arrangements to redetermine the application according to law." The judge emphasised: "This outcome does not reflect adversely on the integrity or professionalism of either councillor. "Both councillors declared their interests openly. Neither attempted to hide their associations. Both followed the advice of the monitoring officer. "That advice flowed from her honest analysis and application of the code (of conduct). The monitoring officer went wrong in law, as many public decision-makers and most judges do at some point, but was not otherwise at fault."

R on the Application of CPRE (Somerset) v South Somerset District Council. Case Number: CO/1794/2022

- 2) **P/HOU/2022/02190** (Received 1 December 2022)
NOTIFICATION OF APPEAL TOWN AND COUNTRY PLANNING ACT 1990
Demolish side and rear extensions/sunroom and erect two storey rear extension –
Martins Mead, Ferndown Road, Lyme Regis DT7 3DN
Appeal Reference: APP/D1265/D/22/3311233
Start Date: 1 December 2022