

# Public Document Pack



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20 March 2019

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 21 March 2019 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4      **MINUTES** (Pages 2-10)

To confirm the minutes of the meeting of the Committee held on 28 February 2019.

Yours sincerely

A handwritten signature in dark ink, appearing to be "N. Smith", written over a horizontal line.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 28 February 2019 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher  
P M Beresford  
T A Bond  
D G Cronk  
M R Eddy  
B Gardner  
P J Hawkins  
M J Ovenden  
P M Wallace

Officers: Team Leader (Development Management)  
Principal Planner  
Senior Planner  
Planning Officer  
Planning Officer  
Planning Consultant  
Planning Solicitor  
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/18/01393	Mr Ian Wade	-----
DOV/18/00820	Ms Bryony Heaven	Ms Tracy Marchant
DOV/18/01266	Mr Nigel Brown	-----
DOV/18/00643	-----	Mrs Jane Harvey
DOV/18/01133	Ms Danielle Ingleston	Mr Ian Palmer

124 APOLOGIES

It was noted that there were no apologies for absence.

125 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

126 DECLARATIONS OF INTEREST

There were no declarations of interest.

127 MINUTES

The minutes of the meeting held on 24 January 2019 were approved as a correct record and signed by the Chairman.

128 ITEMS DEFERRED

The Chairman advised that, of the two items on the deferred list, one was due for consideration at the meeting. The other one was expected to come to committee in the next month or two.

129      APPLICATION NO DOV/18/01393 - 8 BEWSBURY CRESCENT, WHITFIELD

The Planning Solicitor took the opportunity to advise Members that, following a recent consultation, the Government had now amended paragraph 177 of the National Planning Policy Framework (NPPF). The effect of the amendment was that the presumption in favour of sustainable development (the 'tilted balance') was no longer to be disapplied when determining a planning application that required an appropriate assessment under the Habitats Regulations 2017 if the conclusion of such an assessment was that the plan or project would not adversely affect the integrity of the habitats site. Officers would advise Members on the implication of this change for their particular application.

The Committee viewed drawings and photographs of the application site. The Planning Consultant advised that the application sought planning permission to erect an outbuilding to serve as a double garage and garden room. The building would have an overall height of five metres and measure ten by six metres. Residents had raised concerns that the building could be converted into a dwelling in the future. However, express planning permission would be required for such development, and a condition imposed with this planning permission would restrict the building's use as a residential annexe. Due to differing land levels between the application site and neighbouring properties, there were no concerns regarding privacy or overshadowing.

Councillor B W Butcher stated that his concerns about the building's use as a habitable dwelling had been alleviated by paragraph 2.11 of the report. Councillor B Gardner expressed concerns about the height of the roof and the potential to expand upwards. The Planning Consultant advised that the height of the internal roof space at two metres would make it difficult to stand up in. However, a condition could be added to prohibit openings in the roof space. He clarified that the building could only be used for ancillary purposes and not as sleeping accommodation.

RESOLVED: (a) That Application No DOV/18/01393 be APPROVED subject to the following conditions:

- (i) Time;
- (ii) Compliance with plans;
- (iii) The garage/garden room shall not be used for habitable accommodation;
- (iv) No openings in roof space.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

130      APPLICATION NO DOV/18/00820 - MOLLAND FARM, MOLLAND LANE, ASH

The Committee was shown plans and photographs of the application site. The Planning Officer advised that planning permission was sought for a part change of use of an old dairy for the keeping of horses, and the formation of hard-standing. The Committee was advised that the latter would probably have been permitted under agricultural permitted development rights anyway. The proposals were considered reasonable for the purposes of supporting an agricultural business. As an update to the report, Members were advised that a previous objection from the Kent County Council (KCC) Public Rights of Way team had been withdrawn following a visit to the site which was deemed as having been improved. As a correction to section g) of the report, 'much' should be replaced with 'muck'.

In response to a query from Councillor D G Cronk, the Planning Officer advised that his understanding was that horses grazing on the surrounding land would only be stabled when they needed cover. There was no intention to use the stables as a livery. It was also understood that hay waste and manure would be used immediately on the land so storage was not required, although a condition was proposed to deal with waste materials. In response to the Chairman who queried whether a restriction could be imposed on the number of horses being stabled, Members were advised that the surrounding land could support fourteen horses whilst the stables could accommodate no more than nine horses. However, it would be difficult to impose a restriction as the size and type of horses would dictate how many could be stabled. The Chairman added that the number of horses was likely to fluctuate given that the land was being used by a local breeder. In any case, there would be an informative that required the applicant to keep the horses in accordance with British Horse Society regulations.

Whilst Councillor M J Ovenden welcomed the improvements made to the site, she expressed concerns about the number of potato boxes being stored there. The Planning Officer advised that the boxes were on adjacent land and a landscaping condition could not therefore be imposed in relation to these. However, he was led to believe that a number of trees had already been planted to provide screening and he undertook to follow this up.

RESOLVED: (a) That Application No DOV/18/00820 be APPROVED subject to the following conditions:

- (i) In accordance with approved plans;
- (ii) Details to be submitted outlining a scheme for waste/muck management;
- (iii) The use of the former dairy building for the keeping of horses hereby permitted shall be strictly limited to use for the stabling of horses which are grazing the land within the application site [and the storage of associated equipment and feed] and shall at no time be used for any other purpose, including the keeping of horses at livery (whether the care of such horses is provided by the owner of the horse or otherwise) or as a riding school;

Reason: In the interest of residential amenity and highway safety

- (iv) Details of any external lighting to be submitted;

- (v) Landscaping details showing location of trees and other planting necessary for adequate screening.

Informatives:

Accommodation for horses to comply with British Horse Society welfare standards.

No development, storage or vehicle parking to block the PROW during or after the development.

(c) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

131 APPLICATION NO DOV/18/01266 - 5 MILL BANK COTTAGES, MILL LANE, EASTRY, SANDWICH

Members viewed drawings, plans and photographs of the application site which was within settlement confines. The Senior Planner advised that, despite recent amendments to paragraph 177 of the NPPF in relation to the tilted balance approach, the recommendation to refuse the application remained the same. Planning permission was sought to sub-divide the garden and erect a detached dwelling. The proposal involved substantial excavation works to the front of the site and the partial removal of a garden wall. The proposed two-storey dwelling would appear single storey from the rear due to the difference in land levels around the site. It was clarified that the upper floor of the proposed dwelling would be 3.3 metres above road level. The proposal was acceptable in principle as it met the aims of Core Strategy Policy DM1. However, Officers considered that the development would cause harm to the character of the area and to the residential amenity of future occupiers of the proposed dwelling. The removal of a substantial part of the garden wall would alter the visual character of the lane, and the house would appear dominant in the street scene.

Councillor Ovenden referred to the fact that the access would come out onto the apex of the bend which, in her view, would affect highway safety. Councillors T A Bond and M R Eddy welcomed the proposal, stating that the design was fresh and made a statement. The Chairman reminded Members that the design was a relatively minor element of refusal, the more significant one being the impact on the residential amenity of future occupants. Whilst he liked the design of the building, this was not the right location for it.

RESOLVED: (a) That Application No DOV/18/01266 be REFUSED on the following grounds:

- (i) The proposal would result in a prominent and incongruous form of development which, by virtue of the change in land form and excavation required, together with the loss of natural screening and the forward siting of the dwelling and its size and design, would appear unrelated and detrimental to the prevailing spatial and visual character of the area, contrary to the aim of paragraph 127 of the National Planning Policy Framework.

- (ii) The private amenity space associated with the proposed dwelling would be sited in close proximity to the adjacent property known as Solent, such that harm would be caused to the level of private residential amenity enjoyed by the occupants of the proposed property to the detriment of their living conditions, contrary to paragraph 127(f) of the National Planning Policy Framework.

132 APPLICATION NO DOV/18/00643 - LAND ON THE WEST SIDE OF MOAT LANE, ASH

The Committee was shown plans and photographs of the application site. The Planning Officer reminded Members that the application had been deferred for a site visit. As an update to the report, she advised that a further representation had been received from a member of the public. Although the resident mentioned having concerns about the application, he had not explicitly stated what these were. Residents had had several opportunities to raise concerns about the application, and it was believed that all material issues had been thoroughly considered.

Members were advised that, following the site visit where concerns had been raised about the TPO (Tree Preservation Order) tree, discussions had been held with the Council's Tree Officer who had recommended measures to protect the tree during construction. KCC Highways had advised that visibility splays should be 2 metres by 33 metres, and that the hedge should be no higher than 900mm above the carriageway level. The applicant had submitted amended plans which showed the new splays and reduced hedge. The scale and massing of the proposed dwelling was comparable to nearby dwellings, and approval was therefore recommended.

Councillor Gardner reported on the site visit which had taken place on 26 February. He commented that it was the third time that the application had been to committee, affording objectors plenty of time and opportunity to prepare their case. At the site visit, Members had been concerned to hear that the applicant intended to plant a privet hedge along the front boundary, so he welcomed the fact that the hedge would be moved back and reduced in height to improve access visibility. Members had come to the conclusion that a number of modern dwellings, such as The Croft and a house opposite the site, had already spoiled the area. It was therefore considered that the proposed dwelling would have a limited impact on neighbouring dwellings and the character and appearance of the area. Moreover, the TPO tree which had also generated concerns was some distance from the edge of the site, with its important roots likely to be well below ground. With appropriate tree protection measures and changes to the access, the majority view was that the application could be granted.

Councillor P M Wallace advised that he had also been at the site visit, but was of the view that, on balance, the application should be refused. Whilst certain dwellings had already caused harm to the character of the area, adding the proposed dwelling would consolidate that harm. Councillor Bond agreed, stating that approving the erection of a two-storey house on elevated land outside the village confines was inconsistent given that the Committee had earlier refused a similar development proposed within the confines of Eastry. The Chairman reminded Members that a significant difference between the applications was that this dwelling would be set back from the highway.

Councillor Eddy advised that the two listed buildings opposite the site were elevated above the roadway. The dwelling would fill in a vacant plot, and site visit Members had been satisfied that the tree would not be adversely affected by the proposal. The proposed dwelling was not inappropriate given the appearance of some modern buildings nearby, and the highways issues could be resolved. Councillor Ovenden agreed that, with changes to sightlines, the proposal was acceptable. The Chairman summarised that the development was in a sustainable location where previous development had already caused harm to the character of the area. There were no privacy or overlooking issues.

RESOLVED: (a) That Application No DOV/18/00643 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) A list of approved plans;
- (iii) Details of the access prior to commencement;
- (iv) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; measures to prevent the discharge of surface water; use of a bound surface for the first 5 metres of the access from the edge of the highway; completion and maintenance of the access; gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter; provision and maintenance of 33 metres x 2 metres x 33 metres visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays, prior to use of the site commencing;
- (v) Samples of materials;
- (vi) Soft and hard landscaping details;
- (vii) Details of surface water disposal;
- (viii) Archaeological watching brief;
- (ix) Removal of permitted development rights (Classes A, B and E) and boundary treatments;
- (x) Restricting permitted development rights for the insertion of new windows to the south side elevation;
- (xi) Bin storage details;
- (xii) Submission of window details (cill and headers);
- (xiii) Retention of window reveals;

- (xiv) Tree protection measures during construction (a tree protection plan, details of protective fencing, an arboricultural statement, hand-dug approach within the RPA and use of permeable materials for hard-standing).

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

(On there being an equality of votes, the Chairman used his casting vote.)

133 APPLICATION NO DOV/18/01133 - CHALKWELL COURT, EAVES ROAD, DOVER

Members were shown drawings and photographs of the application site. The Principal Planner advised that permission was sought for the erection of an additional storey to an existing block of flats, incorporating a new Mansard roof to replace the existing flat roofs. As updates to the report, the Principal Planner referred to paragraph 177 of the NPPF which had recently been revised by the Government with the effect that the 'tilted balance' approach, which supported sustainable development providing it would cause no significant or demonstrable harm, was now re-engaged. KCC Highways had now indicated that it agreed with the report recommendations. Whilst the development failed to provide the level of car parking set out within the Core Strategy (there being a shortfall of two resident parking spaces and one visitor parking space), this was considered acceptable, on balance, for the reasons set out in paragraph 2.22 of the report. Finally, a further letter had been received which reiterated concerns previously raised about loss of light and impact on the highway network. As a correction to the report, it was clarified that 47 Eaves Road was located west of the block of flats.

The Principal Planner advised that a previous application had been refused for the reasons set out in paragraph 2.3 of the report. However, it was considered that the changes made to the current application had managed to overcome the previous reasons for refusal. These included the roof height being lowered by 1.1 metres in places, the windows being reduced in height, and the incorporation of hanging tiles on side elevations to add some architectural interest. Whilst only four additional parking spaces would be provided, the applicant had undertaken to provide cycle parking in excess of standards. The street could be heavily parked at times, particularly during school drop-off and collection times, but there was some overflow capacity. The proposed development was in a sustainable location and would not cause unacceptable harm to the character of the area. These factors, together with the Council's lack of a five-year housing land supply, meant that approval was recommended.

Councillor Wallace advised that, as the ward Member, he knew the flats well. The block was scruffy and poorly maintained and adding another floor would make things worse for residents. The building was in a prominent position and the proposed roof would therefore be very dominant in views from the bottom of Eaves Road. The road was already very busy and the proposal would make the area even more congested. Councillors P M Beresford and P M Hawkins agreed, adding that the proposed roof was ugly and would be an overdevelopment of the site. Councillor Gardner expressed doubts that the cycle parking facilities would be used very much given the gradient of the hill.



The Principal Planner reiterated that the flat roof would need replacing and there would therefore be some construction whatever the outcome of the application. Granting planning permission would therefore give the Council some control over vehicle movements. In response to concerns raised by Councillor Cronk, Members were advised that refuse vehicles were able to access the road so construction vehicles were unlikely to have a problem. The applicant would need to submit a construction management plan and demonstrate that it could be achieved. In clarification for Councillor Gardner, he advised that although the Council could currently demonstrate that it had a housing land supply in excess of five years, this was not yet the official position as it had not gone through Cabinet.

Councillor Eddy argued that this was an opportunity to improve an ugly building. The Mansard roof would give variety to the road's roofscape and the parking and bin storage areas would be tidied up. Whilst parking was an issue, it was not sufficient to refuse the application. Councillor Bond concurred but was struggling to find justification for approval when a similar application had been refused 12 months previously.

The Chairman reminded Members that, whilst the application was not significantly different to the one refused, approval would give them the opportunity to do something with the building, including formalising parking spaces and improving the refuse area. The Principal Planner advised that, unlike the previous application, this one was being considered against the revised NPPF which placed a greater emphasis on focusing development in sustainable locations, brownfield sites and urban areas. This was an opportunity to increase density in an urban area.

It was moved by Councillor P M Wallace and duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/18/01133 be REFUSED on the following grounds:

- (i) The proposed development, by virtue of the scale, height and form of the roof extension, would form a dominant and visually intrusive feature within Eaves Road, out-of-character with the established scale and character of development in the road. Consequently, the development would cause significant and demonstrable harm to the character and appearance of the area, contrary to paragraph 127 of the National Planning Policy Framework.
- (ii) The proposed development would fail to provide sufficient car parking to meet the needs of the development, in an area with insufficient spare capacity for parking on street. Consequently, the development would cause severe residual cumulative impacts on the road network, contrary to Policy DM13 of the Dover Core Strategy and paragraph 109 of the National Planning Policy Framework.

## 134 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals and informal hearings.

135 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS  
(COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 8.26 pm.